

ORDINANCE NO. 15-1322

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING SECTIONS 26-1-2 DEFINITIONS, 26-1-6 GENERAL REQUIREMENTS AND TERMS; 26-1-7 SPECIAL EVENTS ON CITY PROPERTY; 26-2-1 PERMIT APPLICATION AND PROCESSING; AND 26-2-2 GRANTING OR DENYING SPECIAL EVENT APPLICATION OF CHAPTER 26 OF THE GOODYEAR CITY CODE – SPECIAL EVENTS; REPEALING ORDINANCE NO. 15-1317 AND OTHER EXISTING ORDINANCES OR PORTIONS THEREOF THAT CONFLICT WITH CHAPTER 26 OF THE GOODYEAR CITY CODE AS AMENDED; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CORRECTIONS OF SCRIVENERS ERRORS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on June 23, 2014, the Mayor and Council of the City of Goodyear adopted Ordinance 14-1301 in which it added Chapter 26 – Special Events to the Goodyear City Code (“Special Events Ordinance”), in order to regulate community gatherings and organized activities that could place unique demands on public resources, that could present public health and safety issues and that could create unreasonable adverse impacts to neighboring property owners, businesses, City residents and the general public; and

WHEREAS, since its enactment, concerns have been raised that the Special Events Ordinance may be overly broad and that it may deter people and groups from holding community gatherings and organized activities, which the Mayor and Council want to facilitate; and

WHEREAS, on February 9, 2015, the Mayor and Council passed and adopted Ordinance No. 15-1317 temporarily suspending the application of the Special Events Ordinance until May 15, 2015 so that Mayor and Council could revisit the Special Events Ordinance to identify any changes needed to achieve their goals; and

WHEREAS, on April 13, 2015, following a public outreach process, the Mayor and Council participated in a work session to consider changes to the Special Events Ordinance that would mitigate provisions in the Special Events Ordinance that deterred certain community gatherings and organized activities that the Mayor and Council want to facilitate; and

WHEREAS, the current suspension expires on May 15, 2015 and in order to avoid the deterrent effect of the Special Events Ordinance in its current form, the preservation of the public peace, health, and welfare of the City requires that this Ordinance take effective immediately;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, ARIZONA, AS FOLLOWS:

SECTION 1. AMENDMENT OF CHAPTER 26 OF THE GOODYEAR CITY CODE – SPECIAL EVENTS.

That certain document titled “Amendment to Chapter 26 of the Goodyear City Code – Special Events Amending Sections 26-1-2 Definitions; 26-1-6 General Requirements and Terms; 26-1-7

Special Events on City Property; 26-2-1 Permit Application and Processing; and 26-2-2 Granting or Denying Special Event Application” filed with the City Clerk and declared a public record by the Mayor and Council of the City of Goodyear by Resolution No. 15-1703 is hereby referred to, adopted, and made a part of hereof as if fully set forth herein amending sections 26-1-2 Definitions; 26-1-6 General Requirements and Terms; 26-1-7 Special Events on City Property; 26-2-1 Permit Application and Processing; and 26-2-2 Granting or Denying special Event Application of Chapter 26 of the Goodyear City Code”.

SECTION 2. REPEAL.

Ordinance No. 15-1317 suspending the enforcement of Chapter 26 of the Goodyear City Code and all other existing ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE.

The repealing provisions of this Ordinance do not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of the repeal.

SECTION 4. CORRECTIONS.

The City Clerk and his/her designee, the City Attorney and his/her designee, and the codifiers of this Ordinance are authorized to make necessary clerical corrections to this Ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance or parts thereof.

SECTION 6. EMERGENCY DECLARATION.

Because the immediate operation of the provision of this Ordinance is necessary for the preservation of the public peace, health, and welfare of the City, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after the passage, adoption and approval by the City Council of the City of Goodyear and it is hereby exempt from the referendum provisions of the Constitution and the laws of the State of Arizona.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Arizona, this _____ day of _____, 20_____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Maureen Scott, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Maureen Scott, being the duly appointed, qualified City Clerk of the City of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 15-1322 is a true, correct and accurate copy of Ordinance No. 15-1322, passed and adopted at a regular meeting of the Council of the City of Goodyear, Maricopa County, Arizona, held on the _____ day of _____ 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said ordinance.

Given under my hand and sealed this _____ day of _____, 20____.

seal

City Clerk