

ORDINANCE NO. 01-2023

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLIFTON, ARIZONA, AMENDING THE ZONING CODE OF THE TOWN OF CLIFTON, ARIZONA, BY AMENDING TITLE XV LAND USAGE, CHAPTER 156 ZONING CODE, SECTION 1.92.100 BOARD OF ADJUSTMENT ALLOWING FOR THE TOWN COUNCIL TO ACT AS THE BOARD OF ADJUSTMENTS WHEN NO QUORUM CAN BE FORMED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Town Council has had difficulties filling the vacancies on the Board of Adjustment resulting in delays to processing Board of Adjustment applications and appeals; and

WHEREAS, the Town Council desires to maintain a separate Board of Adjustment but allow it to act as the Board of Adjustment when a quorum cannot be formed to conduct business pursuant to A.R.S. § 9-462.06 so that applications and appeals may be timely heard.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Clifton, Arizona, as follows:

Section I. In General.

The Code of Clifton, Arizona, Title XV Land Usage, Chapter 156 Zoning Code; Section 1.92.100 Board Of Adjustment, is amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

1.92.100 BOARD OF ADJUSTMENT – CREATED – MEMBERS – TERMS. There is created a board of adjustment which shall consist of five members, each to be appointment by the Town council for a term of three years, provided that the terms of the new members of the first board so appointment shall be such that the term of one member shall expire each year. At least one member of the planning and zoning commission shall be a member of the board of adjustment. Any member may be removed for cause by the town council upon written charges and after a public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term has not been completed. THE TOWN COUNCIL MAY SIT AS THE BOARD OF ADJUSTMENT IN THE EVENT A QUORUM CANNOT BE CONVENED, WHETHER DUE TO UNAVAILABILITY OF MEMBERS OR VACANCIES, IN WHICH CASE THE TOWN COUNCIL SHALL ASSUME ALL DUTIES AND OBLIGATIONS OF THE BOARD PURSUANT TO TOWN CODE AND A.R.S. § 9-462.06.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Common Council of the Town of Clifton, Arizona, this 11th day of January, 2024, by the following vote:

AYES: Dorrell, James, West, Lorenzo, Montoya, Carrillo, Crump-Frye

NAYES: None ABSENT: None

EXCUSED: None ABSTAINED: None

APPROVED this 11th day of January, 2024.

Laura Dorrell
Laura Dorrell, Mayor

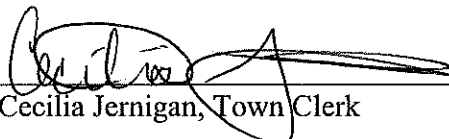
ATTEST:

Cecilia Jernigan
Cecilia Jernigan, Town Clerk

APPROVED AS TO FORM:

Trish Stuhan
Trish Stuhan, Town Attorney
Pierce Coleman PLLC

I, CECILIA JERNIGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 01-2023 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CLIFTON ON THE 11th DAY OF January, 2024, WAS POSTED IN THREE PLACES ON THE 25th DAY OF January, 2024.


Cecilia Jernigan, Town Clerk

Signature: 
Laura Dorrell (Jan 25, 2024 14:52 MST)
Email: dorrell@cliftonaz.gov

Signature: 
Cecilia Jernigan (Jan 25, 2024 14:54 MST)
Email: townclerk@cliftonaz.gov

Signature: 
Trish Coleman (Jan 25, 2024 14:54 MST)
Email: trish@piercecoleman.com