

ORDINANCE 2016-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, REPEALING CHAPTER 105, ARTICLE III, SECTIONS 105-104 RELATING TO NUISANCE PROPERTIES, AND 105-106 LEASE ADDENDUMS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in June 2010 the City Council adopted amendments to the Surprise Municipal Code intended to enhance its ability to deal with issues relating to rental properties located within the City;

WHEREAS, the constitutionality of Surprise Municipal Code Sections 105-104 and 106 has been challenged in the lawsuit entitled Markham v City of Surprise filed in the Arizona District Federal Court;

WHEREAS, the City has alternative mechanisms available in state law upon which to rely to resolve issues that were addressed by Sections 105-104 and 106, to wit A.R.S. § 12-990 *et seq.*; and

WHEREAS, utilization of state law is preferable because it alleviates certain challenges to city code and requires involvement by the City Attorney's Office, which will further coordination between the Police Department and the City Attorney's Office in future enforcements.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. Surprise Municipal Code Chapter 105, Article III, Section 105-104 is hereby repealed. Section 105-104 is readopted and amended to read as follows:

Sec. 105-104.-Reserved.

Section 2. Surprise Municipal Code Chapter 105, Article III, Section 105-106 is hereby repealed. Section 105-106 is readopted and amended to read as follows:

Sec. 105-106.-Reserved.

Section 3. This Ordinance shall be effective at the time and in the manner prescribed by law.

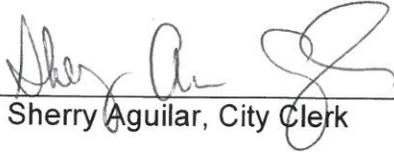
[SIGNATURES ON THE NEXT PAGE]

PASSED AND ADOPTED this 15 day of March, 2016.



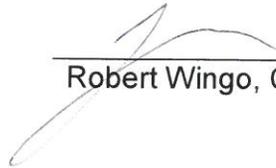
Sharon R. Wolcott, Mayor

Attest:



Sherry Aguilar, City Clerk

Approved as to form:



Robert Wingo, City Attorney