

## MARANA ORDINANCE NO. 2022.019

RELATING TO MAYOR AND COUNCIL; REVISING MARANA TOWN CODE TITLE 2 (MAYOR AND COUNCIL), CHAPTER 2-2 (COUNCIL ELECTION), SECTION 2-3-4 (POWERS AND DUTIES OF THE MAYOR) TO PROVIDE THAT THE MAYOR'S EMERGENCY POWERS DO NOT INCLUDE THE POWER TO CLOSE BUSINESSES; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS A.R.S. § 26-311 authorizes the mayor of an incorporated municipality to declare a local emergency under appropriate circumstances, and to govern during such an emergency by proclamation with the authority to impose all necessary regulations to preserve the peace and order of the municipality; and

WHEREAS the 55<sup>th</sup> Arizona Legislature adopted HB2107, signed by the governor on March 30, 2022, which provides that a mayor's powers during a local emergency do not include the authority to order the closure of businesses; and

WHEREAS the Mayor and Council of the Town of Marana find that the revisions adopted by this ordinance are in the best interest of the Town of Marana and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Town Code Title 2 (Mayor and Council), chapter 2-2 (Council election), section 2-3-4 (Powers and duties of the mayor) is hereby amended as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

### **2-3-4 Powers and duties of the mayor**

[No revisions to paragraphs A through D]

E. The mayor may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or man made calamity or disaster or if there is the threat or occurrence of riot, rout or affray or other acts of civil disobedience which endanger life or property within the town. After declaration of an emergency, the mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the town, excluding the ordering of the closure of businesses, but including the following ~~but not limited to~~:

1. Imposition of a curfew in all or any portion of the town.

~~2. Ordering the closing of any business.~~

~~3. Closing to public access any public building, street or other public place.~~

~~4. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.~~

[No revisions to paragraph F]

SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. This ordinance shall be effective the 31<sup>st</sup> day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, Arizona, this 18th day of October, 2022.

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Mayor Ed Honea

ATTEST:

  
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David L. Udall, Town Clerk

APPROVED AS TO FORM:

  
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Jane Fairall, Town Attorney