

SAHUARITA ORDINANCE NO. 2023-169

AN ORDINANCE OF THE TOWN OF SAHUARITA, ARIZONA, ADOPTING A TOWN CODE AMENDMENT TO TITLE 1 (GENERAL PROVISIONS) CHAPTER 1.05 (GENERAL PROVISIONS), RENAMING THE CHAPTER (CODE ADOPTION, AUTHORITY, AND PENANTLY) AND ADDING CHAPTER 1.10 (FLAG DISPLAY) OF THE TOWN CODE OF THE TOWN OF SAHUARITA, AND REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF SAHUARITA IN CONFLICT THEREWITH.

WHEREAS, the Sahuarita Town Code has been adopted by the Town Council, amended from time to time, and on February 13, 2006, pursuant to Ordinance No. 2006-02, the Sahuarita Town Code was codified and renumbered; and

WHEREAS, Chapter 1.05 (General Provisions) of Title 1 of the Sahuarita Town Code governs the process of code composition, adoption, enforcement, and penalties; and

WHEREAS, renaming Chapter 1.05 to Code Composition, Authority, and Penalty more accurately reflects its content; and

WHEREAS, the Town Council desires to establish clear guidelines regarding the display of all flags flown on town-owned or town-operated facilities; and

WHEREAS, in adopting this ordinance, the town council declares that flagpoles owned by the Town of Sahuarita are not intended to serve as a forum for free expression by the public but rather as a non-public forum for the display of any governmental and other flags authorized by the Town Council as required by law or as an expression of the Town Council's official government speech; and

WHEREAS, the Mayor and Council find that it is in the Town of Sahuarita's and its residents' best interest to adopt an amendment to Chapter 1.05 (General Provisions) of Title 1 and add Chapter 1.10 (Flag Display) of the Sahuarita Town Code as provided herein.

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

Section 1. Title 1 (General Provisions), Chapter 1.05 (General Provisions) is hereby renamed to (Code Composition, Authority, and Penalty).

- Section 2.** Title 1 (General Provisions), Chapter 1.10 (Flag Display) is added to the town code, indicating that flags shall be displayed per Federal and state statutes and regulations, including but not limited to the United States Code, Title 4, Chapter 1, United States Code, Title 36, Chapter 902, and Arizona Revised Statutes 41-851, 41-852, 38-449, and 38-450.
- Section 3.** Title 1 (General Provisions) of the Sahuarita Town Code is hereby amended with deleted language shown by ~~strikeout~~ and added language shown by underlined text in the attached “Exhibit A” entitled Town of Sahuarita Code Amendments, November 2023, Title 1.
- Section 4.** The Town Clerk is ordered to publish this Ordinance in full except for exhibits.
- Section 5.** All tables of contents shall be modified as necessary to reflect the changes set forth in this ordinance.
- Section 6.** The various Town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance and sections of the Town Code.
- Section 7.** All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the date of this ordinance. All internal references within the Town Code to any affected provision are hereby updated.
- Section 8.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance, or any part of this amendment to the Town Code, 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.

[SEE NEXT PAGE FOR SIGNATURES]

PASSED AND ADOPTED by the Mayor and Council of the Town of Sahuarita, Arizona, this 13th day of November 2023.

Tom Murphy

Mayor Tom Murphy

CERTIFICATION OF RECORDING OFFICER

State of Arizona)
County of Pima) ss.

I, the undersigned, Lisa Cole, MMC, being the duly appointed, qualified Town Clerk of the Town of Sahuarita, Pima County, Arizona, certify that the foregoing Ordinance is a true, correct, and accurate copy of Ordinance No. 2023-169, passed and adopted at a Voting Meeting of the Council of the Town of Sahuarita, Pima County, Arizona, held on the 13th day of November 2023, at which a quorum was present and by a 7-0 vote, all voted in favor of the said ordinance.

Given under my hand and sealed this 13th day of November 2023.

SEAL:



Lisa Cole

Lisa Cole, MMC
Town Clerk

APPROVED AS TO FORM:

Jon M. Paladini

Jon Paladini, Town Attorney

EXHIBITS ON FILE AT THE TOWN CLERK'S OFFICE
375 W SAHUARITA CENTER WAY
SAHUARITA, ARIZONA