

## ORDINANCE 622A

### AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, AMENDING EXISTING SECTION 13 OF THE ZONING REGULATIONS OF THE CITY OF BENSON, FROM ENTITLED CHAPTER 6 “ANIMAL CONTROL” TO “KEEPING OF LIVESTOCK AND PETS”

WHEREAS a fundamental authority of government is the ability to promote the general health, safety, and welfare, including by exercising the local right to zone private property; and

WHEREAS the State Legislature has enabled the Mayor and Council to zone properties lying within the corporate boundaries of the City of Benson; and

WHEREAS the Mayor and Council adopted the City of Benson Zoning Regulations to create reasonable restrictions on land use within the City, including by delineating districts in which permitted uses may be carried out; and

WHEREAS the Mayor and Council have updated and amended the Zoning Regulations from time to time; and

WHEREAS the Planning and Zoning Commission held a public hearing on June 8, 2023 at its regular meeting, and following the public hearing, adopted a recommendation that the Mayor and Council adopt the amendments to Section 13 of the Zoning Regulations of the City of Benson in final form they endorsed; and

WHEREAS the Mayor and Council hereby determine that revising the City’s local Zoning Regulations relating to Keeping of Livestock and Pets will protect the public health, safety, convenience, and general welfare of the citizens of the City of Benson.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA:

**SECTION 1.** Three (3) copies of the document entitled Benson Zoning Regulations, Section 13, “Keeping of Livestock and Pets” is on file in the office of the City Clerk of the City of Benson, Arizona, which record has been designated a public record by Resolution 26-2023 of the City of Benson, Arizona, is hereby adopted, passed, and approved by reference and made a part hereof as if fully set forth in this Ordinance.

**SECTION 2:** The previously-existing Section 13 of the City of Benson Zoning Regulations is amended as reflected in that Resolution, with additions shown in underlined text and deletions shown in a ~~strikeout~~.

**SECTION 3:** All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the public record adopted by reference are hereby repealed.

**SECTION 4:** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the public record 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 portion thereof.

**SECTION 5:** Pursuant to A.R.S. §9-812 and §39-204, the City Clerk is directed to publish the text of this Ordinance for two (2) consecutive weeks in a newspaper of general circulation and, further, to post a copy of this Ordinance in three (3) or more public places within the City.


PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, ARIZONA, this 14th day of August, 2023.

  
\_\_\_\_\_  
JOE A. KONRAD, Mayor

ATTEST:

  
\_\_\_\_\_  
VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DeCONCINI McDONALD YETWIN & LACY, PC  
By Paul A. Loucks  
City's Attorney