

Proposed language to Article 1, requested by Jim Derouin shown in Brown. Proposed language to Article 1, requested by the Planning Department shown in purple.

Changes approved on Sept. 28 shaded in gray

Sec. 3. Powers of city.

The city shall have all the powers granted to municipal corporations and to cities by the constitution and laws of this state and by this charter, together with all the implied powers necessary to carry into execution all the powers granted, and these further rights and powers, to wit:

A. The city may acquire property within or without its corporate limits for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require. **Condemnation may be exercised only if it is authorized by this state, whether by statute or otherwise, for a public use as provided by Arizona law. Land use laws, which reduce private property rights, shall further comply with all Arizona laws relating to diminution in value and just compensation thereof.**

B. To designate and establish as floodways or flood plains, areas of land within the boundaries of the city reasonably required or necessary to improve, extend, maintain or facilitate the control or discharge of waters of rivers and streams and intermittent flowing creeks, washes, arroyos, drains and channels together with surface and flood waters so as to ~~prevent limit~~ the loss of or injury to lives and damage to property and ~~prevent and prohibit limit~~ encroachments and obstructions within the floodway and flood plain areas so designated and established by the city together with criminal and civil penalty for violations thereof.

C. To adopt and from time to time modify, a comprehensive plan of the future physical development of the city to serve as a guide to all future council action concerning land use regulations and expenditures for capital improvements and the council may by ordinance implement said comprehensive plan by adopting land use and development regulations including but not limited to an official zoning map and zoning and subdivision regulations.

D. To levy and collect assessments and file liens on real property to collect amounts owed to the city for collection of solid waste and recyclable materials, water service and other utilities, city services rendered for special events, and sewer rental charges, service charges or fees for police or fire department responses to false or invalid alarms, **and restoration of natural area open space**” or for other amounts owed to the city as provided by law, and reasonable amounts expended by the city in the abatement of any nuisance, **floodplain obstruction and removal**, demolition and removal of any legally condemned building or structure and the cleaning and renovating of vacant lots which are offensive to the sight or smell or hazardous to the public health.

E. To prescribe the ~~number of times~~ **place and manner** a notice is to be published, ~~the place of publication and the form of such notice when publication of a notice in a newspaper is directed or authorized by law.~~

F. The city has the exclusive control and regulation of the use and enjoyment of its streets, alleys, public grounds or ways.

G. To require all persons, firms, or corporations responsible for new physical development within the city to the extent allowed by Arizona and/or federal law provide for or furnish, or where allowed by city ordinance, pay a fee in lieu of providing for or furnishing, the following: (1) public utility easements; (2) water production, storage and transmission; (3) sewage collection, transmission, treatment and disposal; (4) park land and development; (5) school sites; (6) dedication and improvement of public rights-of-way; (7) bike paths and other necessary transportation; (8) drainage; (9) flood control; (10) parking; and (11) other public facilities necessary to maintain satisfactory levels of service for said new development, as provided by ordinance which shall include definite standards basing the foregoing requirements on the needs of the inhabitants of said new development.

H. To require architectural and site plan review and approval prior to the development, construction, reconstruction, or conversion of any building or structure other than a detached single-family dwelling.

I. To adopt specific plans and/or character and community area plans for land use for areas within the city for the purpose of refining the general plan.

J. To provide for solid waste management and the collection, source separation, storage, transportation, transfer, processing, treatment, sale, disposal, regulation of garbage, all other solid waste, and recyclable materials, and to acquire, construct, operate and maintain solid waste management facilities, including the authority to enter into contracts therefor, levy and collect fees and charges, require licenses, accept grants, acquire or dispose of recyclable materials, and to impose criminal penalties for the unlawful interference with all such activities. Further, the city may by mutual agreement with other private or governmental entities provide for the management and disposal of garbage and all other solid waste and recyclable materials.

K. To provide for the preservation and enhancement of the environment of the City of Scottsdale as it may relate to the ecology.

L. To provide for the protection, development, enhancement, storage, transportation and replenishment of the water supply, including but not limited to groundwater recharge, for the benefit of the City of Scottsdale, both within and without its boundaries.

M. To provide for the collection, transportation, disposition and regulation of wastewater and effluent, and to acquire, construct, operate and maintain wastewater and effluent treatment and management facilities, including the authority to enter into contracts therefor, levy and collect fees and charges, require licenses, accept grants, purchase and sell recovered resources, and to impose criminal penalties for the unlawful disposal of wastewater and effluent. Further, the city may by mutual agreement with other private or governmental entities provide for the disposal of wastewater and effluent.

N. To adopt ordinances relating to the external maintenance of structures and land, to levy and collect assessments and to file liens on real property to collect amounts expended by the city for such external maintenance.

O. The city shall be prohibited from requesting or receiving waivers of claims for diminution in value and/or covenants not to sue for diminution in value, or the equivalent thereof, in advance of processing or approving administrative land use applications, including, but not limited to, requests for plan review, development review board approval, subdivision plat approval and conditional use permits. The city may request, receive and consider waivers of claims for diminution in value and/or covenants not to sue, or the equivalent thereof, before making a decision on legislative land use applications, including but not limited to, requests for zoning changes and requests for abandonments, but shall not require an executed waiver of claim for diminution in value and/or covenant not to sue, or the equivalent thereof, before processing or making a decision on any legislative land use application.

Except as prohibited by the constitution of this state, or restricted by this charter **or the laws of this state preempting the charter**, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which under the constitution of this state, it would be competent for this charter specifically to enumerate.