
PIMA COUNTY ARIZONA

PROCEDURES FOR DRAFTING PIMA COUNTY ORDINANCES AND RESOLUTIONS

Prepared by
Pima County Attorney's Office, Civil Division
Pima County Clerk of the Board of Supervisors
Revised November, 2013

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DRAFTING - ORDINANCES AND RESOLUTIONS

1. PURPOSE

This manual sets standards and provides instructions for drafting and processing County ordinances and resolutions. The goal is to ensure uniformity and completeness in ordinances and resolutions when they are submitted for approval to the Board of Supervisors. The Clerk of the Board will return ordinances and resolutions that do not conform to the guidelines to the originator.

2. DEFINITIONS

2.1. Ordinance.

An ordinance is a formal legislative act of the Board of Supervisors. An ordinance sets down a permanent rule of conduct or government, and is intended to continue in force until the ordinance is repealed. An ordinance should establish any legislative act that creates liability or regulates conduct of County residents in an important or material way. Ordinances may be code or non-code.

2.1.1. Code Ordinance.

A code ordinance is an ordinance that has general applicability and is included in the Pima County Code. Examples of code ordinances include, but are not limited to, amendments to the zoning code, amendments to the County employee merit system, and health and safety regulations.

2.1.2. Non-Code Ordinance.

A non-code ordinance is an ordinance that is of such limited applicability that, although it is legislative in nature and continues indefinitely, it is not intended to become a part of the Pima County Code. Examples of non-code ordinances include, but are not limited to, traffic control and rezoning ordinances.

2.2. Resolution.

A resolution is a discrete, formal, written action of the Board of Supervisors. Resolutions ordinarily relate to the administrative and operational aspects of County government (in contrast to legislative and regulatory enactments that are the subject of ordinances). Examples of formal resolutions include, but are not limited to, an action authorizing issuance of bonds, or establishing an employee compensation plan. Ceremonial types of resolutions may include, but are not limited to the following:

2.2.1. Resolution in Memoriam:

an expression of regret upon the death of an individual.

2.2.2. Proclamation:

a statement recognizing an individual or group achievement, or a special event or other community activity. This type of

resolution does not require County Attorney approval and the Clerk of the Board will not assign it a formal resolution number.

3. PROCEDURES

3.1. Document Format.

3.1.1. All ordinances and resolutions must comply with the following:

- Formatted for single sided, 8.5 x 11 inch printing;
- Black font;
- Margins at least one-half inch on all sides; the top margin of the first page must be two inches if the document is to be recorded (see A.R.S. § 11-480);
- Paragraphs single-spaced, with spaces between paragraphs;
- Font size at least 10 point type;
- Inclusive page numbering (example: “Page 1 of 2”, see Exhibit A, Sample 2);
- Exhibits must be identified in the body of the document and attached;
- A footer that includes a matter number or description in addition to inclusive page numbering (see Exhibit A).

3.1.2. The only blanks that the Clerk of the Board will complete are on the top of the first page for the ordinance or resolution number, and the signature page. Do not leave blanks in the header or footer for the Clerk of the Board to complete.

3.1.3. The Clerk of the Board may make an exception to these document format requirements for formal presentation documents such as proclamations.

3.2. **Code Ordinances.** Code ordinances amend, repeal, or add new sections to the Pima County Code. The ordinance should mention both the affected code section and the adopting ordinance number, if known.

3.2.1. **Legislative and Clean Copies.** Provide the Clerk with two copies of the ordinance; one in “legislative” format, and one “clean copy” (unless the ordinance is completely new or only repeals previous ordinances, in which case only the clean copy is required). In general, legislative format means that the text is “black-lined” to show the changes that are being made to the

existing code language; the “clean copy” shows the text after the amendment is adopted. (See Exhibit A, Samples 1 and 2: examples of legislative format; Exhibit B is a “clean copy.”)

3.2.2. **Legislative Format.**

3.2.2.1. When changes in the existing ordinance involve less than a substantial rewrite, indicate new words by underlining and indicate deletions by strikethrough type.

3.2.2.2. When a substantial rewrite is involved, it is permissible to type in the proposed new section, underline all of it, and then strikethrough the existing section. It is preferable to use the underline-and-strikethrough system on a word-by-word or phrase-by-phrase basis unless it is absolutely unfeasible because of the length of the changes involved.

3.2.2.3. Do not use the Track Changes function, highlight function or the redline function to indicate new or deleted language. Some departments and offices have different versions of common word processing programs making the appearance of the feature inconsistent. In addition, these features often become difficult to read when scanning, photocopying or microfilming the document. Do not use the Track Changes, markup or comment features on the final version of your document because the electronic files are sent for publication and codification and confidential comments could be unintentionally released to the public.

3.2.2.4. Make sure that all text (font color) is black. Colored or highlighted text causes problems for scanning and photocopying.

3.2.3. **Ellipses.** Including unnecessary text in the code text amendment ordinances creates the risk of unintended changes from typographical errors. Unnecessary text also makes the publication longer and more expensive and forces the County Attorney, Clerk’s Office and publisher to proofread more text. Therefore, you should redact unnecessary code text that is not being changed with the correct use of ellipses. An ellipsis is “a

series of three period-dots with one space before, after and between them.”¹

3.2.4. **Code Organization**

3.2.4.1. **Code Numbering.** The Pima County Code numbering is by subject under a decimal system that facilitates expansion. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 18.12.050 is Section 050, located in Chapter 12 of Title 18. In most instances, sections are numbered by tens (.010, .020, .030, etc.) leaving vacant positions between original sections to accommodate future provisions. Chapters and titles are also numbered to provide for expansion. The Titles of the Pima County Code are as follows:

Title 1	General Provisions
Title 2	Administration and Personnel
Title 3	Revenue and Finance
Title 4	Indigent Health Care
Title 5	Business Taxes, Licenses and Regulations
Title 6	Animals
Title 7	Environmental Quality
Title 8	Health and Safety
Title 9	Public Peace, Morals and Welfare
Title 10	Traffic and Highways
Title 11	Pima County Procurement Code
Title 12	(Reserved)
Title 13	Public Services
Title 14	Renewable Energy Incentive District (REID)
Title 15	Buildings and Construction

¹ See Bryan A. Garner, *Garner's Modern American Usage* 689 (3d ed. 2009).

- Title 16 Floodplain Management
- Title 17 Air Quality Control
- Title 18 Zoning
- Title 19 Roadway Development Fee
- Title 20 The Small Business Enterprise Participation Program

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3.2.4.2. **Chapter and Section Numbering.** Whenever a code section requires a logical subdivision into lettered and numbered subdivisions, use the following system of lettering, numbering, and indentation: (See Exhibit A, Sample 2.)

A., B., C., D., will indicate the first series of indentations.

1., 2., 3., 4., will indicate the second series of indentations.

a., b., c., d., will indicate the third series of indentations.

i., ii., iii., iv., will indicate the fourth series.

If you find that you need more than four subsections consider adding a new section to the code.

3.2.5. **Procedure for Adding New Material to the Code.**

To draft an ordinance that adds new provisions to the code, determine where the new material will fit within the existing organization. If there is no existing section, chapter or title, you should recommend a new title, chapter or section number, as appropriate, subject to the County Attorney's approval. Check with the Clerk of the Board to make sure the number has not already been assigned in an ordinance that has not yet been codified.

Examples:

Chapter 18 of the Pima County Code is amended to add Section 18.12.060 as follows:

Section 18.12.050 of the Pima County Code is amended to add a new Subsection D to read as follows:

Section 18.03.020 of the Pima County Code is amended to add a definition for “cistern” and to renumber subsequent subsections accordingly as follows:

3.2.6. **Titles.**

3.2.6.1. The ordinance title is important because it provides notice of the contents of the ordinance. The title need not specify all provisions of the act, provided that it expresses the legislative purpose in a general way.

3.2.6.2. The title of an ordinance and any introductory language (preamble) appearing before the ordaining clause have no legal effect. If the title states that it repeals, amends or adds certain provisions, but the language after the ordaining clause does not include the described change, the intended repeal, amendment or addition has not taken place.

3.2.7. **Procedure when Amending an Existing Code Section.**

3.2.7.1. **Amend the Code Section Specifically.** If you know or are able to find the ordinance, and the section within it, that adopted or last amended the code section you are amending, reference this in addition to the Code section in the amending ordinance.

Example:

Section 18 of Ordinance No. 1985-12 and Section 18.12.050 of the Pima County Code are amended to read as follows:

3.2.7.2. **Unidentified Ordinance Section.** If you cannot identify the ordinance section that adopted or last amended the code section you are amending, simply list the code section in the amending ordinance.

Example:

Section 18.12.050 of the Pima County Code is amended to read as follows:

3.2.7.3. **Avoid general repeals; be specific.** Do not use a vague, indefinite repeal such as: “All ordinances and parts of ordinances in conflict herewith be and the

same are hereby repealed to the extent of such conflict.” Instead, you should specifically identify and expressly repeal any conflicting provisions in the old law.

3.2.8. **Procedure when Repealing Ordinances.** To repeal an ordinance, simply declare, in the new ordinance, that the old ordinance is repealed. You do not need to set out the full text of the repealed provision.

3.2.8.1. **Repeal of an Existing Code Provision.** If you can identify the ordinance, and the section within it, that adopted or last amended the code section you are repealing, reference this in addition to the code section in the repealing ordinance.

Example:

Section 1. Section 18 of Ordinance 1985-12 and Section 18.12.050 of the Pima County Code are repealed.

3.2.8.2. **Repeal of a Non-Code Ordinance Provision:**

Example:

Section 1. Section 2 of Pima County Ordinance 1989-01 is repealed.

3.2.8.3. Be precise. Do not repeal an entire ordinance unless there is no circumstance under which it could still apply.

3.2.9. **Do not include ordinance derivation notations.** The derivation notation is the list of ordinances that previously amended the code section that appear in parenthesis at the end of each section of the published code. The derivation notations are editor’s notes. Do not include them in the code text amendment ordinance.

3.3. **Non-Code Ordinances.**

3.3.1. Non-code ordinances must contain at least the following elements:

- Ordinance Number. The Clerk of the Board will assign a number. The year with a blank should appear at the top of the document (See Exhibit C);

- Descriptive Title;
 - Ordaining Clause;
 - Body of Ordinance (divided into Sections and Subsections as necessary); and
 - Adoption Clause and Required Signature Lines (See Exhibit C, Samples 1 and 2).
- 3.3.2. Do not prepare non-code ordinances in legislative format and prepare only one document. If it is necessary to amend a pre-existing non-code ordinance you may use legislative format if needed to make the amendment clear.
- 3.4. **Agenda Submission.** It is the responsibility of the originating department to prepare agenda materials in accordance with the requirements of Pima County Administrative Procedure Number 4-1. **In addition, the ordinance must meet the following requirements:**
- 3.4.1. **Determination of Board Hearing Date and Publication of Hearing Notice.** The originating department must select a date for the hearing from the approved Board of Supervisors Meeting Schedule. After selecting the date the originating department must publish a Notice of Hearing at least 15 days before the Board of Supervisors meeting (See A.R.S. §11-251.05(C) and Exhibit D) and in addition, if the ordinance enacts a fee, the Notice must be posted on the Pima County Website at least 60 days prior to the Board meeting date. (See A.R.S. §11-251.13.)
- 3.4.2. **Exhibits.** The originating department must provide exhibits to the ordinance to the Clerk of the Board with the agenda submission.
- 3.4.3. **Electronic Submission.** The originating department must submit to the Clerk of the Board electronic copies of both the “strikethrough” version and “clean” version of the ordinance in Word format.
- 3.4.4. **Proof of Publication.** The originating department must provide a copy of the Notice of Hearing with the original submission to the Clerk of the Board to verify compliance with statutory requirements. The Clerk of the Board will verify that the Notice of Hearing has been posted to the Pima County Website for 60 days for any ordinance which enacts a fee.

3.5. **Resolutions.**

Formal resolutions must contain at least the following elements:

- Resolution Number (Assigned by the Clerk of the Board);
- Descriptive Title;
- Enacting Clause;
- Body of Resolution (divided into Sections and Subsections as necessary);
- Adoption Clause and Required Signature Lines (See Exhibit E).

3.6. **Proclamations and Resolutions in Memoriam.** Prepare proclamations and resolutions in memoriam on 8.5 x 11-inch paper as standard agenda submissions (See Exhibit F). The originating department must notify the Clerk of the Board if the Board of Supervisors is to present the proclamation or resolution in memoriam at a meeting.

4. **RESPONSIBILITIES**

4.1. **Originating Department.** In addition to following the formats and instructions of this procedure, the department or office that originates ordinances or resolutions, should coordinate draft enactments with other involved departments. The originating department is also responsible for securing the County Attorney's review and signature on the "Approved as to Form" line before submitting the documents to the Clerk of the Board for inclusion on an agenda. Some departments follow an internal procedure that includes an "Approved as to Content" line for signature by a department director or other responsible official. All departmental and County Attorney signatures should be on the document before submission to the Clerk of the Board.

4.2. **County Attorney.** In addition to other aspects of its ordinance and resolution review, the County Attorney's Office will also review ordinances and resolutions for appropriate format (including the requirements of this procedure) and conformance with the Pima County Code and approve them as to form. The County Attorney's Office will return any ordinances or resolutions that do not meet requirements to the originating department.

4.3. **Clerk of the Board.** The Clerk of the Board will process ordinances and resolutions for inclusion on Board agendas. The Clerk will assign sequential ordinance and resolution numbers and record the original of all adopted ordinances and applicable resolutions with the County Recorder. The Clerk of the Board will forward the appropriate documentation to the code publisher for inclusion in the Pima County Code. The Clerk of the Board will maintain original documents pursuant to A.R.S. §11-241.

5. DRAFTING GUIDELINES

- 5.1. **Authority to Adopt the Ordinance.** Before drafting an ordinance, the originating department must identify the authority that gives the County the power to legislate in the specific area. When in doubt, contact the County Attorney's Office, Civil Division to determine whether there is constitutional or statutory authority to adopt the ordinance.
- 5.2. **Special Procedures for Adopting Ordinances.** Arizona law requires counties to follow special procedures to adopt some types of ordinances. The originating department and the assigned Deputy County Attorney are responsible for complying with all special procedures. Examples include zoning ordinances (A.R.S. § 11-813) and new or increased taxes or fees (A.R.S. § 11-251.13).
- 5.3. **Additional Requirements.**
An ordinance, to be legal:
 - 5.3.1. Must be reasonable.
 - 5.3.2. May not illegally discriminate.
 - 5.3.3. May not improperly delegate legislative authority.
 - 5.3.4. Must be complete as enacted and must state all the rules that those subject to the ordinance must obey and state the punishment for a violation. The ordinance should not leave the question of what is, or what is not prohibited to the judgment of the enforcing officer. The ordinance must provide standards for enforcement. No "standardless discretion."
- 5.4. **Drafting the Preamble (previously the "Whereas Clauses").** The preamble purports to state the reason or occasion for making the law or to explain the general terms of the policy of the enactment. The preamble:
 - 5.4.1. Is not part of the ordinance. If needed, place the purpose of the ordinance in a purpose clause in the body of the ordinance after the adopting clause.
 - 5.4.2. Should be used sparingly. If a preamble serves no purpose, do not add a preamble.
 - 5.4.3. Can be useful in reciting jurisdictional acts, like, dates when required public hearings took place, dates when required notice was published.

- 5.4.4. May consist of numbered sentences, following the phrase “The Board Finds”. Repeating the word “whereas” has no legal effect and makes the preamble less clear.

See Exhibit A, Sample 1 and Exhibit C for examples of numbered preambles.

Exception: Proclamations, as ceremonial documents, may include the “whereas” form of preamble if desired (See Exhibit F: Sample Proclamation).

5.5. Ordinance Effective Date.

- 5.5.1. Each ordinance should include an effective date.
- 5.5.2. The minimum time in which an ordinance can take effect is determined by statute. As a general rule, an ordinance is effective 30 days after the date of adoption (A.R.S. §19-142), unless:
- 5.5.2.1. The ordinance is adopted as an emergency measure;
or
- 5.5.2.2. The ordinance is adopted with a delayed effective date.
- 5.5.3. The meaning of the phrase “from and after” is defined by A.R.S. § 1-241. This statute would likely be applied to a county ordinance or resolution:

1-241. Time statutes take effect

- A. An act or statute which by its terms is to take effect on a specified day shall, unless otherwise provided in the act or statute, take effect at twelve o'clock noon on the day specified.
- B. An act or statute, which by its terms is to take effect from and after a specified day, shall take effect at midnight of the day specified.

5.6. Style.

5.6.1. Resources.

In general, <http://www.plainlanguage.gov/index.cfm> provides a good guideline for writing style and Bryan Garner’s books provide guidance on clear and effective writing style. A summary of Mr. Garner’s style recommendations can be found at: <http://www.uscourts.gov/uscourts/RulesAndPolicies/rules/guide.pdf>.

5.6.2. **Definitions.**

5.6.2.1. Section 1.04.020 of the Code includes general definitions.

5.6.2.2. Limit definitions to the fewest number of words or phrases possible. Avoid definitions that are the same as the dictionary definition.

5.6.2.3. Consider the best location for the new definition. Decide whether it is best in the definition section for the Title, Chapter or Section.

5.6.2.4. Definitions should serve to shorten sections and simplify the legislative statement.

5.6.2.5. Be precise in the language used:

means. Use when the definition is complete.

Example: "Commission" means the Pima County Planning Commission.

includes. Use when the meaning is incomplete and only part of the intended meaning is expressed. A.R.S. §1-215 defines "includes" as meaning "not limited to and is not a term of exclusion."

Example: "Lot" includes the terms "plot," "parcel," or "tract."

Does not include. Use when excluding something from coverage.

Avoid:

means and excludes

includes only (use *means* instead)

shall mean (use *means* instead)

5.6.2.6. Keep definitions short. Do not put regulations or substantive law in a definition.

Example:

Home Occupations: Any occupation or profession customarily conducted entirely within a dwelling unit and/or its accessory buildings and carried on by a member of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit or accessory building for dwelling purpose and does not adversely affect the character thereof, and in connection with which there are no employees other than a member of the immediate family residing in the dwelling unit and no mechanical equipment except that which is customarily used for domestic, hobby, or household purposes. Such occupation shall cause any sustained or unpleasant and unusual noises, vibrations, noxious fumes or odors, nor cause any parking problems or traffic congestion in the immediate neighborhood. On premise signs shall not be permitted.

This definition should have stopped with a period after the term “unit” at the end of the fifth line. Everything after that is either surplusage or a substantive regulation which should be placed in the operative provisions of the ordinance.

5.6.3. **Conflicting Provisions.** Avoid conflicts with other sections of the Code. Read the entire section to make sure there are no contradictory sections. Use the word search function to avoid creating contradictory definitions.

5.6.4. **Length of Sections.**

5.6.4.1. Minimize the length of sections. The shorter the section, the more easily understood.

Do not say:

For all new golf courses and additions to existing golf courses, the area of irrigated grasses, the “turf area,” used for the greens, fairways, practice areas, borders and all other uses associated with the golf course, shall be limited. The total turf area of the golf course and associated uses shall be limited to an average of five (5) irrigated acres per golf hole. The maximum usage of water for irrigation purposes from sources other than groundwater (e.g., reclaimed wastewater, harvested rainwater, or an alternative water supply) will be considered as a positive factor towards compliance

with water conservation requirements set forth within these regulations. The applicant must address the potential sources and impacts of the proposed use in a water availability report provided by the applicant and approved by the County. Ponds, lakes, artificial watercourses and other types of water hazard areas shall be prohibited unless they are an integral component of the water reclamation or water harvesting being used for irrigation purposes. The golf course design shall reflect the natural topography and drainage ways of the site, and minimize the clearing of native vegetation.

Break up the section into subsections after the governing verb, use “as follows:” or “the following,” then list each individual item on a separate line preceded by a number or letter.

Say Instead:

A. Development of all new golf courses and all expansions of existing golf courses is subject to the following requirements and restrictions:

- 1. The total area of irrigated grasses, the “turf,” used for the greens, fairways, practice areas, borders and all other uses associated with the golf course shall not exceed an average of five (5) irrigated acres per golf hole.*
- 2. At the time of permit application for the development of a new golf course, or the expansion of an existing golf course, the applicant shall submit to the development services department a water availability report which addresses the potential sources of water, and the impacts of proposed use on water availability. The director of the development services department is authorized to review and approve the water availability report.*
- 3. Where available, sources other than groundwater, such as reclaimed wastewater, harvested rainwater, or an alternative water supply, shall be used for irrigation purposes. The maximum use of water for irrigation purposes from sources other than groundwater is considered a positive factor in determining compliance with the water conservation requirements set forth within these regulations.*

4. *Ponds, lakes, artificial watercourses and other types of water hazard areas are prohibited, unless they are an integral component of the water reclamation or water harvesting being used for irrigation purposes.*
5. *The golf course design shall reflect the natural topography and drainage ways of the site, and minimize the clearing of native vegetation.*

5.6.5. **Use present tense and active voice.**

5.6.5.1. Use present tense where possible.

Example:

Do not write: *“it shall be unlawful.”*

Write: *“It is unlawful.”*

5.6.5.2. Avoid using the passive voice.

Example:

Do not write: *“When the written decision is completed by the hearing officer, a copy of decision will be mailed by the hearing officer to each of the parties.”*

Write: *“The hearing officer will mail each party a copy of the written decision.”*

5.6.5.3. Do not use “shall” to express a future tense. (See Shall/May, below.)

5.6.6. **Affirmative/Negative.** Whenever possible, state the legal subject affirmatively in the singular. Do not say: *“no person shall fish without a license.”* Say: *“a person who fishes without a license is subject to a fine.”*

5.6.7. **Shall/May.**

5.6.7.1. Do not use “shall” as a future tense. Do not say: *“Violators shall be guilty of a criminal offense.”* Say: *“Violators are guilty of a criminal offense.”*

5.6.7.2. Use the imperative “shall” only: a. As an indicator of the person who is being commanded (example: *“Referendum petitions shall be in the form prescribed by state law”*) or b. As a statement of the thing the person is required to do or refrain from doing. (See P.C.C. §1.04.020(J).)

5.6.7.3. Avoid using “shall” to confer a right. Do not say: *“The director shall receive compensation.”* Say: *“The director’s compensation is \$40,000.00 per year.”*

5.6.7.4. Use the word “may” to confer power upon any officer, court or tribunal. Do not say: “*The director shall approve the application.*” Say: “*The director may [or better yet, “has authority to”] approve or deny the application. (See P.C.C. §1.04.020(F).)*”

5.6.8. **Conjunctive and Disjunctive Words: And/Or.**

5.6.8.1. When providing two or more requirements in a section, and it is the legislative intent to fulfill all of the requirements, use “and.”

5.6.8.2. Where failure to comply with any requirement imposes liability use “or” for legislative intent to require a choice.

5.6.8.3. Do not use the phrase “and/or.” One way to get out of the dilemma of and/or is:

If you mean **AND**, say:

All of the following:

- a.
- b.
- c.

If you mean **OR**, say:

Any one of the following:

- a.
- b.
- c.

If you mean **AND/OR**, say:

One or more of the following:

- a.
- b.
- c.

5.7. **Certainty and Definiteness.**

5.7.1. A statute is unconstitutionally vague if persons of common intelligence must necessarily guess at its meaning and differ as to its application. However, a statute is not vague simply because it does not explicitly define one of its terms or because it is susceptible to more than one interpretation.

- 5.7.2. Do not be more precise than needed.
 - 5.7.2.1. You cannot and should not cover every possible case.
 - 5.7.2.2. Broad general standards for administrative ordinances are preferable.
- 5.8. **Same or Different Language Relating to Same Subject.** It is a general rule of statutory construction that where the same words or phrases appear in the same statute, they have their generally accepted and consistent meaning unless the statute expresses a clear legislative intent to the contrary. Where the statute uses different words, the courts will interpret the words to have different meanings. Therefore, **always use the same language to express the same idea.** Drafting ordinances is not an exercise in creative writing.
- 5.9. **References to Other Provisions.** General Rule: Determinate references are preferable to indeterminate references.
 - 5.9.1. Citing to specific references, however, can create a problem if the ordinance is subsequently amended and the reference is not, or vice versa. Therefore, specifically refer to other provisions by specific section numbers only where it is necessary and where the context does not define the reference.
 - 5.9.2. If, in an amending ordinance, you must cite to a specific code section, always verify the section still exists and the number has not changed. Conversely, if you are renumbering a section, check if another part of the code cites the renumbered section. Careful drafting of an amendment will minimize errors.
- 5.10. **Incorporation by Reference.** Although repeal of an ordinance may occur by reference, the revision, reenactment or amendment of an ordinance may not occur by reference to title only.
 - 5.10.1. A.R.S. § 9-803 prohibits a municipality from enacting a penalty clause by reference. When adopting by reference in the Pima County Code the better practice is to set forth the penalty clause in full.
 - 5.10.2. Uniform building codes may be adopted by reference. A.R.S. § 11-861. But the penalty provisions cannot be adopted by reference. A.R.S. § 11-866.
 - 5.10.3. A legislative body may incorporate by reference only the laws and regulations in existence at the time they enact legislation and cannot constitutionally adopt future changes which might occur. For example, an ordinance cannot incorporate or adopt by

reference a statute “as amended” at some future time. The ordinance can only adopt the provisions of the statute as they exist at the time of adoption.

5.11. **“Legalisms.”**

5.11.1. Avoid unnecessary legalisms such as: herein, hereby, heretofore, and therein.

5.11.2. Do not use “subject” “such” or “said” where it can be replaced with “the.”

Example:

Not: “Said use must not change the residential character of said dwelling and the subject property.”

Write: “The use must not change the residential character of the dwelling and the property.”

EXAMPLES

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**EXHIBIT A—SAMPLE 1
AMENDMENT OF CODE—REVISION OF MATERIAL**

CODE ORDINANCE—LEGISLATIVE FORMAT

NOTE: THIS IS A SAMPLE ONLY. THIS IS NOT AN ADOPTED ORDINANCE.

ORDINANCE 2013 - _____ (Enter current year)

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO PROCUREMENT OF GOODS AND SERVICES; AMENDING THE PIMA COUNTY CODE, CHAPTER 11.12, PIMA COUNTY PROCUREMENT CODE

The Board of Supervisors of Pima County Arizona finds that:

1. On June 22, 1997, the Pima County Board of Supervisors adopted Ordinance No. 1997-45, recorded in Book 25, Page 1276 in the Office of the Pima County Recorder, adding Title 11 to the Pima County Code and creating the Pima County Procurement Code.
2. It is in the best interest of the County to amend certain provisions of the Pima County Procurement Code to allow for new procedures for purchases of less than \$35,000.00.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. Ordinance No. 1997-147 and Title 11, Section 11.12.040, Subsections A and B of the Pima County Code are amended to read as follows:

**Chapter 11.12
SOURCE SELECTION: MATERIALS AND SERVICES**

...

11.12.040 Small purchases.

- A. Conditions for Use. This section applies to procurement of materials and all services costing ~~\$25,000.00~~ \$35,000.00 or less, not including construction.
- B. Purchases from \$15,000.00 to ~~\$25,000.00~~ \$35,000.00. For purchases of materials and services expected to cost from \$15,000.00 to ~~\$25,000.00~~ \$35,000.00, the procurement director shall issue a request for quotations and shall solicit a minimum of three written quotations, including quotations from at least one minority-owned and one woman-owned business appearing on the County vendor database, if available. The names of the businesses submitting quotations, and the date and amount of each quotation, shall be recorded and maintained as a public record.

...

SECTION 2. This Ordinance is effective 31 days after the date of its adoption.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this _____ day of _____, 2013.

Chairman, Pima County Board of Supervisors
(Chair) Use current preference

ATTEST:

Clerk of the Board

APPROVED AS TO FORM

Deputy County Attorney

**EXHIBIT A—SAMPLE 2
AMENDMENT OF CODE—REVISION OF MATERIAL**

CODE ORDINANCE—LEGISLATIVE FORMAT (PROPOSED ORDINANCE)

NOTE: THIS IS A SAMPLE ONLY. THIS IS NOT AN ADOPTED ORDINANCE.

ORDINANCE 2013 - _____ (Enter current year)

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO ZONING; AMENDING THE PIMA COUNTY CODE BY AMENDING CHAPTER 18.03 (GENERAL DEFINITIONS) TO ADD A DEFINITION FOR ASSISTED LIVING CENTERS; CHAPTER 18.27 AND CHAPTER 18.29 (CR-5 MULTIPLE RESIDENCE ZONE) TO ALLOW ASSISTED LIVING CENTERS AS A CONDITIONAL USE; AND AMENDING CHAPTER 18.31 (TR, TRANSITIONAL ZONE) TO ALLOW ASSISTED LIVING CENTERS AS A PERMITTED USE

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA

SECTION 1. Pima County Code Section 18.03.020 is amended to add a new definition for “Assisted Living Center” and to renumber subsequent subsections accordingly, as follows:

18.03.020 Definitions

A. Definitions "A."

. . .

12. Assisted living center: a state licensed residential care institution that provides or contracts to provide supervisory care services, or directed care services, for eleven or more residents on a continuing basis.

~~12-13.~~ Average finished grade: . . .

. . .

SECTION 2. Pima County Code Chapter 18.27, Section 18.27.020 is amended to read as follows:

CHAPTER 18.27
CR-4 MIXED DWELLING TYPE ZONE

. . .

18.27.020 Conditional uses.

~~Reserved.~~

A. Uses conditionally permitted:

1. Assisted living centers in accordance with the Type 1 procedure subject to the following restrictions and requirements:
 - a. Minimum lot area: Two acres.
 - b. Maximum lot coverage: Sixty percent.

...

SECTION 3. Chapter 18.29, Section 18.29.020 of the Pima County Code is amended to read as follows:

CHAPTER 18.29
CR-5 MULTIPLE RESIDENCE ZONE

...

18.29.020 Conditional uses.

Reserved:

- A. Uses conditionally permitted:
 1. Assisted living centers in accordance with the Type 1 procedure subject to the following restrictions and requirements:
 - a. Minimum lot area: Two acres.
 - b. Maximum lot coverage: Sixty percent.

...

SECTION 4. Chapter 18.31, Section 18.31.020 of the Pima County Code is amended to read as follows and to renumber subsequent subsections accordingly:

CHAPTER 18.31
TR (TRANSITIONAL ZONE)

18.31.010 Permitted Uses.

- A. Any use as permitted in Sections 18.25.010 (CR-3 Single Residence Zone), 18.27.010 (CR-4 Mixed-Dwelling Type Zone) and 18.29.010 (CR-5 Multiple Residence Zone).
- B. Additional uses permitted.
 1. Assisted living centers:
 2. College or governmental structure: . . .

SECTION 5. This Ordinance is effective 30 days after the date of adoption.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this _____ day of _____, 2013.

Chairman, Pima County Board of Supervisors
(Chair) Use current preference

ATTEST:

APPROVED AS TO FORM

Clerk of the Board

Deputy County Attorney

[Note: it is acceptable to leave some signatures on a page without other text (as shown here) when the document has inclusive page numbering and an identifying footer.]

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**EXHIBIT B
AMENDMENT OF CODE—NEW MATERIAL
CODE ORDINANCE—CLEAN (FINAL) VERSION OF EXHIBIT A—SAMPLE 2**

NOTE: THIS IS A SAMPLE ONLY. THIS IS NOT AN ADOPTED ORDINANCE.

ORDINANCE 2013 - _____ (Enter current year)

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO ZONING; AMENDING THE PIMA COUNTY CODE BY AMENDING CHAPTER 18.03 (GENERAL DEFINITIONS) TO ADD A DEFINITION FOR ASSISTED LIVING CENTERS; CHAPTER 18.27 AND CHAPTER 18.29, (CR-5 MULTIPLE RESIDENCE ZONE) TO ALLOW ASSISTED LIVING CENTERS AS A CONDITIONAL USE; AND AMENDING CHAPTER 18.31 (TR TRANSITIONAL ZONE) TO ALLOW ASSISTED LIVING CENTERS AS A PERMITTED USE

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

SECTION 1. Pima County Code Section 18.03.020 is amended to add a new definition for "Assisted Living Center" and to renumber subsequent subsections accordingly as follows:

18.03.020 Definitions

A. Definitions "A."

...

12. Assisted living center: a state licensed residential care institution that provides or contracts to provide supervisory care services, or directed care services, for eleven or more residents on a continuing basis.

13. Average finished grade:

SECTION 2. Pima County Code Chapter 18.27, Section 18.27.020 is amended to read as follows:

**CHAPTER 18.27
CR-4 (MIXED DWELLING TYPE ZONE)**

...

18.27.020 Conditional uses.

A. Uses conditionally permitted:

1. Assisted living centers in accordance with the Type 1 procedure subject to the following restrictions and requirements:

- a. Minimum lot area: Two acres.
- . . .
- b. Maximum lot coverage: Sixty percent.

. . .

SECTION 3. Chapter 18.29, Section 18.29.020 of the Pima County Code is amended to read as follows:

CHAPTER 18.29
CR-5 MULTIPLE RESIDENCE ZONE

. . .

- 18.29.020 Conditional uses.
- A. Uses conditionally permitted:
 - 1. Assisted living centers in accordance with the Type 1 procedure subject to the following restrictions and requirements:
 - a. Minimum lot area: Two acres.
 - . . .
 - b. Maximum lot coverage: Sixty percent.

. . .

SECTION 4. Chapter 18.31, Section 18.31.020 of the Pima County Code is amended to read as follows and to renumber subsequent subsections accordingly:

CHAPTER 18.31
TR (TRANSITIONAL ZONE)

. . .

- 18.31.010 Permitted.
- A. Any use as permitted in Sections 18.25.010 (CR-3 Single Residence Zone), 18.27.010 (CR-4 Mixed-Dwelling Type Zone) and 18.29.010 (CR-5 Multiple Residence Zone).
 - B. Additional uses permitted:
 - 1. Assisted living centers:
 - 2. College or governmental structure: . . .

SECTION 5. This ordinance is effective 30 days after the date of adoption.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this _____ day of _____, 2013.

Chairman, Pima County Board of Supervisors
(Chair) Use current preference

ATTEST:

APPROVED AS TO FORM

Clerk of the Board

Deputy County Attorney

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**EXHIBIT C—SAMPLE 1
NON-CODE ORDINANCE**

NOTE: THIS IS A SAMPLE ONLY. THIS IS NOT AN ADOPTED ORDINANCE.

ORDINANCE 2013 - _____ (Use current year)

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO TRAFFIC AND HIGHWAYS; ESTABLISHING REASONABLE AND PRUDENT SPEED LIMITS FOR MOTOR VEHICLES ON PECOS WAY IN PIMA COUNTY, ARIZONA

THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA FINDS THAT:

1. The Board of Supervisors of Pima County, Arizona has authority under A.R.S. §§ 28-627, 28-701 and 28-703 to fix reasonable and prudent speed limits on a through County highway.
2. The Board of Supervisors has determined a reasonable and prudent speed limit for motor vehicles on Pecos Way in Pima County.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA,

SECTION 1. The following speed limit is established as reasonable and prudent speed limit for Pecos Way in Pima County:

<u>SPEED</u>	<u>FROM</u>	<u>TO</u>
45 m.p.h.	Thornydale Road	Lambert Lane

SECTION 2. This Ordinance takes effect when and to the extent that signs are posted on the highway listed in Section 1 of this Ordinance, giving notice of the new speed limit, but in no event earlier than 30 days from the date of adoption of this Ordinance.

SECTION 3. The various County officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this _____ day of _____, 2013.

Chairman, Pima County Board of Supervisors
(Chair) Use current preference

ATTEST:

APPROVED AS TO FORM

Clerk of the Board

Deputy County Attorney

2” Margin at the top of the first page for recording purposes.

**EXHIBIT C—SAMPLE 2
AMENDMENT OF NON-CODE ORDINANCE—LEGISLATIVE (PROPOSED) VERSION**

NOTE: THIS IS A SAMPLE ONLY. THIS IS NOT AN ADOPTED ORDINANCE.

ORDINANCE NO. 2013 - _____ (Use current year)

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO TRAFFIC AND HIGHWAYS; DESIGNATING THE INTERSECTION OF LA CANADA DRIVE AND ESPERANZA BOULEVARD IN PIMA COUNTY, ARIZONA AS “NO TURN ON RED”

The Board of Supervisors of Pima County, Arizona finds that:

1. Pima County has authority under A.R.S.§ 28-627 to regulate turning of vehicles at intersections of County highways.
2. The Board of Supervisors has determined that it is reasonable and prudent to limit right turns at the intersection of La Canada Drive and Esperanza Boulevard in Pima County, Arizona.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

SECTION 1. Section 1 of Ordinance 2001-101, adopted July 3, 2001 and recorded in the County Recorder’s records in Docket 11594, Page 5855, is amended to read as follows:

Section 1. The ~~outside~~, eastbound, westbound, northbound and southbound lanes at the intersection of La Canada Drive and Esperanza Boulevard are designated “No Turn on Red.”

SECTION 2. This Ordinance is effective when and to the extent that signs are posted on the highway listed in this Ordinance giving notice of the restrictions on right turns at the intersection regulated by this Ordinance, but in no event earlier than 30 days from the date of adoption of this Ordinance.

SECTION 3. The various County officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this _____ day of _____, 20____.

Chairman, Pima County Board of Supervisors
(Chair) Use current preference

ATTEST:

APPROVED AS TO FORM

Clerk of the Board

Deputy County Attorney

EXHIBIT D

NOTICE SAMPLE

**NOTICE
OF THE
PIMA COUNTY BOARD OF SUPERVISORS**

The Pima County Board of Supervisors gives notice that a public hearing will be held to amend Ordinance No. 1999-61, regulating the excessive, unnecessary and annoying noises in Pima County **(DESCRIPTION OF THE ORDINANCE, i.e., amend specific ordinance number, adopt an ordinance regarding...)**. The hearing is scheduled for **BOARD MEETING DAY AND DATE**, at 9:00 a.m. or thereafter, located at the Pima County Administration Bldg., Board of Supervisors Hearing Room, 130 W. Congress, 1st Floor, Tucson, Arizona.

Copies of the proposed Ordinance are available for public review at **DEPARTMENT LOCATION**.

Date this _____ day of _____, 20____.
(Use current date)

/s/ _____
Department Director

Publish: Daily Territorial, _____, 20____.

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EXHIBIT E

RESOLUTION FORM

NOTE: THIS IS A SAMPLE ONLY. THIS IS NOT AN ADOPTED RESOLUTION.

RESOLUTION 2013 - ____ (Enter current year)

**PIMA COUNTY RESOLUTION FOR THE
ADOPTION OF THE BUDGET FISCAL YEAR 2013/2014**

The Board of Supervisors of Pima County, Arizona finds:

1. On May 29, 2013, in accordance with the provisions of A.R.S. §42-17101 et. seq., the Board of Supervisors made an estimate of the different amounts required to meet the public expenditures/expenses for the ensuing year, also an estimate of revenue from sources other than direct taxation, and the amount to be raised by taxation upon real and personal property of Pima County.
2. Publication has been duly made as required by law, of those estimates together with a notice that the Board will hold a public hearing and special board meeting for the purpose of hearing taxpayers at the designated time and place.

NOW, THEREFORE, BE IT RESOLVED, that the said estimates of revenues and expenditures/expenses shown on the accompanying schedules are now increased, reduced or changed by the same are adopted as the budget of Pima County for the Fiscal Year 2013/2014.

Passed and adopted, this _____ day of _____, 20__.

Chairman, Pima County Board of Supervisors
(Chair) Use current preference

ATTEST:

APPROVED AS TO FORM

Clerk of the Board

Deputy County Attorney

EXHIBIT F

PROCLAMATION FORM

PROCLAMATION

WHEREAS, the Benevolent and Protective Order of Elks, through its Constitution, is a *PATRIOTIC ORDER*; and

WHEREAS, the Order promotes the ideals that the citizens of this nation live in freedom, won through the great sacrifice and many tribulations which have provided the foundation for a free, prosperous and independent life; and

WHEREAS, we realize that each generation must work to maintain this freedom, otherwise, throughout carelessness or indifference, the rights and liberties enjoyed may vanish; and

WHEREAS, it is fitting and proper to recognize this freedom and to honor the nation which provides it;

NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby proclaim the week of February 18 through 25, 2010, to be:

“NATIONAL PATRIOTISM WEEK”

and during this event, all citizens are urged to join with the Benevolent and Protective Order of Elks in expressing gratitude for the privilege of American Citizenship with appropriate celebrations and observances.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this _____ day of _____, 20__.

Chairman, Pima County Board of Supervisors
(Chair) Use current preference

ATTEST:

Clerk of the Board