

CHAPTER 2 MAYOR AND COUNCIL

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Section 2-1-1 Elected Officers

The elected officers of the Town shall be six (6) Councilmembers and a Mayor. The Mayor shall hereafter be directly elected by the qualified electors of the Town. The term of Office of the Mayor shall be for four (4) years. The Mayor and Councilmembers shall constitute the Council and shall continue in office until assumption of duties of office by their duly elected successors. Councilmembers shall serve four (4) year overlapping terms in the manner provided by State law.

(Ord. 947) (Ord. 1031/3-09) (Ord. 1173/1-17)

HISTORY

Amended by Ord. [947](#) on 7/5/2005

Amended by Ord. [1031](#) on 3/2/2009

Amended by Ord. [1173](#) on 1/16/2017

Section 2-1-2 Corporate Powers

The corporate powers of the Town shall be vested in the Council and shall be exercised only as directed or authorized by law. All powers of the Council shall be exercised by ordinance, resolution, order, or motion.

Section 2-1-3 Duties Of Office

Councilmembers shall assume the duties of Office at the first Council meeting in December after a General Election and the Council meeting next following the canvass of election results for any recall election.

(Ordinance 1201/9-19)

HISTORY

Amended by Ord. [1201](#) on 9/3/2019

Section 2-1-4 Vacancies In Council

The Council shall fill a vacancy that may occur in the office of Mayor or any Councilmember by appointment until the next regularly scheduled Council election if the vacancy occurs more than thirty days before the nomination petition deadline. If the vacancy occurs thirty days or less before the nomination petition deadline, the vacancy shall be filled by appointment for the unexpired term.

(Ord. 913/2-04) (Ordinance 1173/1-17)

HISTORY

Amended by Ord. [913](#) on 2/2/2004
Amended by Ord. [1173](#) on 1/16/2017

Section 2-1-5 Compensation

The compensation of elective officers of the Town shall be fixed from time to time by resolution of the Council; provided, that the compensation allowed to the Mayor and Councilmembers shall not exceed that allowed by State Statutes.

Section 2-1-6 Oath Of Office

Immediately prior to assumption of the duties of Office, the Mayor and each Councilmember shall, in public, take and subscribe to the Oath of Office. A newly appointed or elected Mayor or Councilmember may take the Oath of Office on the same day on which the Mayor or Councilmember assumes the duties of the Office of Mayor or Councilmember.

Section 2-1-7 Bond

Prior to taking Office, every Councilmember shall execute and file an official Bond, enforceable against the principal and his sureties, conditioned on the due and faithful performance of his official duties, payable to the State and to and for the use and benefit of the Town or any person who may be injured or aggrieved by the wrongful act or default of such officer in his official capacity. A person so injured or aggrieved may bring suit on such bond under provisions identical to those contained in Section §38-260 of the Arizona Revised Statutes. Bonds shall be in such sum as shall be provided by resolution and the premium for such bonds shall be paid by the Town. The bond may be in the form of a blanket bond pursuant to Section §9-302 of the Arizona Revised Statutes.

Section 2-1-8 Financial Disclosure Statement

Each member of the Town Council shall file a Financial Disclosure Statement in a form and with such information as provided by resolution of the Council.

ARTICLE 2-2 MAYOR

[Section 2-2-1 Vice Mayor](#)

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Section 2-2-1 Vice Mayor

At the meeting at which Council Members assume the duties of office pursuant to Section 2-1-3, the Vice Mayor shall be selected by a majority of the Council, from among its own members, and shall serve until his successor is appointed and qualified. In the absence of the Mayor, the Vice Mayor shall perform the duties of the Mayor, and when so acting, shall have all of the powers and be subject to all of the restrictions upon the Mayor. The Vice Mayor shall perform such other duties as, from time to time, may be assigned to him by the Mayor or the Council.

(Ordinance 1201/9-19)

HISTORY

Amended by Ord. [1201](#) on 9/3/2019

Section 2-2-2 Acting Mayor

In the absence or disability of both the Mayor and Vice Mayor, the Council may designate another of its members to serve as acting Mayor who shall have all the powers, duties and responsibilities of the Mayor during such absence or disability.

Section 2-2-3 Powers And Duties Of The Mayor

The powers and duties of the Mayor shall include the following:

- A. He/She shall be the Chief Executive Officer of the Town.
- B. He/She shall be the Chairman of the Council and preside over its meetings. He/She may make and second motions and shall have a voice and vote in all its proceedings.
- C. He/She shall enforce the provisions of this Code.
- D. He/She shall execute and authenticate by his signature such instruments as the Council, or any Statutes, ordinances or this Code shall require.
- E. He/She shall make such recommendations and suggestions to the Council, as he may consider proper.
- F. He/She shall make appointments to all Town Committees and Commissions subject to the consent of the Council.
- G. He/She shall have the power to require any Officer of the Town to exhibit his accounts or other papers and to make reports to the Council in writing on any subject or matter pertaining to the office.
- H. He/She shall take command of the Police force of the Town and govern by proclamation in the event of the threat of or occurrence of acts of natural disaster, riot, rout or affray sufficient to constitute great danger to the Town and its residents.
 1. In such areas of the Town as shall be designated by the Mayor by proclamation under the conditions set forth in this Section, and within the area within all or any part of the Town so designated by the Mayor, a curfew shall be in effect the hours of each day designated in the proclamation, and all persons living or residing within any such designated area shall go immediately to their homes, and remain there until the curfew is lifted by order of the Mayor, and all other persons not residing within the designated area shall immediately leave.
 2. During the imposition of any curfew as set forth in this Section, all business establishments in the designated curfew area, having on their premises intoxicating beverages, shall be closed during the State of Emergency and until the curfew is lifted.
- I. He/She shall perform such other duties required by State Statute and this Code as well as those duties required as Chief Executive Officer of the Town.

Section 2-2-4 Failure To Sign Documents

If the Mayor refuses or fails to sign any Ordinance, Resolution, Contract, Warrant, Demand or other document or instrument requiring his signature for five (5) days consecutively, then a majority of the members of the Council may, at any regular or special meeting, authorize the Vice Mayor, or in his absence, an acting Mayor to sign such Ordinance, Resolution, Contract, Warrant, Demand or other

document or instrument which when so signed shall have the same force and effect as if signed by the Mayor.

ARTICLE 2-3 COUNCIL ELECTION

- [Section 2-3-1 Time Of Elections](#)
- [Section 2-3-2 Primary Election](#)
- [Section 2-3-3 Non-Political Ballot](#)
- [Section 2-3-4 General Election Nomination](#)
- [Section 2-3-5 Election To Office](#)
- [Section 2-3-6 Candidate Financial Disclosure](#)
- [Section 2-3-7 All Mail Ballot Elections](#)

Section 2-3-1 Time Of Elections

The date of the general election shall be the date of the General Election of the State of Arizona. Prior to the general election date, commencing with the year 2020, the primary election shall be held on the date of the primary election of the State of Arizona.

(Ord. 1173/1-17) (Ord. 947/7-05) (Ordinance 1201/9-19)

HISTORY

Amended by Ord. [947](#) on 7/5/2005
Amended by Ord. [1173](#) on 1/16/2017
Amended by Ord. [1201](#) on 9/3/2019

Section 2-3-2 Primary Election

Any candidate who receives at the Primary Election a majority of all the votes cast at that election for that office shall be declared elected to the office for which that person is a candidate effective as of the date of the general election, and no further election shall be held as to said candidate. If more candidates receive a majority of votes cast than there are seats to be filled for that office, then those candidates who receive the highest number of votes equal to the number of seats to be filled for the office shall be declared elected to that office. The majority of votes cast shall be determined pursuant to Arizona State Law.

(Ord. 1031/3-09) (Ord. 1163/5-16)

HISTORY

Amended by Ord. [1031](#) on 3/2/2009
Amended by Ord. [1163](#) on 5/2/2016

Section 2-3-3 Non-Political Ballot

Nothing on the ballot in any election shall be indicative of the source of candidacy or the support of the candidate.

Section 2-3-4 General Election Nomination

If at any primary election held as above provided there be any office for which no candidate is elected, then as to such office, the primary election shall be considered to be a primary election for nomination of candidates for such office, and the general municipal election shall be held to vote for candidates to fill such office. Candidates to be placed on the ballot at the general municipal election shall be those not elected at the primary election and shall be equal in number to twice the number to be elected to any given office or less than that number if there be less than that number named on the primary election ballot. Persons who receive the highest number of valid ballots cast for the respective offices at such first election shall be the only candidates at such second election, provided that if there be any person who, under the provisions of this Article would have been entitled to become a candidate for any office

except for the fact that some other candidate received an equal number of valid ballots cast therefore, then all such persons receiving an equal number of valid ballots cast shall likewise become candidates for such office.

(Ord. 1031/3-09)

HISTORY

Amended by Ord. [1031](#) on 3/2/2009

Section 2-3-5 Election To Office

The Candidates equal in number to the persons to be elected who receive the highest number of votes shall be declared elected.

Section 2-3-6 Candidate Financial Disclosure

Each candidate for Office of Councilmember shall file a Financial Disclosure Statement when such candidate files a Nomination Paper. The statement shall contain such information as required by resolution of the Council.

Section 2-3-7 All Mail Ballot Elections

The Town may hold all mail ballot elections as determined for each election by the Council or County Recorder's Officer.

(Ordinance 1201/9-19) (Ord. 1119/3-13)

HISTORY

Amended by Ord. [1119](#) on 3/18/2013

Amended by Ord. [1201](#) on 9/3/2019

ARTICLE 2-4 INITIATIVE AND REFERENDUM

[Section 2-4-1 \(Repealed In Ordinance 740 On 03/18/1991\)](#)

[Section 2-4-2 \(Repealed In Ordinance 740 On 03/18/1991\)](#)

[Section 2-4-3 \(Repealed In Ordinance 740 On 03/18/1991\)](#)

[Section 2-4-4 \(Repealed In Ordinance 740 On 03/18/1991\)](#)

[Section 2-4-5 Expenditures Required By Initiative Or Referendum; Funding Source](#)

(Ord. 740/03-1991 Repealed 732)

HISTORY

Amended by Ord. [732](#) on 11/19/1990

Amended by Ord. [740](#) on 3/18/1991

Section 2-4-1 (Repealed In Ordinance 740 On 03/18/1991)

Section 2-4-2 (Repealed In Ordinance 740 On 03/18/1991)

Section 2-4-3 (Repealed In Ordinance 740 On 03/18/1991)

Section 2-4-4 (Repealed In Ordinance 740 On 03/18/1991)

Section 2-4-5 Expenditures Required By Initiative Or Referendum; Funding Source

- A. An initiative or referendum measure that proposes a mandatory expenditure of Town revenues for any purpose, establishes a fund for any specific purpose, or allocates funding for any specific

purpose must also provide for an increased source of revenues sufficient to cover the entire immediate and future costs of the proposal. The increased revenues may not be derived from the Town General Fund or reduce or cause a reduction in General Fund revenues.

B. If the identified revenue source provided pursuant to Subsection A in any fiscal year fails to fund the entire mandated expenditure for that fiscal year, the Town Council may reduce the expenditure of Town revenues for that purpose in that fiscal year to the amount of funding supplied by the identified revenue source.

(Ord. 1115/12-12)

HISTORY

Amended by Ord. [1115](#) on 12/17/2012

ARTICLE 2-5 COUNCIL PROCEDURE

[Section 2-5-1 Regular Meetings](#)

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[Section 2-5-9 Suspension Of Rules](#)

[Section 2-5-10 Sergeant-At-Arms](#)

Section 2-5-1 Regular Meetings

The Council shall meet regularly for the transaction of business on the first and third Monday of each month. If the regular meeting date falls on a holiday, the Council shall meet on the next successive business day. Council shall cancel the second meeting in July and second meeting in August as a summer break, as well as the first meeting in January. Additionally, by motion the Council may cancel or reschedule other council meetings throughout the year, as needed. Meetings shall be at Town Hall, located at 155 N. Tegner Street, Wickenburg, Arizona and shall begin at 5:30 p.m.

(Ord 952/11-18-05) (Ord. 1060/12-09) (1169/9-16) (Ord. 1184/06-18)

HISTORY

Amended by Ord. [952](#) on 10/17/2005

Amended by Ord. [1060](#) on 11/30/2009

Amended by Ord. [1169](#) on 9/19/2016

Amended by Ord. [1184](#) on 6/4/2018

Section 2-5-2 Special Meetings

The Mayor may convene the Council at any time after giving at least twenty-four (24) hour notice of such meeting to members of the Council and the general public. The notice shall include the date, hour and purpose of such special meeting. In the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances.

Section 2-5-3 Meetings To Be Public

A. All official meetings of the Council at which any legal action is taken shall be open to the public. Notice of meetings shall be given in a manner consistent with State Statutes. Upon approval by a majority vote of the Council, the Council may meet in a closed executive session pursuant to the regulations set forth in the Arizona Revised Statutes §38-431.03. (Ord. 914/2-04)

- B. Minutes of executive sessions shall be kept confidential except from members of the Council.
- C. No executive session may be held for the purpose of taking any final action or making any final decision.

HISTORY

Amended by Ord. [914](#) on 2/2/2004

Section 2-5-4 Quorum

A majority of the Councilmembers shall constitute a quorum for transacting business but a lesser number may adjourn from time to time and compel the attendance of absent members.

Section 2-5-5 Agenda

- A. Prior to each Council meeting, or on or before a time fixed by the Council for preparation and distribution of an agenda, whichever is earlier, the Manager shall collect all written reports, communications, Ordinances, Resolutions, Contracts, and other documents to be submitted to the Council, and prepare an agenda according to the order of business and shall furnish each Councilmember, the Mayor, the Clerk and the Attorney with a copy of the agenda and any material pertinent thereto.
- B. Notwithstanding the Mayor's discretion of what items to place on the agenda, if two (2) or more Councilmembers request an item to be placed on the agenda, they shall do so in writing to the Town Clerk in accordance with the Council Agenda deadline calendar. The deadline calendar is available in the Town Clerk's office and is attached to the Council Agenda Request Form. This item must then be placed on a future agenda.
- C. Except in an emergency (as determined by the Mayor or Town Manager), any person desiring to place an item on the agenda shall prepare and deliver a summary of the issue in accordance with the Council Agenda deadline calendar available in the Town Clerk's office and attached to the Council Agenda Request Form. If the request is made by the Mayor or an employee of the Town, the request shall be delivered to the Town Manager; if the request is made in writing by at least two (2) Councilmembers it shall be delivered to the Town Clerk.
- D. All Council forms, reports, communications, ordinances, resolutions, contracts, and other documents to be included in the agenda shall be submitted to the Town Clerk for review in accordance with the Council Agenda deadline calendar available in the Town Clerk's office and attached to the Council Agenda Request Form. The final agenda shall be prepared by the Town Clerk, under the direction of the Town Manager, approved as to form by the Town Attorney and accepted by the Mayor. Council packets shall be posted on the Town website at least twenty-four (24) hours prior to the Council Meeting. The Town Manager shall have the authority to waive the requirements set forth in the Council Agenda deadline calendar if it is determined to be in the best interest of the Town.
- E. The agenda format as approved by ordinance of the Town Council shall generally be used for all regular Council Meetings, although variations may be made from time to time. For special meetings, study sessions, and other such events including joint meetings with other entities, retreats, sub-committee meetings and task force meetings. In all instances, shall comply with the Arizona Open Meeting Laws.
- F. Agenda items requiring action by Mayor & Council, which are generally routine items, not believed to be controversial, not requiring Council discussion, basic contract renewals, or issues already discussed or heard at a public hearing for which final adoption by resolution or ordinance is needed may be contained in a consent agenda. A single motion and affirmative vote "to approve the consent agenda" will approve all items in the consent agenda, including any resolutions or ordinances included in said consent agenda. Prior to a motion to approve the

consent agenda, and upon the request of any Councilmember, any item of the consent agenda can be removed and considered immediately following approval of the remaining items left on the consent agenda. If the consent agenda is not passed, Council may discuss and vote upon each item listed on the consent agenda immediately after the failed vote. The consent agenda, if needed, shall always be the first item under "new business" on a Council Agenda.

(Ord. 1113/11-2012)

HISTORY

Amended by Ord. [1113](#) on 11/5/2012

Section 2-5-6 Order Of Business

The business of the Council shall be taken up for consideration and disposition in the following order unless otherwise directed by a majority of the Council:

A. **Call to Order.** The Mayor shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Council to order. In the absence of the Mayor, the Vice Mayor shall call the Council to order. In the absence of both the Mayor and Vice Mayor, the Clerk shall call the Council to order and an acting Mayor shall be selected to chair the meeting. Upon the arrival of the Mayor or the Vice Mayor, the Vice Mayor or the acting Mayor shall immediately relinquish the chair upon the conclusion of the business immediately before the Council. The Mayor shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meetings in accordance with the parliamentary rules contained in Robert's Rules of Order unless otherwise specified.

(Ord. 895/6-03)

HISTORY

Amended by Ord. [895](#) on 6/19/2003

Section 2-5-7 Committees And Commissions

The Council may create such committees and commissions, standing or special, as it deems necessary. They shall consist of as many members and shall perform such duties as the Council may require and shall exist at the pleasure of the Council.

Section 2-5-8 Voting

- A. The Mayor shall vote as a member of the Council.
- B. The ayes and nays upon all questions shall be taken and entered in the minutes.

Section 2-5-9 Suspension Of Rules

Any of the provisions of this Article may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths (3/4) of the members present, except that this Section shall not be construed to permit any action that is contrary to State Statutes.

Section 2-5-10 Sergeant-At-Arms

- A. The Chief of Police or such member or members of the Police Department as the Chief may designate, shall be the Sergeant-At-Arms of the regular and special meetings and work sessions of the Council.

1. The Sergeant-At-Arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the regular and special meetings, and work sessions.
2. Upon instructions of the presiding officer, it shall be the duty of the Sergeant-At-Arms, or such other members of the Police Department present, to remove any person from the Town Council Chambers who violates the order of decorum of the meeting. Subject to the discretion of the Sergeant-At-Arms, such person may also be placed under arrest and charged as permitted under Town or Arizona laws.

(Ord. 1081/12-10)

HISTORY

Amended by Ord. [1081](#) on 12/6/2010

ARTICLE 2-5A SPECIAL ELECTIONS

Section 2-5A-1 Purpose; Election Dates

(Ord. 946/6-05)

HISTORY

Amended by Ord. [946](#) on 6/6/2005

Section 2-5A-1 Purpose; Election Dates

The Council may call a special election for any purpose authorized by law. Special elections shall only be held on one of the consolidated election dates authorized by /in A.R.S. §16-204 as amended.

ARTICLE 2-6 ORDINANCES, RESOLUTIONS AND CONTRACTS

Section 2-6-1 Prior Approval

Section 2-6-2 Introduction

Section 2-6-3 Adoption

Section 2-6-4 Requirements For An Ordinance

Section 2-6-5 Effective Date Of Ordinances

Section 2-6-6 Signatures Required

Section 2-6-7 Publishing Required

Section 2-6-8 Posting Required

Section 2-6-1 Prior Approval

All ordinances, resolutions and contract documents shall, before passage by the Council, have been reviewed as to form by the Attorney and shall, when there are substantive matters of administration involved, be referred to the person who is charged with the administration of the matters. Such person shall have an opportunity to present his comments, suggestions and objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.

Section 2-6-2 Introduction

Ordinances, resolutions and other matters or subjects requiring action by the Council, shall be introduced and sponsored by a member of the Council, except that the Attorney or the Manager may present ordinances, resolutions and other matters or subjects to the Council and any Councilmember may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise they shall not be considered.

Section 2-6 3 Adoption

All ordinances, except emergency ordinances, shall require the affirmative vote of a majority of all Councilmembers present at any regular or special Council meeting in order to become effective. Emergency ordinances and resolutions shall require the affirmative vote of three-fourths (3/4) of all the members of the Council.

No ordinance shall be passed unless all Councilmembers present at the meeting are in possession of copies of such Ordinance.

(Ord. 842/4-5-99)

HISTORY

Amended by Ord. [842](#) on 4/2/1999

Section 2-6-4 Requirements For An Ordinance

Each ordinance may have only one subject, the nature of which is clearly expressed in the title. Whenever possible, each ordinance shall be introduced as an amendment to this Code or to an existing ordinance and, in such case, the title of the Sections to be amended shall be included in the ordinance.

Section 2-6-5 Effective Date Of Ordinances

No ordinance, resolution or franchise shall become operative until thirty (30) days after its passage by the Council and approval by the Mayor, except measures necessary for the immediate preservation of the peace, health or safety of the Town, but such an emergency measure shall not become immediately operative unless it states in a separate Section the reason why it is necessary that it should become immediately operative and, unless it is approved by the affirmative vote of three-fourths (3/4) of all the members elected to the Council, taken by ayes and nays.

Section 2-6-6 Signatures Required

Every ordinance passed by the Council shall, before it becomes effective, be signed by the Mayor and attested by the Clerk.

Section 2-6-7 Publishing Required

- A. Only such ordinances, orders, resolutions, motions, regulations or proceedings of the Council shall be published as may be required by State Statutes or expressly ordered by the Council.
- B. Notices of election, invitations for bids, notices of letting contract and notices of a public character specifically authorized by the Council shall be published once in a weekly newspaper.
- C. In all cases where laws or ordinances are enacted on behalf of a private person, such person shall pay the expenses of any required publication.

Section 2-6-8 Posting Required

Every ordinance imposing any penalty, fine, forfeiture or other punishment shall, after passage, be posted by the Clerk in three (3) or more public places within the Town and an affidavit of the person who posted the ordinances shall be filed in the Office of the Clerk as proof of posting.

ARTICLE 2-7 ANNEXATION POLICY

Section 2-7-1 Request Services From Town

Section 2-7-2 Inclusion In Capital Improvement Program

[Section 2-7-3 Right To Refuse To Annex Territory](#)

[Section 2-7-4 Road Dedication Requirements](#)

(Ord. 960/4-3-06)

HISTORY

Amended by Ord. [960](#) on 4/3/2006

Section 2-7-1 Request Services From Town

Any person, firm, partnership or corporation which desires to annex real property into the Town may, upon certification by the Town Planner that the property is eligible for annexation, request the Town to provide one (1) or more of the following services without cost or monetary obligation to the applicant. Such services may be furnished at the option of the Town and are as follows:

- A. The preparation of all maps and petitions required to accomplish the requested annexation.
- B. Personnel costs and attendant fees incurred by the Town to utilize Town employees or other methods to circulate the Petition on behalf of the applicant.
- C. Processing applications for a change in the zoning classification, which may include Planned Area Developments on the property being annexed in accordance with State and local statutes, provided that the request for the zone change is applied for simultaneously with the request for annexation and has been completed within two (2) years after the date of application.

Section 2-7-2 Inclusion In Capital Improvement Program

Upon annexation as determined by adoption of the appropriate ordinance, and subject to approval by the Mayor and Council, all existing development within the area so annexed will be included in the Town's current Capital Improvement Program and those street improvements along with sewer and water line extensions normally provided by the Town will be scheduled for construction.

Section 2-7-3 Right To Refuse To Annex Territory

Nothing in this Article shall require the Mayor and Council to annex any territory into the Town.

Section 2-7-4 Road Dedication Requirements

Dedication of private roads in newly annexed territory will be accepted into the Town's streets and roads system in compliance with Section 8-3-9 of this Code.

(Ord. 979/5-07)

HISTORY

Amended by Ord. [979](#) on 3/19/2007