



ORDINANCE 2006-A336

**AN ORDINANCE OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA,
ADOPTING AN AMENDMENT TO THE TOWN CODE ARTICLE 7-7
RELATING TO ENFORCEMENT PROCEDURES FOR VIOLATIONS OF
TOWN CODES, CHANGING THE HEADING THEREOF
AND ADDING SECTION 7-7-1 RELATING TO INSPECTION WARRANTS.**

WHEREAS, It is in the best interest of the Town of Camp Verde to adopt an inspection warrant procedure to assist in the enforcement of the Town Code;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE:

Section 1:The Town Council hereby approves **Ordinance 2006-A336** for the purpose of amending the TOWN CODE as follows:

- A. The heading of Article 7-7 is hereby amended to read as follows:

Article 7-7

**ENFORCEMENT PROCEDURES FOR VIOLATIONS
OF ZONING BUILDING CODES OF TOWN CODE**

- B. Section 7-7-1 is hereby added to read as follows:

Section 7-7-1 Inspection Warrant.

- A. An "inspection warrant" is an order, in writing, in the name of the people, signed by a judge or magistrate of a court of competent jurisdiction, directed to a state, county or local official, commanding him to conduct any inspection required or authorized by state, county or local law or regulation relating to building, fire, safety, plumbing, electrical, health or zoning.
- B. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the place, dwelling, structure, premises or vehicle to be searched and the purpose for which the search is made. In addition, the affidavit shall contain either a statement that consent to inspect has been sought and refused or facts or circumstances reasonable justifying the failure to seek such consent.
- C. Cause shall be deemed to exist if either reasonable legislative or administrative standards for conducting a routine or area inspection are satisfied with respect to the particular place, dwelling, structure, premises or vehicle, or there is reason to believe

that a condition of nonconformity exists with respect to the particular place, dwelling, structure, premises or vehicle.

- D. Before issuing an inspection warrant, the judge may examine on oath the applicant and any other witnesses, and shall satisfy himself of the existence of grounds for granting such application.
- E. If the judge is satisfied that cause for the inspection exists, he shall issue the warrant particularly describing each place, dwelling, structure, premises or vehicle to be inspected and designating on the warrant the purpose and limitations of the inspection, including the limitations required by this section
- F. An inspection warrant shall be effective for the time specified therein, but not for a period of more than fourteen (14) days, unless extended or renewed by the judge who signed and issued the original warrant upon satisfying himself that such extension or renewal is in the public interest. Such inspection warrant must be executed and returned to the judge by whom it was issued within the time specified in the warrant or within the extended or renewed time. After the expiration of such time the warrant, unless executed, is void.
- G. An inspection pursuant to this warrant may not be made between 6:00 p.m. of any day and 8:00 a.m. of the succeeding day, nor in the absence of an owner or occupant of the particular place, dwelling, structure, premises or vehicle unless specifically authorized by the judge upon a showing that such authority is reasonably necessary to effectuate the purpose of the regulation being enforced. An inspection pursuant to a warrant shall not be made by means of forcible entry; except that the judge may expressly authorize a forcible entry where facts are shown sufficient to create a reasonable suspicion of violation of a state, county or local law or regulation relating to buildings, fire, safety, plumbing, electrical, health or zoning, which, if such violation existed, would be an immediate threat to health or safety, or where facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful. Where prior consent has been sought and refused, notice to the owner or occupant that a warrant has been issued must be given at least twenty-four (24) hours before the warrant is executed, unless the judge finds that immediate execution is reasonably necessary in the circumstances shown.
- H. Any person who willfully refuses to permit an inspection lawfully authorized by warrant issued pursuant to this article is guilty of a misdemeanor punishable as set forth in Article 1-8 of this code.

Section 3. This ordinance is effective upon completion of publication and any posting as required by law.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance 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.

PASSED AND ADOPTED by a majority vote of the Town Council of in open meeting by the Town Council, Town of Camp Verde, Arizona, on October 25, 2006, to be effective when publication and posting, pursuant to ARS 9-813, is completed.

Approved: Tony Gioia 10-26-06
Tony Gioia, Mayor

Attest: Deborah Barber
Deborah Barber, Town Clerk

Approved as to form:

Town Attorney: C. Brad Woodford