ORDINANCE 2011-A372

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA ADOPTING BY REFERENCE THE TOWN OF CAMP VERDE TOWN CODE. A RECODIFICATION OF SELECTED PRIOR ORDINANCES OF THE TOWN, AND PROSCRIBING PENALTIES FOR VIOLATIONS THEREOF.

Section 1. Adoption by Reference. Pursuant to A.R.S. Section 9-802 (as amended) the Town hereby adopts for application and enforcement the **Town of Camp Verde Town Code**, dated May 18, 2011, a compilation of selected previously-adopted and modified ordinances that are declared a public record pursuant to Resolution 2011-843 and attached thereto.

Section 2. Effective Date. The effective date of the **Town of Camp Verde Town Code,** dated May 18, 2011, shall be June 17, 2011, or upon completion of publication and posting as a penal ordinance as provided by law, whichever date is later.

Section 3. Repeal. The **Town of Camp Verde Town Code** generally excludes ordinances concerning zoning, taxation, or adoption of intergovernmental agreements.

Section 4. Copies of the Town Code. At least three (3) copies of the **Town of Camp Verde Town Code,** dated May 18, 2011, and any future amendments or revisions, shall be kept on file in the office of the Town Clerk for public access. Additional copies may be purchased by the public at nominal cost for materials and reproduction. Copies placed for public access shall be readily available for public inspection during normal working hours.

Section 5. Penalty. Pursuant to A.R.S. Section 9-240.B.29 and A.R.S. Section 13-602, it is hereby declared that any violation of the **Town of Camp Verde Town Code,** dated May 18, 2011, and revisions adopted thereto is a Class 2 misdemeanor, with punishment as provided by law, unless otherwise specified within a particular section of the **Code.** For purposes of A.R.S. Section 9-803, the provisions of the Town of Camp Verde Town Code concerning penalty clauses are set forth on Exhibit A to this Ordinance.

PASSED AND ADOPTED by a majority vote of the Town Council in an open meeting by the Town Council, Town of Camp Verde, Arizona, on May 18, 2011, to be effective when publication and posting, pursuant to A.R.S. Section 9-813, is completed.

Approved: _____ Date: 5-19-2011

Mayor Bob Burnside

Attest: _____

Deborah Barber, Town Clerk

Approved as to form: _____

W.J. Sims, Town Attorney

EXHIBIT A

TOWN OF CAMP VERDE TOWN CODE PENALTY CLAUSES

Section 1-8 Penalty

Any person who violates or fails to comply with any provision of this article shall be guilty of a Class 2 misdemeanor, with punishment as provided by law, unless otherwise specified within a particular section of the Code.

Article 7-7
ENFORCEMENT PROCEDURES FOR VIOLATIONS OF TOWN CODE

Section 7-7-1 General Provisions.

A. Violations of this Code and Zoning Ordinances of the Town may be filed under the criminal or civil enforcement procedures below or by any means stated including Section 1.8 of this Code. A person shall not be charged with both a civil and criminal offense for the same violation on the same date, but a subsequent violation against the same property or person may be charged as civil rather than criminal.

B. For the purpose of enforcement of this Code unless otherwise stated, there is hereby created the position of Code Enforcement Officer. The Community Development Director, or designee, acting as the Zoning Administrator (ARS 9-462.05C, as may be amended) shall administer and enforce this Ordinance, up to and including the issuance by the Marshall's Department of criminal charges against violators.

Section 7-7-2 Criminal Citation: A criminal citation is used when: the offense is serious and requires immediate action, the alleged violator has ignored previous warnings or notice, has refused to work with the Town toward compliance, or the violation is a repeat of a previous offense.

Section 7-7-3 Civil Offense. Violations of zoning and code ordinances of the Town may be filed under the civil enforcement procedures and are declared to be civil offenses. A person shall not be charged with both a civil and criminal offense for the same violation on the same date, but a subsequent violation against the same property or person may be charged as criminal rather than civil.

Section 7-7-4 Notice and Citation Procedure:

Unless otherwise stated in this Code the following notice procedure shall be used:

a. Verbal/Courtesy Warning: A verbal or written warning may be provided by the Code Enforcement Officer to the alleged party in violation, as a courtesy, when the violation is not considered immediately serious to the health, safety, or property of others, permitting a minimum of 10 days to correct, or make timely arrangements to correct, the violation.

b. Written Notice of Violation: A written notice of violation is provided when: personal contact cannot be made, because access to the property is prevented, the occupant is not on the premises or has ignored an earlier courtesy warning. The time frame for compliance, not to exceed 60 days from the first courtesy warning, is at the discretion of the Code Enforcement Official.

c. Criminal Citation: A criminal citation is used when: the offense is serious and requires immediate action, the alleged violator has ignored previous warnings, has refused to work with the Town toward compliance, or the violation is a repeat of a previous offense.

For the purpose of enforcement of the Town Code, violations of any adopted building code in conjunction with a code violation will be considered violations of the Town Code as well, and appropriate, simultaneous enforcement action shall be taken by the Building Official.

CHAPTER 9
BUSINESS REGULATIONS
Article 9-1
PEDDLER'S/SOLICITOR'S LICENSE

Section 9-1-1 Definitions

e. "Producer" includes owners, proprietors or tenants of agricultural lands, orchards, farms and gardens whereon food products are grown, raised, or prepared for market. "food product" includes: every product of the soil in its natural or manufactured state, including, without limitation, beef and beef products; swine and pork products; fowls and poultry products; eggs and egg products; milk and milk products; honey, and lamb and sheep products.

Section 9-1-2 License Required

It is unlawful for any peddler, solicitor, canvasser, transient merchant, itinerant merchant, or itinerant vendor to engage in such business within the corporate limits of the Town without first obtaining a Peddler/Solicitor's license in compliance with the provisions of this chapter. This article does not apply to participants of Town Events who have paid booth fees, OR garage sales, auctions, sidewalk sales, Home-Based Party Sales Of Items For Personal Use (Avon, Tupperware, Etc.), student fund raising sales, and bake sales that occur less than three (3) times per year. This article also does not apply to licensed retail businesses that conduct occasional off-site sales events, such as car and recreational vehicle shows and home shows. However, off-site sales may require zoning clearance.

9-1-2.1 EXEMPTIONS

A person conducting the following shall be exempt from this chapter. **(Note: fireworks sales are not exempt from this chapter.):**

a. Activities required by statute or by order of any court
b. Bona fide auction sales pursuant to Arizona law
c. Religious, political, or nonprofit organizations, as recognized by internal revenue service (must provide documentation)
d. School and youth activities (i.e. boy scouts, girl scouts, church clubs, youth sports groups, etc.).
e. Fund raising activities intended to provide financial assistance to the gravely ill, to assist the victims of crimes, disasters, or the less fortunate, for the construction of a community facility, etc.
f. Governing agencies (federal, state, county, city or town)
g. Outdoor sales or activities being conducted on a property directly related to the primary sales of a business located on the same property (though, activity shall be subject to zoning compliance)
H. Any business or vendor that is participating in a community-wide special event activity that is sponsored by the Town or a private organization. However, a vendor who does not have a permanent Camp Verde business license must obtain a temporary business license for special events pursuant to the Town of Camp Verde special event policy.
A. Producer of farm products on agricultural lands, farms, and gardens
B. Activities intended to increase public awareness of public programs.

Section 9-1-3 Applications

A. Applicants for a Peddler/Solicitor's License under this chapter must file with the clerk a sworn application in writing, on a form to be furnished by the Clerk, which shall give the following information:

1. A current and valid driver's license or other form of State issued identification that includes the applicant's name, description, and recent photograph.

2. Complete address, physical and mailing, of the peddler/solicitor

3. A brief description of the nature of the business and the goods to be sold.

4. Verification of a Transaction Privilege Tax License.

5. If employed, the name and address of the employer, together with credentials establishing the exact relationship.

6. The length of time for which the right to do business is desired. No Peddler/Solicitor's License shall be issued for a period longer than three (3) consecutive days.

7. If a vehicle is to be used, a complete description, including make, model, license plate number, vehicle identification number, and other identifying characteristics of all vehicles that will be used in the business.

8. A statement as to whether or not the applicant has ever been convicted of any crime, misdemeanor, or violation of any municipal laws and the nature of the offense and the punishment or penalty assessed therefore.

9. If operating from a specific location (i.e. retail parking lot) and not door-to-door, original written and signed letter of consent from the property owner of record permitting the activity or event.

10. Copies of any necessary health or other regulatory permits required by law.

B. No license issued hereunder shall be transferable.

Section 9-1-4 Licensing, Bonding, and Fees

A. Fees

The license fees for peddlers, solicitors, canvassers, and transient merchants and the application fee provided in Section 9-1-3 shall be determined by resolution of the Council, but is no less than the actual costs associated with a background check. No fee shall be required of any person, agency, or agent selling products of the farm, SOIL, or orchard.

B. Bond Required

The applicant shall post either a certified check or a surety bond payable to the Town of Camp Verde in the amount of one thousand dollars ($1,000) with the Town Clerk. Every business, firm, company, or corporation, which has employees or agents acting in the capacity of peddler, solicitor, canvasser, or transient merchant, shall file with the clerk a blanket surety bond covering all such employees or agents and running to the Town in the amount of five thousand dollars ($5,000).the surety bond must remain active for the duration of the license. If the bond is cancelled or renewal premiums are not paid, the license will be revoked immediately. Surety bonds must include the following statement, at minimum: this bond meets the requirements of chapter 9, business regulations, of the Town Code.

C. License

The applicant shall submit fingerprint(s) and all fees associated with the cost of a background check to the marshal's office for a complete background check. The clerk shall forward a copy of the application to the marshal's office. The marshal's office shall have ten (10) working days in which to respond with comments or concerns. Following a clean background investigation and payment of license fees, the clerk shall issue the peddler/solicitor's license for a period not to exceed three (3) days. The license shall be displayed with the peddler/solicitor at all times.

Peddler/solicitor's license may be issued to the same person(s) or organization no more than three (3) times in a one-year period.

Article 9-2 OFF-PREMISES CANVASSING AND SIGNAGE

SECTION 9-2 Definitions

A. "Off-premises solicitations" mean activities initiated by businesses or its representatives that is meant to engage the public in a conversation in order to consummate a business transaction.
B. "Visitor's Center" means the Town of Camp Verde facility operated as the Town's official Visitor's Center.
C. "Visitor's Center signage" means that signage that is specific to the Town's official Visitor's Center. No other signage implying that a business is the Town's official Visitor's Center will be permitted.
D. "Business" means any commercial activity in which any real property, timeshare interests, goods, services, or edibles are sold or offered for sale or for rent within the corporate limits of the Town.
E. "Business agent" means the employee, representative, agent, or solicitor of any business.
F. "Enclosed Structure" means a structure having a roof and supported by columns or walls. Enclosed structure does not include any sidewalks under a roofed area.
G. "Goods" shall mean any tangible item, including, but not limited to edibles, merchandise, products, supplies, coupons, pamphlets, brochures, and maps.
H. "Off-Premises Canvassing" (OPC) means person-to-person efforts initiated by a business agent solely intended to interest, entice pedestrians in or solicit the participation of any person to participate in commercial transactions with a business, including, but not limited to offers of goods, cash, discounts on products or services, or other items including the offering of free goods or services of value made in exchange for or with the intent to induce the recipient's willingness to receive information relating to a possible commercial transaction, except when done entirely within an enclosed structure.
I. "OPC employer" means any business or other person who directly hires or otherwise contracts with an OPC solicitor to conduct OPC activities on its behalf.
J. "OPC Solicitor" shall mean any person engaged in off-premises canvassing.
K. "Product" shall mean the real property comprising the primary business of a resort or commercial lodging establishment but only that portion of real property that is owned by a resort or commercial lodging establishment which is used exclusively for resort or commercial lodging activity. Such activity includes only the providing of lodging or ancillary services to the provision of lodging for the benefit of the establishment's guests.
L. "Sidewalk" means any outside walkway, public or private, used by pedestrians.
M. "Street" shall means all that area dedicated to public use for public street purposes and is within the jurisdiction and control of the Town of Camp Verde or the Arizona Department of Transportation and shall include, but not be limited to public roadways, parkways, and alleys.

SECTION 9-2-1 Limitations on Off-Premises Canvassing Activity

No person shall engage in off-premise canvassing within the corporate limits of the Town of Camp Verde, except on real property comprising the primary business of a resort or commercial lodging establishment.

SECTION 9-2-2 Signage

It shall be unlawful for any person, company, corporation, OPC solicitor or OPC employer or entity engaged in the procurement of prospective customers for sales, solicitations, presentation or substantially similar activity, to identify or advertise itself by means of any sign, that utilizes the following phrases or substantially similar phrases, ***"tourist information", "tourist center", "visitor information", "visitor center", "activity center", "activity information"***, unless:

A. The identity of the business is disclosed on the face of the sign in letters of sufficient size to be clearly readable to the public, but in no event less than 50% of the average size of the sign text, which is larger; and

B. The words "sales solicitation" are caused to be printed within thirty days after April 20, 2011 in an unobscured manner, in at least clearly readable three-quarter (3/4) inch block letters within two feet of aforementioned signage concerning tourist or visitor information either on the doors to the building or on the exterior wall of the building immediately adjacent to the door; or if the business operates from a booth within another business establishment, the same shall be printed on the front panel of the booth in a location clearly and consistently visible to any persons passing by.
C. The following notice is provided in clearly visible and readable three-quarter (3/4) inch block letters on the doors of the building, or on the exterior wall of the building immediately adjacent to the doors or on any booth referred to in subsection b "complaints or concerns about sales solicitation activity may be reported to the Town of Camp Verde by calling 928-567-6631.
D. Such signs shall comply in all material respects with any ordinances or rules specifying signage standards within the Town of Camp Verde

SECTION 9-2-3 Specific Prohibitions and Appropriate Conduct
In addition to the provisions of any other applicable term of this article, it shall be considered unlawful and a violation of this article for an OPC solicitor to:

A. Interfere with or obstruct the free travel or passage of any pedestrian on any street or sidewalk or obstruct or otherwise impede any person's free movement or access to or from any public street or sidewalk.
B. Throw, place, or deposit solid waste, litter, paper, documents or handbills on any street or sidewalk.
C. Intentionally inflict emotional distress by verbal or physical harassment or coercion on any person.
D. Misrepresent in any way the price, quality, or nature of the product being promoted.
E. Misrepresent the source or sponsor of any information offered or provided.
F. OPC solicitors shall conduct themselves in accordance with the following standards:
    1. No OPC solicitor shall touch a person without consent during a solicitation.
    2. No OPC solicitor shall solicit using any offensively loud sound, vociferous speech, boisterous conduct, or profane or vulgar language.
    3. No OPC solicitor shall solicit an occupant of a vehicle in a public street whether the vehicle is moving, stopped, or parked.

SECTION 9-2-4 Violations and Penalties Any responsible OPC employer and each responsible OPC Solicitor shall be jointly and severally liable for any violations of this article.

1. Any violations of the terms of this article shall be punishable by a civil fine or in the alternative, may be prosecuted as a class 1 misdemeanor. Repeat violations within any 30-day period may also be punishable by a civil fine per violation or a class 1 misdemeanor. In addition, the Town may bring suit for injunctive relief where warranted.
2. The marshal's office and code enforcement official of the community development department is charged with the implementation and enforcement of this article.

Section 9-4-6 Penalty (2006-A332)

Pursuant to Article 1-8, any person that fails to comply with any provision of this Chapter, or uses property in violation of any provision of this article or permit issued herein, shall be guilty of a Class 2 Misdemeanor for the first offense, and a misdemeanor for a second or subsequent offense as to the same property or activity, with each day that the property or activity is not in compliance constituting a separate offense. "Person" includes the property owner, occupant, agent, or any person having control over the use of the property. Enforcement of this ordinance may also be pursuant to Council action under ARS §9-462.05, as may be amended.

CHAPTER 10
HEALTH AND SANITATION
Article 10-1
TRANSPORTATION OF REFUSE

A. **ABANDONED VEHICLE**: means any vehicle, other than one falling within the categories enumerated by Arizona Revised Statutes sections 28-2482 et seq. and 28-4832 et seq. (i.e., horseless carriages, classic cars, historic vehicles, or street rod vehicles), which is without current license plates or tabs, or is inoperable, stripped, unclaimed, junked or discarded. This shall also mean vehicles, other than those categories enumerated above, being repaired, when such repairs take ninety (90) days or more. For purposes of this chapter, the term "abandoned vehicle" may also refer to trailers, and/or dismantled and/or partially dismantled motor vehicles which by reason of dismantling, disrepair, or other causes, are incapable of being propelled under their own power, in addition to the definition herein, except for those categories of motor vehicles specifically exempted herein.

Article 10-2
REMOVAL OF TRASH, RUBBISH, AND DEBRIS

Section 10-2-2 Notice

Written notice of any violation of Section 10-2-1 shall be either personally served or sent to the owner, lessee, or occupant of the property at his last known address by registered or certified mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him at his last known address. The notice shall be dated, signed by the Code Enforcement Officer or Building Official, have attached a copy of this article, and include, at minimum, the following items: property description/address; description of the violation; required mitigation; consequences;

The notice of violation and the assessment lien shall run with the land. The Town, in its sole option, may record a notice of violation with the county recorder and thereby cause compliance by any entity thereafter acquiring such property. The nonfiling of any notice of violation shall in no way affect the validity of such notice as to the entities so notified. A satisfaction of a notice of violation or assessment lien shall be filed when the property is brought into compliance by the owner, occupant or lessee.

Where multiple ownership exists of a property in violation of this chapter, the Town may serve any one (1) owner of record and such service shall be deemed to be service upon any party having or claiming an ownership interest in the property. After service upon any one (1) owner, the Town may fully proceed under this chapter the same as if all owners had been served.

Section 10-2-3 Abatement of Nuisances by Town – Assessment of Costs

When any owner, lessee or occupant to whom notice has been given fails, neglects or refuses to abate the prohibited violation from such property by the date set for compliance within the notice, the Town Manager, or his duly authorized representative, shall abate such violation. Upon abatement of the violation, the Town Manager, or his duly authorized representative, shall prepare an assessment containing a verified statement of the actual cost of such removal or abatement. The owner, lessee or occupant shall be required to pay the actual cost, plus an additional twenty (20) percent of such cost, to the Town within thirty (30) calendar days after the assessment has been mailed to the last known address of record of the owner, lessee or occupant. A duplicate copy of such assessments shall be mailed to the person or persons to whom the original notice of removal was mailed in the manner heretofore prescribed for service of the notice of removal. If the total assessment, including the twenty (20) percent additional charge as set out above, is not paid within thirty (30) calendar days after mailing of the assessment, the Town shall apply a lien to the property in the amount of the original assessment, including the twenty (20) percent additional

charge, plus the cost of title search, recording fees, legal fees and other related fees. Failure to comply will result in civil court action.

Section 10-2-4 Abatement of Emergency Violations by the Town

A. When a violation of this code poses a substantial and immediate threat of serious harm to the health or safety of any person, then the Town may immediately enter the property and take the minimum action necessary to relieve the threat of serious harm. Prior to entering the property, the Town shall obtain:

1. The consent of a person who owns, leases, rents, occupies, controls, or has the right to control the property; or
2. A search warrant from the Town magistrate court authorizing the Town to enter the property and relieve the threat of harm.

The magistrate court shall issue such an order only upon a showing that probable cause exists to believe that a violation of this code, which poses a substantial and immediate threat of serious harm to the health or safety of any person, exists on the property.

B. Any person who owns, leases, rents, occupies, controls, or has the right to control the property that is found to be in violation of this section will be issued a citation for all violations causing the emergency abatement. The magistrate court may impose monetary reimbursement orders as justified by the violations.

Section 10-2-5 Lien for Assessment

An assessment shall be forthwith recorded in the office of the county recorder of Yavapai County, Arizona, and from the date of its recording shall be a lien on such lot, tract of land or premises described in the assessment, until paid. Such liens shall be subject to and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The Town shall have the right to bring an action to enforce the lien in the superior court of Yavapai County, at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments for such purposes and any number of liens on the same private premises may be enforced in the same action. All assessment liens filed with the county recorder shall bear interest at the highest rate of interest permitted by law. If the lot is unimproved, permit issuance for any improvements will be denied until such charges are paid in full.

Section 10-2-6 Responsibility upon Transfer of Property

The transfer of any and all property interests in any manner, including, but not limited to, the sale, trade, lease, gift or assignment of any real property against which a notice of violation has been issued shall not relieve the party(ies) served unless the legal entity assuming an ownership interest in such property, in writing, assumes responsibility for compliance with the notice of violation and a copy of such writing is presented to the Town.

Section 10-2-7 Interference with Enforcement, Abatement

Any person who interferes with, prevents, or attempts to interfere with or prevent an individual employed by the Town or other person contracted by the Town from investigating an alleged violation of this chapter, or from correcting or abating a violation of this chapter, is guilty of a Class 1 misdemeanor.

Section 10-2-8 Violations–Penalties

In addition to any cost incurred, any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be guilty of a Class I misdemeanor punishable pursuant to Arizona State Statutes. Each occurrence or day the violation shall continue shall be a separate offense, punishable as described herein.

ARTICLE 11-2
FIREWORKS

SECTION 11-2-1 DEFINITIONS
SECTION 11-2-2 CONSUMER FIREWORKS PROHIBITED; EXCEPTIONS
SECTION 11-2-3 SALE OF FIREWORKS
SECTION 11-2-4 POSTING OF SIGNS BY PERSONS ENGAGED IN THE SALE OF FIREWORKS; CIVIL PENTALTY
SECTION 11-2-5 AUTHORITY TO ENFORCE VIOLATIONS OF THIS ARTICLE; MEANS OF ENFORCEMENT
SECTION 11-2-6 LIABILITY FOR EMERGENCY RESPONSES RELATED TO USE OF FIREWORKS; DEFINITIONS
SECTION 11-2-7 PENALTY

SECTION 11-2-1 DEFINITIONS

The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All statutory references are to the statutes as they may be amended:

A. **CONSUMER FIREWORKS:** Those fireworks defined by Arizona revised statutes section 36-1601.

B. **DISPLAY FIREWORKS:** Those fireworks defined by Arizona revised statutes section 36-1601.

C. **FIREWORKS:** Any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation that is a consumer firework, display firework or permissible consumer firework as defined by Arizona revised statutes section 36-1601.

D. **NOVELTY ITEMS:** Federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow works, snakes, toy smoke devices, sparklers, and certain toys as defined in Arizona revised statutes section 36-1601.

E. **PERMISSIBLE CONSUMER FIREWORKS:** those fireworks as defined by Arizona revised statutes section 36-1601, that may be sold within the Town of Camp Verde even where the use of those items has been prohibited.

F. **SUPERVISED PUBLIC DISPLAY:** a monitored performance of display fireworks open to the public and authorized by permit by the Camp Verde fire department.

SECTION 11-2-2 CONSUMER FIREWORKS PROHIBITED; EXCEPTIONS

A. The use, discharge, or ignition of consumer fireworks within the town limits of the Town of Camp Verde is prohibited.

B. Nothing in this section or article shall be construed to prohibit the use, discharge or ignition of novelty items or the occurrence of a supervised public display of fireworks.

C. Permits may be granted by the Camp Verde Fire Department for conducting a properly supervised public display of fireworks. Every such public display of fireworks shall be of such character and so located, discharged or fired, only after proper inspection and in a manner that does not endanger persons, animals, or property. A permit shall not be issued, and may be revoked, during time periods of high fire danger warnings. The fire department has authority to impose conditions on any permits granted.

D. Failure to comply with any permit requirements issued by the fire department is a criminal offense constituting a class two misdemeanor.

E. Fireworks may not be combined, altered or manipulated in any way outside of the intended use that, in the opinion of the fire department, increases the potential for fire damage or personal injury.

SECTION 11-2-3 SALE OF FIREWORKS

A. No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under sixteen years of age.

B. No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law.

C. No person shall furnish permissible consumer fireworks to a person who is under sixteen years of age.

D. No person who is under sixteen years of age shall possess permissible consumer fireworks.

E. Permits and fees shall be required for the construction, erection, or operation of a business that sells consumer fireworks.

SECTION 11-2-4 POSTING OF SIGNS BY PERSONS ENGAGED IN THE SALE OF FIREWORKS; CIVIL PENALTY

A. Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs indicating the following:
   1. The use of fireworks, except novelty items, as defined by Town of Camp Verde Town Code, including permissible consumer fireworks, is prohibited.
   2. Consumer fireworks authorized for sale under state law may not be sold to persons under the age of 16.

B. Signs required under this section shall be placed at each cash register and in each area where consumer fireworks are displayed for sale.

C. The community development department shall develop regulations concerning the size and color of the required signs.

D. Any person engaged in the sale of consumer fireworks shall provide a written notice to each individual who purchases consumer fireworks, such notice shall inform the purchaser that the use, discharge, or ignition of consumer fireworks within the Town of Camp Verde is prohibited. The notice shall also inform the purchaser of the key requirements and prohibitions contained in this ordinance. The community development department shall develop regulations concerning the size and content of the required notice and develop a model notice.

E. Any person engaged in the sale of consumer fireworks shall require each purchaser of consumer fireworks to sign a registry indicating the name, address and age of the purchaser.

F. Failure to comply with subparts a, b, d and e of this section is a criminal offense constituting a class two misdemeanor.

SECTION 11-2-5 AUTHORITY TO ENFOCE VIOLATIONS OF THIS ARTICLE; MEANS OF ENFORCEMENT

A. A marshal's office deputy or the Town Attorney may issue criminal complaints to enforce this article.

B. Any person authorized pursuant to this section to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil or criminal complaint.

C. The Town Building Official may issue fire code or permit violations to enforce this article.

SECTION 11-2-6 LIABILITY FOR EMERGENCY RESPONSES RELATED TO THE USE OF FIREWORKS; DEFINITIONS

A. A person who uses, discharges or ignites permissible consumer fireworks, or anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground, is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this article is prima facie evidence of liability under this section.

B. The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subpart A of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred the expenses. The person's liability for the expense of an emergency response shall be the amount set forth in existing Town Ordinances for a single incident. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.

C. For the purposes of this section:

1. "Expenses of an emergency response" means reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident.
2. "Reasonable costs" includes the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident.

SECTION 11-2-7 PENALTY

The penalty for violating any prohibition or requirement imposed by the article is a class two misdemeanor unless another penalty is specifically provided for.

AFFIDAVIT OF POSTING
OFFICE OF THE TOWN CLERK

STATE OF ARIZONA)
) **ss.**
COUNTY OF YAVAPAI)

I, Virginia Jones, Deputy Clerk of the Town of Camp Verde do hereby solemnly swear that a copy of the attached notice in the matter of:

Ordinance 2011-A372

Was posted at Town Hall, Bashas'. And the Camp Verde Community Library on the following dates:

06-06-2011 through 07-06-2011

Virginia Jones
Deputy Clerk
Clerk's Office

ORDINANCE 2011-A372

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA ADOPTING BY REFERENCE THE TOWN OF CAMP VERDE TOWN CODE. A RECODIFICATION OF SELECTED PRIOR ORDINANCES OF THE TOWN, AND PROSCRIBING PENALTIES FOR VIOLATIONS THEREOF.

Section 1. Adoption by Reference. Pursuant to A.R.S. Section 9-802 (as amended) the Town hereby adopts for application and enforcement the **Town of Camp Verde Town Code**, dated May 18, 2011, a compilation of selected previously-adopted and modified ordinances that are declared a public record pursuant to Resolution 2011-843 and attached thereto.

Section 2. Effective Date. The effective date of the **Town of Camp Verde Town Code,** dated May 18, 2011, shall be June 17, 2011, or upon completion of publication and posting as a penal ordinance as provided by law, whichever date is later.

Section 3. Repeal. The **Town of Camp Verde Town Code** generally excludes ordinances concerning zoning, taxation, or adoption of intergovernmental agreements.

Section 4. Copies of the Town Code. At least three (3) copies of the **Town of Camp Verde Town Code,** dated May 18, 2011, and any future amendments or revisions, shall be kept on file in the office of the Town Clerk for public access. Additional copies may be purchased by the public at nominal cost for materials and reproduction. Copies placed for public access shall be readily available for public inspection during normal working hours.

Section 5. Penalty. Pursuant to A.R.S. Section 9-240.B.29 and A.R.S. Section 13-602, it is hereby declared that any violation of the **Town of Camp Verde Town Code,** dated May 18, 2011, and revisions adopted thereto is a Class 2 misdemeanor, with punishment as provided by law, unless otherwise specified within a particular section of the **Code.** For purposes of A.R.S. Section 9-803, the provisions of the Town of Camp Verde Town Code concerning penalty clauses are set forth on Exhibit A to this Ordinance.

PASSED AND ADOPTED by a majority vote of the Town Council in an open meeting by the Town Council, Town of Camp Verde, Arizona, on May 18, 2011, to be effective when publication and posting, pursuant to A.R.S. Section 9-813, is completed.

Approved: _____ Date: 5-19-2011

Mayor Bob Burnside

Attest: _____

Deborah Barber, Town Clerk

Approved as to form: _____

W.J. Sims, Town Attorney

POSTED 06-06-2011 BY _____ DATE/TIME 6-6-2011

EXHIBIT A

TOWN OF CAMP VERDE TOWN CODE PENALTY CLAUSES

Section 1-8 Penalty

Any person who violates or fails to comply with any provision of this article shall be guilty of a Class 2 misdemeanor, with punishment as provided by law, unless otherwise specified within a particular section of the Code.

Article 7-7
ENFORCEMENT PROCEDURES FOR VIOLATIONS OF TOWN CODE

Section 7-7-1 General Provisions.

A. Violations of this Code and Zoning Ordinances of the Town may be filed under the criminal or civil enforcement procedures below or by any means stated including Section 1.8 of this Code. A person shall not be charged with both a civil and criminal offense for the same violation on the same date, but a subsequent violation against the same property or person may be charged as civil rather than criminal.

B. For the purpose of enforcement of this Code unless otherwise stated, there is hereby created the position of Code Enforcement Officer. The Community Development Director, or designee, acting as the Zoning Administrator (ARS 9-462.05C, as may be amended) shall administer and enforce this Ordinance, up to and including the issuance by the Marshall's Department of criminal charges against violators.

Section 7-7-2 Criminal Citation: A criminal citation is used when: the offense is serious and requires immediate action, the alleged violator has ignored previous warnings or notice, has refused to work with the Town toward compliance, or the violation is a repeat of a previous offense.

Section 7-7-3 Civil Offense. Violations of zoning and code ordinances of the Town may be filed under the civil enforcement procedures and are declared to be civil offenses. A person shall not be charged with both a civil and criminal offense for the same violation on the same date, but a subsequent violation against the same property or person may be charged as criminal rather than civil.

Section 7-7-4 Notice and Citation Procedure:

Unless otherwise stated in this Code the following notice procedure shall be used:

a. Verbal/Courtesy Warning: A verbal or written warning may be provided by the Code Enforcement Officer to the alleged party in violation, as a courtesy, when the violation is not considered immediately serious to the health, safety, or property of others, permitting a minimum of 10 days to correct, or make timely arrangements to correct, the violation.

b. Written Notice of Violation: A written notice of violation is provided when: personal contact cannot be made, because access to the property is prevented, the occupant is not on the premises or has ignored an earlier courtesy warning. The time frame for compliance, not to exceed 60 days from the first courtesy warning, is at the discretion of the Code Enforcement Official.

c. Criminal Citation: A criminal citation is used when: the offense is serious and requires immediate action, the alleged violator has ignored previous warnings, has refused to work with the Town toward compliance, or the violation is a repeat of a previous offense.

For the purpose of enforcement of the Town Code, violations of any adopted building code in conjunction with a code violation will be considered violations of the Town Code as well, and appropriate, simultaneous enforcement action shall be taken by the Building Official.

CHAPTER 9
BUSINESS REGULATIONS
Article 9-1
PEDDLER'S/SOLICITOR'S LICENSE

Section 9-1-1 Definitions

e. "Producer" includes owners, proprietors or tenants of agricultural lands, orchards, farms and gardens whereon food products are grown, raised, or prepared for market. "food product" includes: every product of the soil in its natural or manufactured state, including, without limitation, beef and beef products; swine and pork products; fowls and poultry products; eggs and egg products; milk and milk products; honey, and lamb and sheep products.

Section 9-1-2 License Required

It is unlawful for any peddler, solicitor, canvasser, transient merchant, itinerant merchant, or itinerant vendor to engage in such business within the corporate limits of the Town without first obtaining a Peddler/Solicitor's license in compliance with the provisions of this chapter. This article does not apply to participants of Town Events who have paid booth fees, OR garage sales, auctions, sidewalk sales, Home-Based Party Sales Of Items For Personal Use (Avon, Tupperware, Etc.), student fund raising sales, and bake sales that occur less than three (3) times per year. This article also does not apply to licensed retail businesses that conduct occasional off-site sales events, such as car and recreational vehicle shows and home shows. However, off-site sales may require zoning clearance.

9-1-2.1 EXEMPTIONS

A person conducting the following shall be exempt from this chapter. **(Note: fireworks sales are not exempt from this chapter.):**

a. Activities required by statute or by order of any court
b. Bona fide auction sales pursuant to Arizona law
c. Religious, political, or nonprofit organizations, as recognized by internal revenue service (must provide documentation)
d. School and youth activities (i.e. boy scouts, girl scouts, church clubs, youth sports groups, etc.).
e. Fund raising activities intended to provide financial assistance to the gravely ill, to assist the victims of crimes, disasters, or the less fortunate, for the construction of a community facility, etc.
f. Governing agencies (federal, state, county, city or town)
g. Outdoor sales or activities being conducted on a property directly related to the primary sales of a business located on the same property (though, activity shall be subject to zoning compliance)
H. Any business or vendor that is participating in a community-wide special event activity that is sponsored by the Town or a private organization. However, a vendor who does not have a permanent Camp Verde business license must obtain a temporary business license for special events pursuant to the Town of Camp Verde special event policy.
A. Producer of farm products on agricultural lands, farms, and gardens
B. Activities intended to increase public awareness of public programs.

Section 9-1-3 Applications

A. Applicants for a Peddler/Solicitor's License under this chapter must file with the clerk a sworn application in writing, on a form to be furnished by the Clerk, which shall give the following information:

1. A current and valid driver's license or other form of State issued identification that includes the applicant's name, description, and recent photograph.

2. Complete address, physical and mailing, of the peddler/solicitor

3. A brief description of the nature of the business and the goods to be sold.

4. Verification of a Transaction Privilege Tax License.

5. If employed, the name and address of the employer, together with credentials establishing the exact relationship.

6. The length of time for which the right to do business is desired. No Peddler/Solicitor's License shall be issued for a period longer than three (3) consecutive days.

7. If a vehicle is to be used, a complete description, including make, model, license plate number, vehicle identification number, and other identifying characteristics of all vehicles that will be used in the business.

8. A statement as to whether or not the applicant has ever been convicted of any crime, misdemeanor, or violation of any municipal laws and the nature of the offense and the punishment or penalty assessed therefore.

9. If operating from a specific location (i.e. retail parking lot) and not door-to-door, original written and signed letter of consent from the property owner of record permitting the activity or event.

10. Copies of any necessary health or other regulatory permits required by law.

B. No license issued hereunder shall be transferable.

Section 9-1-4 Licensing, Bonding, and Fees

A. Fees

The license fees for peddlers, solicitors, canvassers, and transient merchants and the application fee provided in Section 9-1-3 shall be determined by resolution of the Council, but is no less than the actual costs associated with a background check. No fee shall be required of any person, agency, or agent selling products of the farm, SOIL, or orchard.

B. Bond Required

The applicant shall post either a certified check or a surety bond payable to the Town of Camp Verde in the amount of one thousand dollars ($1,000) with the Town Clerk. Every business, firm, company, or corporation, which has employees or agents acting in the capacity of peddler, solicitor, canvasser, or transient merchant, shall file with the clerk a blanket surety bond covering all such employees or agents and running to the Town in the amount of five thousand dollars ($5,000).the surety bond must remain active for the duration of the license. If the bond is cancelled or renewal premiums are not paid, the license will be revoked immediately. Surety bonds must include the following statement, at minimum: this bond meets the requirements of chapter 9, business regulations, of the Town Code.

C. License

The applicant shall submit fingerprint(s) and all fees associated with the cost of a background check to the marshal's office for a complete background check. The clerk shall forward a copy of the application to the marshal's office. The marshal's office shall have ten (10) working days in which to respond with comments or concerns. Following a clean background investigation and payment of license fees, the clerk shall issue the peddler/solicitor's license for a period not to exceed three (3) days. The license shall be displayed with the peddler/solicitor at all times.

Peddler/solicitor's license may be issued to the same person(s) or organization no more than three (3) times in a one-year period.

Article 9-2 OFF-PREMISES CANVASSING AND SIGNAGE

SECTION 9-2 Definitions

A. "Off-premises solicitations" mean activities initiated by businesses or its representatives that is meant to engage the public in a conversation in order to consummate a business transaction.
B. "Visitor's Center" means the Town of Camp Verde facility operated as the Town's official Visitor's Center.
C. "Visitor's Center signage" means that signage that is specific to the Town's official Visitor's Center. No other signage implying that a business is the Town's official Visitor's Center will be permitted.
D. "Business" means any commercial activity in which any real property, timeshare interests, goods, services, or edibles are sold or offered for sale or for rent within the corporate limits of the Town.
E. "Business agent" means the employee, representative, agent, or solicitor of any business.
F. "Enclosed Structure" means a structure having a roof and supported by columns or walls. Enclosed structure does not include any sidewalks under a roofed area.
G. "Goods" shall mean any tangible item, including, but not limited to edibles, merchandise, products, supplies, coupons, pamphlets, brochures, and maps.
H. "Off-Premises Canvassing" (OPC) means person-to-person efforts initiated by a business agent solely intended to interest, entice pedestrians in or solicit the participation of any person to participate in commercial transactions with a business, including, but not limited to offers of goods, cash, discounts on products or services, or other items including the offering of free goods or services of value made in exchange for or with the intent to induce the recipient's willingness to receive information relating to a possible commercial transaction, except when done entirely within an enclosed structure.
I. "OPC employer" means any business or other person who directly hires or otherwise contracts with an OPC solicitor to conduct OPC activities on its behalf.
J. "OPC Solicitor" shall mean any person engaged in off-premises canvassing.
K. "Product" shall mean the real property comprising the primary business of a resort or commercial lodging establishment but only that portion of real property that is owned by a resort or commercial lodging establishment which is used exclusively for resort or commercial lodging activity. Such activity includes only the providing of lodging or ancillary services to the provision of lodging for the benefit of the establishment's guests.
L. "Sidewalk" means any outside walkway, public or private, used by pedestrians.
M. "Street" shall means all that area dedicated to public use for public street purposes and is within the jurisdiction and control of the Town of Camp Verde or the Arizona Department of Transportation and shall include, but not be limited to public roadways, parkways, and alleys.

SECTION 9-2-1 Limitations on Off-Premises Canvassing Activity

No person shall engage in off-premise canvassing within the corporate limits of the Town of Camp Verde, except on real property comprising the primary business of a resort or commercial lodging establishment.

SECTION 9-2-2 Signage

It shall be unlawful for any person, company, corporation, OPC solicitor or OPC employer or entity engaged in the procurement of prospective customers for sales, solicitations, presentation or substantially similar activity, to identify or advertise itself by means of any sign, that utilizes the following phrases or substantially similar phrases, ***"tourist information", "tourist center", "visitor information", "visitor center", "activity center", "activity information"***, unless:

A. The identity of the business is disclosed on the face of the sign in letters of sufficient size to be clearly readable to the public, but in no event less than 50% of the average size of the sign text; which is larger; and

B. The words "sales solicitation" are caused to be printed within thirty days after April 20, 2011 in an unobscured manner, in at least clearly readable three-quarter (3/4) inch block letters within two feet of aforementioned signage concerning tourist or visitor information either on the doors to the building or on the exterior wall of the building immediately adjacent to the door; or if the business operates from a booth within another business establishment, the same shall be printed on the front panel of the booth in a location clearly and consistently visible to any persons passing by.
C. The following notice is provided in clearly visible and readable three-quarter (3/4) inch block letters on the doors of the building, or on the exterior wall of the building immediately adjacent to the doors or on any booth referred to in subsection b "complaints or concerns about sales solicitation activity may be reported to the Town of Camp Verde by calling 928-567-6631.
D. Such signs shall comply in all material respects with any ordinances or rules specifying signage standards within the Town of Camp Verde

SECTION 9-2-3 Specific Prohibitions and Appropriate Conduct
In addition to the provisions of any other applicable term of this article, it shall be considered unlawful and a violation of this article for an OPC solicitor to:

A. Interfere with or obstruct the free travel or passage of any pedestrian on any street or sidewalk or obstruct or otherwise impede any person's free movement or access to or from any public street or sidewalk.
B. Throw, place, or deposit solid waste, litter, paper, documents or handbills on any street or sidewalk.
C. Intentionally inflict emotional distress by verbal or physical harassment or coercion on any person.
D. Misrepresent in any way the price, quality, or nature of the product being promoted.
E. Misrepresent the source or sponsor of any information offered or provided.
F. OPC solicitors shall conduct themselves in accordance with the following standards:
    1. No OPC solicitor shall touch a person without consent during a solicitation.
    2. No OPC solicitor shall solicit using any offensively loud sound, vociferous speech, boisterous conduct, or profane or vulgar language.
    3. No OPC solicitor shall solicit an occupant of a vehicle in a public street whether the vehicle is moving, stopped, or parked.

SECTION 9-2-4 Violations and Penalties Any responsible OPC employer and each responsible OPC Solicitor shall be jointly and severally liable for any violations of this article.

1. Any violations of the terms of this article shall be punishable by a civil fine or in the alternative, may be prosecuted as a class 1 misdemeanor. Repeat violations within any 30-day period may also be punishable by a civil fine per violation or a class 1 misdemeanor. In addition, the Town may bring suit for injunctive relief where warranted.
2. The marshal's office and code enforcement official of the community development department is charged with the implementation and enforcement of this article.

Section 9-4-6 Penalty (2006-A332)

Pursuant to Article 1-8, any person that fails to comply with any provision of this Chapter, or uses property in violation of any provision of this article or permit issued herein, shall be guilty of a Class 2 Misdemeanor for the first offense, and a misdemeanor for a second or subsequent offense as to the same property or activity, with each day that the property or activity is not in compliance constituting a separate offense. "Person" includes the property owner, occupant, agent, or any person having control over the use of the property. Enforcement of this ordinance may also be pursuant to Council action under ARS §9-462.05, as may be amended.

CHAPTER 10
HEALTH AND SANITATION
Article 10-1
TRANSPORTATION OF REFUSE

A. **ABANDONED VEHICLE:** means any vehicle, other than one falling within the categories enumerated by Arizona Revised Statutes sections 28-2482 et seq. and 28-4832 et seq. (i.e., horseless carriages, classic cars, historic vehicles, or street rod vehicles), which is without current license plates or tabs, or is inoperable, stripped, unclaimed, junked or discarded. This shall also mean vehicles, other than those categories enumerated above, being repaired, when such repairs take ninety (90) days or more. For purposes of this chapter, the term "abandoned vehicle" may also refer to trailers, and/or dismantled and/or partially dismantled motor vehicles which by reason of dismantling, disrepair, or other causes, are incapable of being propelled under their own power, in addition to the definition herein, except for those categories of motor vehicles specifically exempted herein.

Article 10-2
REMOVAL OF TRASH, RUBBISH, AND DEBRIS

Section 10-2-2 Notice

Written notice of any violation of Section 10-2-1 shall be either personally served or sent to the owner, lessee, or occupant of the property at his last known address by registered or certified mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him at his last known address. The notice shall be dated, signed by the Code Enforcement Officer or Building Official, have attached a copy of this article, and include, at minimum, the following items: property description/address; description of the violation; required mitigation; consequences;

The notice of violation and the assessment lien shall run with the land. The Town, in its sole option, may record a notice of violation with the county recorder and thereby cause compliance by any entity thereafter acquiring such property. The nonfilling of any notice of violation shall in no way affect the validity of such notice as to the entities so notified. A satisfaction of a notice of violation or assessment lien shall be filed when the property is brought into compliance by the owner, occupant or lessee.

Where multiple ownership exists of a property in violation of this chapter, the Town may serve any one (1) owner of record and such service shall be deemed to be service upon any party having or claiming an ownership interest in the property. After service upon any one (1) owner, the Town may fully proceed under this chapter the same as if all owners had been served.

Section 10-2-3 Abatement of Nuisances by Town – Assessment of Costs

When any owner, lessee or occupant to whom notice has been given fails, neglects or refuses to abate the prohibited violation from such property by the date set for compliance within the notice, the Town Manager, or his duly authorized representative, shall abate such violation. Upon abatement of the violation, the Town Manager, or his duly authorized representative, shall prepare an assessment containing a verified statement of the actual cost of such removal or abatement. The owner, lessee or occupant shall be required to pay the actual cost, plus an additional twenty (20) percent of such cost, to the Town within thirty (30) calendar days after the assessment has been mailed to the last known address of record of the owner, lessee or occupant. A duplicate copy of such assessments shall be mailed to the person or persons to whom the original notice of removal was mailed in the manner heretofore prescribed for service of the notice of removal. If the total assessment, including the twenty (20) percent additional charge as set out above, is not paid within thirty (30) calendar days after mailing of the assessment, the Town shall apply a lien to the property in the amount of the original assessment, including the twenty (20) percent additional

charge, plus the cost of title search, recording fees, legal fees and other related fees. Failure to comply will result in civil court action.

Section 10-2-4 Abatement of Emergency Violations by the Town

A. When a violation of this code poses a substantial and immediate threat of serious harm to the health or safety of any person, then the Town may immediately enter the property and take the minimum action necessary to relieve the threat of serious harm. Prior to entering the property, the Town shall obtain:

1. The consent of a person who owns, leases, rents, occupies, controls, or has the right to control the property; or
2. A search warrant from the Town magistrate court authorizing the Town to enter the property and relieve the threat of harm.

The magistrate court shall issue such an order only upon a showing that probable cause exists to believe that a violation of this code, which poses a substantial and immediate threat of serious harm to the health or safety of any person, exists on the property.

B. Any person who owns, leases, rents, occupies, controls, or has the right to control the property that is found to be in violation of this section will be issued a citation for all violations causing the emergency abatement. The magistrate court may impose monetary reimbursement orders as justified by the violations.

Section 10-2-5 Lien for Assessment

An assessment shall be forthwith recorded in the office of the county recorder of Yavapai County, Arizona, and from the date of its recording shall be a lien on such lot, tract of land or premises described in the assessment, until paid. Such liens shall be subject to and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The Town shall have the right to bring an action to enforce the lien in the superior court of Yavapai County, at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments for such purposes and any number of liens on the same private premises may be enforced in the same action. All assessment liens filed with the county recorder shall bear interest at the highest rate of interest permitted by law. If the lot is unimproved, permit issuance for any improvements will be denied until such charges are paid in full.

Section 10-2-6 Responsibility upon Transfer of Property

The transfer of any and all property interests in any manner, including, but not limited to, the sale, trade, lease, gift or assignment of any real property against which a notice of violation has been issued shall not relieve the party(ies) served unless the legal entity assuming an ownership interest in such property, in writing, assumes responsibility for compliance with the notice of violation and a copy of such writing is presented to the Town.

Section 10-2-7 Interference with Enforcement, Abatement

Any person who interferes with, prevents, or attempts to interfere with or prevent an individual employed by the Town or other person contracted by the Town from investigating an alleged violation of this chapter, or from correcting or abating a violation of this chapter, is guilty of a Class 1 misdemeanor.

Section 10-2-8 Violations–Penalties

In addition to any cost incurred, any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be guilty of a Class I misdemeanor punishable pursuant to Arizona State Statutes. Each occurrence or day the violation shall continue shall be a separate offense, punishable as described herein.

ARTICLE 11-2
FIREWORKS

SECTION 11-2-1 DEFINITIONS
SECTION 11-2-2 CONSUMER FIREWORKS PROHIBITED; EXCEPTIONS
SECTION 11-2-3 SALE OF FIREWORKS
SECTION 11-2-4 POSTING OF SIGNS BY PERSONS ENGAGED IN THE SALE OF FIREWORKS; CIVIL PENTALTY
SECTION 11-2-5 AUTHORITY TO ENFORCE VIOLATIONS OF THIS ARTICLE; MEANS OF ENFORCEMENT
SECTION 11-2-6 LIABILITY FOR EMERGENCY RESPONSES RELATED TO USE OF FIREWORKS; DEFINITIONS
SECTION 11-2-7 PENALTY

SECTION 11-2-1 DEFINITIONS

The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All statutory references are to the statutes as they may be amended:

A. **CONSUMER FIREWORKS:** Those fireworks defined by Arizona revised statutes section 36-1601.

B. **DISPLAY FIREWORKS:** Those fireworks defined by Arizona revised statutes section 36-1601.

C. **FIREWORKS:** Any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation that is a consumer firework, display firework or permissible consumer firework as defined by Arizona revised statutes section 36-1601.

D. **NOVELTY ITEMS:** Federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow works, snakes, toy smoke devices, sparklers, and certain toys as defined in Arizona revised statutes section 36-1601.

E. **PERMISSIBLE CONSUMER FIREWORKS:** those fireworks as defined by Arizona revised statutes section 36-1601, that may be sold within the Town of Camp Verde even where the use of those items has been prohibited.

F. **SUPERVISED PUBLIC DISPLAY:** a monitored performance of display fireworks open to the public and authorized by permit by the Camp Verde fire department.

SECTION 11-2-2 CONSUMER FIREWORKS PROHIBITED; EXCEPTIONS

A. The use, discharge, or ignition of consumer fireworks within the town limits of the Town of Camp Verde is prohibited.

B. Nothing in this section or article shall be construed to prohibit the use, discharge or ignition of novelty items or the occurrence of a supervised public display of fireworks.

C. Permits may be granted by the Camp Verde Fire Department for conducting a properly supervised public display of fireworks. Every such public display of fireworks shall be of such character and so located, discharged or fired, only after proper inspection and in a manner that does not endanger persons, animals, or property. A permit shall not be issued, and may be revoked, during time periods of high fire danger warnings. The fire department has authority to impose conditions on any permits granted.

D. Failure to comply with any permit requirements issued by the fire department is a criminal offense constituting a class two misdemeanor.

E. Fireworks may not be combined, altered or manipulated in any way outside of the intended use that, in the opinion of the fire department, increases the potential for fire damage or personal injury.

SECTION 11-2-3 SALE OF FIREWORKS

A. No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under sixteen years of age.

B. No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law.

C. No person shall furnish permissible consumer fireworks to a person who is under sixteen years of age.

D. No person who is under sixteen years of age shall possess permissible consumer fireworks.

E. Permits and fees shall be required for the construction, erection, or operation of a business that sells consumer fireworks.

SECTION 11-2-4 POSTING OF SIGNS BY PERSONS ENGAGED IN THE SALE OF FIREWORKS; CIVIL PENALTY

A. Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs indicating the following:
   1. The use of fireworks, except novelty items, as defined by Town of Camp Verde Town Code, including permissible consumer fireworks, is prohibited.
   2. Consumer fireworks authorized for sale under state law may not be sold to persons under the age of 16.

B. Signs required under this section shall be placed at each cash register and in each area where consumer fireworks are displayed for sale.

C. The community development department shall develop regulations concerning the size and color of the required signs.

D. Any person engaged in the sale of consumer fireworks shall provide a written notice to each individual who purchases consumer fireworks, such notice shall inform the purchaser that the use, discharge, or ignition of consumer fireworks within the Town of Camp Verde is prohibited. The notice shall also inform the purchaser of the key requirements and prohibitions contained in this ordinance. The community development department shall develop regulations concerning the size and content of the required notice and develop a model notice.

E. Any person engaged in the sale of consumer fireworks shall require each purchaser of consumer fireworks to sign a registry indicating the name, address and age of the purchaser.

F. Failure to comply with subparts a, b, d and e of this section is a criminal offense constituting a class two misdemeanor.

SECTION 11-2-5 AUTHORITY TO ENFOCE VIOLATIONS OF THIS ARTICLE; MEANS OF ENFORCEMENT

A. A marshal's office deputy or the Town Attorney may issue criminal complaints to enforce this article.

B. Any person authorized pursuant to this section to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil or criminal complaint.

C. The Town Building Official may issue fire code or permit violations to enforce this article.

SECTION 11-2-6 LIABILITY FOR EMERGENCY RESPONSES RELATED TO THE USE OF FIREWORKS; DEFINITIONS

A. A person who uses, discharges or ignites permissible consumer fireworks, or anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground, is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this article is prima facie evidence of liability under this section.

B. The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subpart A of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred the expenses. The person's liability for the expense of an emergency response shall be the amount set forth in existing Town Ordinances for a single incident. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.

C. For the purposes of this section:

1. "Expenses of an emergency response" means reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident.
2. "Reasonable costs" includes the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident.

SECTION 11-2-7 PENALTY

The penalty for violating any prohibition or requirement imposed by the article is a class two misdemeanor unless another penalty is specifically provided for.

Town of Camp Verde
Town Code
TABLE OF CONTENTS

Chapter 1 – General
1-1 How Code Designated and Cites
1-2 Construction of Ordinances
1-3 Definitions
1-4 Reference to Chapters, Articles, or Sections; Conflicting provisions
1-5 Section Headings
1-6 Effect of Repeal
1-7 Severability of Parts of Code
1-8 Penalty
1-9 Repeal of Existing Ordinances
1-10 Effective Date of Code

Chapter 2 Mayor and Council
2-1 Elected Officers
2-2 Mayor
2-3 Council Procedures
2-4 Ordinances, Resolutions and Contracts

Chapter 3 – Administration
3-1 Officers in General
3-2 Officers
3-3 Purchasing
3-4 Financial Policies (2009-A366)

Chapter 4 – Boards, Commissions and Committees
4-1 Membership
4-2 Organization
4-3 Meetings
4-4 General Duties and Requirements
4-5 Committees

Chapter 5 – Municipal Court
5-1 Municipal Court Established; Jurisdiction
5-2 Presiding Officer

Chapter 6 - Animals
6-1 Animal Control and Licensing
6-2 Vicious, Destructive or Dangerous Animals

Chapter 7 – Building
7-1 Adoption of International Code Council Codes, (ICC) and Related Public Codes
7-2 Administrative Building Code
7-3 Conformance with Zoning Ordinance
7-4 Building Official
7-5 Road Specifications and Details
7-6 Street Naming and Addressing
7-7 Enforcement Procedures for Violation of Town Code
7-8 Placement of Utilities Underground and Establishing a Permit
7-9 ~~Stormwater~~Storm Water Protection
7-10 Municipal Development Fees

Chapter 8 – Transaction Privilege Tax
8-1 Adoption of Tax Code

Chapter 9 – Business Regulations
9-1 ~~Casual Business~~ Peddler's/Solicitor's License
9-2 RESERVED FOR FUTURE USE
9-3 Business Licenses
9-4 Mining

Chapter 10 – Health and Sanitation
10-1 Transportation of Refuse
10-2 Nuisance and Removal of Trash, Rubbish, and Debris

Chapter 11 - Offenses
11-1 Offenses

Chapter 12 - Traffic
12-1 Administration
12-2 Traffic Control
12-3 Parking

Chapter 13 – Parks and Recreation; Library
13-1 Parks and Recreation Code
13-2 Library Policies and Procedures

Chapter 14 - Employment
14-1 Employment

Chapter 15 – Manner of Elections
15-1 Call and Notice of Election
15-2 Election Results
15-3 Mail Ballot Procedures
15-4 Initiatives and Referendum

TOWN OF CAMP VERDE
TOWN CODE
CHAPTER 1
GENERAL
Article 1-1
HOW CODE DESIGNATED AND CITED
(1996-A116) (2006-A332)

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of the Town of Camp Verde, Arizona," and may be so cited. Such code may also be cited as the "Camp Verde Town Code."

Article 1-2
CONSTRUCTION OF ORDINANCES

The rules and the definitions set forth in this chapter shall be observed in the construction of this code and the ordinances of the Town unless such construction would be inconsistent with either the ~~manifest~~ obvious intent of the Council, the context of this code or the ordinances of the Town.

Article 1-3
DEFINITIONS

Section 1-3-1 General Rule Regarding Definitions

All words and phrases shall be construed and understood according to the common and approved use of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Section 1-3-2 Definitions

A. Acts by Agents. When an act is required to be done which may by law be done by an agent as the principal, such requirements shall be construed to include all such acts when done by an authorized agent.

B. And, Or. "And" may be read "or," and "or" may be read "and," if the sense requires it.

C. Code. When the word "code" is used, it shall mean the Town Code of the Town of Camp Verde, Arizona unless the context indicates otherwise.

D. Council. When the word "Council" is used, it shall mean the Town Council of the Town of Camp Verde.

E. County. When the word "county" is used, it shall mean Yavapai County, Arizona unless the context clearly ~~requires~~ indicates otherwise.

F. Day. "Day" is the period of time between any midnight and the midnight following.

G. Daytime, Nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

H. Department, Board, Commission, Office, Officer or Employee. Whenever any "department, board, commission, office, officer or employee" is referred to, it shall mean a department, board, commission, office, officer or employee of the Town unless the context ~~requires~~ indicates otherwise.

I. Gender; Singular and Plural. Words of the masculine gender include the feminine; words in the singular include the plural and words in the plural include the singular.

J. Joint Authority. All words purporting to give a joint authority to three or more Town officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

K. Month. "Month" means a calendar month.

L. Oath. "Oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

M. Owner. The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of part of such building or land.

N. Person. The word "person" includes a corporation, company, partnership, association or society as well as a natural person.

O. Personal Property. The term "personal property" includes every species of property, except real property as defined in this section.

P. Preceding, Following. The words "preceding" and "following" mean next before and next after, respectively.

Q. Property. The term "property" includes lands, tenements and hereditament and personal property.

R. Real Property. The term "real property" includes lands, tenements and hereditament.

S. Shall, May. "Shall" is mandatory and "may" is permissive.

T. Signature or Subscription by Mark. "Signature" or "subscription" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

U. State. Whenever "state" is referenced, it shall mean the State of Arizona unless the context clearly requires otherwise.

V. Tenant or Occupant. The word "tenant" or "occupant" applied to a building or land shall include any person holding a written or an oral lease of, or who occupies the whole or part of such building or land, either alone or with others.

W. Tenses. The present tense includes the past and future tenses, and the future includes the present.

X. Time: Computation. The time within which an act is to be done as provided in this code or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is a Saturday, Sunday or holiday it shall be excluded; and when such time is expressed in hours, the whole of Saturday, Sunday or a holiday, from midnight to midnight, shall be excluded.

Y. Time: Reasonable. In all cases where any section of this code shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

Z. Town. When the word "Town" is used, it shall mean the Town of Camp Verde, Yavapai County, Arizona, except as otherwise provided. The words "in the Town" or "within the Town" shall mean and include all territory over which the Town has jurisdiction for the exercise of its police powers or other regulatory powers as authorized by statute.

AA. Week. A week consists of seven consecutive days.

BB. Writing. The term "writing" means any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless expressly provided otherwise.

CC. Year. "Year" means a calendar year unless otherwise provided.

Article 1-4
REFERENCE TO CHAPTERS, ARTICLES, OR SECTIONS: CONFLICTING PROVISIONS

Section 1-4-1 Additional Rules of Construction

In addition to the rules of construction specified in Articles 1-2 and 1-3, the rules set forth in this article shall be observed in the construction of this code.

Section 1-4-2 References to this Code

All references to chapters, articles, or sections are to the chapters, articles, and sections of this code unless otherwise specified.

Section 1-4-3 Conflicting Provisions--Different Chapters

If the provisions of different chapters of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

Section 1-4-4 Conflicting Provisions--Same Chapter

If conflicting provisions are found in different sections of the same chapter, the provisions of the section that is last in numerical order shall prevail unless such construction is inconsistent with the meaning of such chapter.

Article 1-5
SECTION HEADINGS

Headings of the several sections of this code are intended as a convenience to indicate the contents of the section and do not constitute part of the law.

Article 1-6
EFFECT OF REPEAL

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

Article 1-7
SEVERABILITY OF PARTS OF CODE

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses and phrases of this code shall be severable, and, if any provision of this code is held unconstitutional for any reason by a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining provisions of the code.

Article 1-8
PENALTY

A. Any person found guilty of violating any provisions of this code, except as otherwise provided, shall be guilty of a Class 2 misdemeanor, and upon conviction thereof shall be punished as provided by law.

B. Each day that a violation continues shall be a separate offense punishable as herein described.

Article 1-9
REPEAL OF EXISTING ORDINANCES

Section 1-9-1 Effective Date of Repeal

All ordinances of the Town listed in the adopting resolution except those specially exempted, now in force and effect are hereby repealed effective at twelve o'clock noon on November 1, 1996 but all rights, duties, and obligations created by said ordinances shall continue and exist in all respects as if this code had not been adopted and enacted.

Section 1-9-2 Ordinances Exempt from Repeal

The adoption and enactment of this code shall not be construed to repeal or in any way to modify or affect:

A. Any special ordinance or ordinances regarding franchises, annexations, dedications, road abandonment's, or zoning.

B. Any ordinance making an appropriation.

C. Any ordinance affecting any bond issue or by which any bond issue may have been authorized.

D. The running of the statute of limitations in force at the time this code becomes effective.

E. The continued existence and operation of any department, agency, commission or office heretofore legally established or held.

F. Any bond of any public officer.

G. Any taxes, fees, assessments or other charges incurred or imposed.

H. Any ordinances authorizing, ratifying, confirming, approving or accepting any compact or contract with any other municipality, the State of Arizona or any county or subdivision thereof, or with the United States or any agency or instrumentality thereof.

Article 1-10
EFFECTIVE DATE OF CODE
(2006-A332)

Each and every section of this code as herein contained and hereby enacted shall take effect and be in force on and after twelve o'clock noon on ~~September 5, 2006~~ MAY 18, 2011, except that where a later effective date is provided it shall prevail.

CHAPTER 2
MAYOR AND COUNCIL
Article 2-1
COUNCIL

Section 2-1-1 Elected Officers (2008-A355)

A. The elected officers of the Town shall be a Mayor and six Council members. The Mayor and Council members shall constitute the Council and shall continue in office until assumption of duties of office by their duly elected successors.

B. The term of office of the Mayor shall be two years.

C. Council members shall serve four-year staggered terms as provided by ARS § 9-232.02, as may be amended, with three (3) members in each class.

Section 2-1-2 Corporate Powers (2008-A355)

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 Assumption of Office (2008-A355)

Members of the Council shall assume the duties of office at the first meeting in June following the date of the general election at which the Council members were elected, ~~or at any special meeting called to conduct business after the general election by the former Council~~. If a Council candidate, including Mayor, receives a majority of all votes cast at a primary election, then pursuant to ARS § 9-821.01, as may be amended, such candidate shall be declared elected to the office, but effective as of the date of the general election, to be seated as set forth herein.

Section 2-1-4 Vacancies in Council (2008-A355) (2009-A362) (2009-A364)

The Council shall fill by appointment for the unexpired term any vacancy on the Council, including Mayor that may occur for any reason, within 60 days of the vacancy, unless (I) a primary election for Council is set within 120 days and (II) all statutory requirements for filing candidacy papers can be satisfied. A person who has been elected to fill the remainder of an unexpired term of a vacant office may take the oath of office and begin the remainder of the term of office at any time after the canvass of the election. The vacancy shall not reduce any Council quorum requirements.

Section 2-1-5 Oath of Office (2008-A355)

Immediately before assumption of the duties of office, the Mayor and each Council member shall, in public, take and subscribe to the oath of office.

Article 2-2
MAYOR
(2008-A355)(2010-A370)

Section 2-2-1 Direct Election of Mayor (2004-A270) (2008-A355)
A. The Mayor shall be directly elected by the people pursuant to ARS § 9-821.01. If a candidate receives a majority of all votes cast at a primary election, he or she shall be declared Mayor effective as of the date of the general election, and no general election shall be held for that position.

B. The term of the Mayor shall be for two years. In every election one of the declared vacancies on the Council shall be reserved for the election of the Mayor.

C. A candidate may not run for both Mayor and Council member at the same election, a seated Council member whose term is not expiring may not run for the office of Mayor. A Mayor whose term is expiring is permitted to run for the office of Mayor or Council member.

Section 2-2-2 Vice-Mayor (2008-A355)

The Council shall select in June, a Vice Mayor who shall serve for a two-year term at the pleasure of the Council. The Vice Mayor shall assume the duties of the Mayor in the absence, disqualification, or resignation of the Mayor.

Section 2-2-3 Acting Mayor (2001-A210) (2008-A355)

In the absence or disability of both the Mayor and Vice Mayor, the mayor will designate one of the current Council members to serve as acting Mayor who shall have all the powers, duties, and responsibilities of the Mayor during such absence or disability. In the event, the Town Council objects to any such designation, the Council may vote in a public meeting called pursuant to the provisions of this code, to override the mayor's designation and select an alternative person to serve as Acting Mayor.

Section 2-2-4 Powers and Duties of the Mayor (2008-A355)

The Mayor shall be the Chief Elected Official who is the Chief Executive Officer of the Town; except as to the administrative duties delegated ~~by Section 3-2-1~~ to the Manager, or other department heads, and in accordance with the procedures set forth in the code and applicable portions of any personnel manual adopted by the Town.

A. The Mayor shall be the chairperson of the Council and preside over its meetings and its agenda. The Mayor may make and second motions and shall have a voice and vote in all its proceedings.

B. The Mayor shall execute and authenticate by his signature such instruments as the Council or any statutes, ordinances, or this code shall require.

C. The Mayor and members of the Council may make such recommendations and suggestions to the Council, as they may consider proper.

D. The Mayor may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or man-made calamity or disaster or in the event of the threat or occurrence of riot, rout or affray or other acts of civil disobedience which endanger life or property within the Town. After declaration of such emergency, the Mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the Town, including but not limited to:

1. Imposition of a curfew in all or any portion of the Town.
2. Ordering the closing of any business.
3. Closing to public access any public building, street, or other public place.
4. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.

E. The Mayor shall perform such other duties required by state statute and this code as well as those duties required as the Elected Official who is chief executive officer of the Town.

F. At the first meeting in January of each year, Council shall adopt a Policy Statement that authorizes the Mayor to support or oppose bills introduced during Legislative Sessions when they adversely affect the Town's interests and require an immediate response.

Section 2-2-5 Absence of Mayor (2008-A355) (2010-A370)

The Mayor shall not absent himself from the Town for a greater period than SEVEN consecutive days without the consent of Council. In addition, the Mayor shall leave emergency contact numbers with the Town Clerk during the absence.

Section 2-2-6 Failure to Sign Documents (2008-A355)

If the Mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring his signature for five CONSECUTIVE WORKING 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 PROCEDURES
(2002-A218) (2008-A355)

Section 2-3-1 Regular Meetings (2003-A262) (2005-A311) (2005-A314) (2008-A355)
Regular Council Meetings.

The Town Council will hold regular meetings at 6:30 p.m. on the first and third Wednesday of the month at the Town Hall complex on Main Street for general business and public hearings as may be required by law, with the fourth Wednesday set aside for Planning & Zoning matters, and the second Wednesday set aside for work sessions as needed. A work session, in lieu of or in conjunction with a regular meeting, may be called. If a regular meeting or work session is cancelled, such as near a holiday, notice of the cancellation shall be posted.

Section 2-3-2 Special Meetings and Times and Places of Special Meetings ~~is now amended to read:~~ (2008-A355)(2010-A370)

A. The Mayor, after public vote of the Council to schedule a special session within the jurisdiction of the Town, shall direct staff to schedule a special session of the Council, to begin at a time and place designated in the motion. In addition, the Mayor or vice mayor if the mayor is absent PURSUANT TO SECTION 2-2-5, and the Ttown Manager may jointly schedule a special session to be held at a time and in appropriate facilities within the town limits when an urgent and/or unforeseen event or matter arises between regularly scheduled meetings after confirmation of the availability of a quorum. Special Meetings shall be posted in the same manner as regular meetings by the Town Clerk.

B. Notices and agendas will be posted for the special sessions as required by law~~, and additionally posted at the alternate site~~.

C. Special sessions herein will not be scheduled away from Town Hall if the agenda involves public hearings on **controversial topics** likely to interest citizens of the Town in general rather than a particular neighborhood.

Section 2-3-3 Posting of Notices (2008-A355)

A. Notice of Council meetings and agendas shall be posted at Town Hall, ~~the United States Post Office, Bashas' store at Outpost Mall,~~ THE LOCAL GROCERY STORE ~~BASHAS' STORE~~ AT OUTPOST MALL, and on the Town's website. Other public notices, such as public meetings of Commissions, committees, or boards, bidding, holidays, auctions, and zoning matters, will be posted at Town Hall only, but shall also be posted on the Town's website. Locations for posting may be changed by Council resolution.

B. All notices shall contain a statement of posting signed by the Town ~~c~~Clerk or a designated representative showing the date and time of posting.

C. **Posting of Alternate Meeting Locations.** In addition to the locations and content specified by 2-3-3 (Posting of Legal Notices), the Town Manager or Mayor may request that a meeting ~~with an agenda item~~ or public hearing, which may attract a large audience, or need special presentation facilities, be scheduled for the gymnasium, school auditorium, or alternate site suitable for public participation. If the Council votes to change the location for that meeting, notice of the location change shall be posted in the normal locations~~, plus at the site,~~ and the meeting may be called to order at the site without first being called to order at the Town Hall Council Chamber. This does not preclude the Council from relocating a meeting that is in progress to accommodate a crowd that exceeds maximum occupancy limits as established for Council Chambers.

Section 2-3-4 Meetings to Be Public (2008-A355)

All proceedings of the Council shall be open to the public, except that upon approval by a majority vote of the Council, the Council may meet in a closed executive session pursuant to the provisions of state law.

Section 2-3-5 Quorum (2008-A355)

No action shall be taken unless a quorum is present. Four or more Council members (the Mayor counting as a member) shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time to compel the attendance of absent members. In any meeting where a quorum is present, it shall take a majority vote of the entire Council, or a minimum of four (4) votes, to enact any measure, resolution, ordinance, or other business on the agenda.

Section 2-3-6 Preparation of Agenda (2002-A255) (2008-A355)

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 Clerk ~~manager~~ shall collect all written reports, communications, ordinances, resolutions, contracts and other documents to be submitted to the Council, prepare an agenda in consultation with the Manager, Mayor, and NO MORE THAN TWO (2) COUNCIL members of the Council according to the order of business and furnish each Council member, the Mayor and the attorney with a copy of the agenda and other necessary reports and materials together with a copy of the minutes of the last preceding Council meeting.

From time to time, addenda and late additions to the agenda are required and may be authorized by the Manager and Mayor due to extenuating circumstances beyond the control of the person requesting the addendum or late addition.

All Council members are authorized to place item(s) on the agenda. Agenda item requests are to be submitted in written form to the Clerk. If the number of ~~previously~~ scheduled agenda items prevents the scheduling of a requested agenda item, the Mayor (with the consent of the requesting Council member) may schedule the requested item to be heard at the next meeting of the Council.

B. The Town may use a consent agenda to ~~dispose of~~ address routine matters coming before the Council.

Section 2-3-7 Order of Business (2008-A355)

The business of the Council shall be the following items, not necessarily in that order:

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 and decide all questions of order and conduct. Questions from the staff or public are addressed to the chair.

B. Pledge of Allegiance.

C. Roll Call. Before proceeding with the business of the Council, the clerk or the clerk's designee shall record the roll of the members and the names of those present shall be entered in the minutes. If a quorum is not present, the members present may adjourn pursuant to Section 2-3-5 of this code.

D. Consent Agenda: (Routine business, meeting dates, disbursements, and resolutions). Unless a member of the Council requests a reading of the minutes of the Council meeting, the minutes of the preceding meeting shall be considered approved if correct, and errors rectified if any exist.

E. Call to the Public. The Council on items designated for public input may hear petitions, remonstrances, communications, comments or suggestions from citizens present. All such remarks shall be addressed to the Council as a whole, and not to any member thereof, or the staff. Such remarks shall be limited to three (3) minutes. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. There will also be a Call to the Public for items NOT on the agenda. Council may direct staff to follow up on the item with a report or placement on an upcoming agenda.

F. Ordinances/Resolutions/Other Actions Requiring Council Approval. The Council shall consider any ordinances or resolutions or other actions requiring Council approval as may be listed on the agenda.

G. Reports by Officers. Town officials and committees shall present any reports required by the Council.

H. Information and Updates.

I. Adjournment. The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A motion to adjourn shall always be in order and decided without debate.

Section 2-3-7.1 Management of Meetings (2008-A355) (2008-A358)

A. Where practicable, executive sessions will be held prior to the regular business meetings, as opposed to during or following a meeting.
B. Meetings will conclude at 10:00 p.m. with planned recesses during the meetings.
C. If an item is opened for public input, the public may address the item one time. Public input is limited to three (3) minutes.

D. All routine, administrative-type items such as contract awards and approvals, proclamations, etc. ~~shall~~ may be placed on the Consent Agenda.
E. Previously approved items, such as budgeted items do not require further Council action and will not be placed on an agenda.
F. All presentations are limited to ten (10) minutes for the presentation and discussion period.

Section 2-3-8 Voting (2008-A355)

A. The Mayor shall vote as a member of the Council.

B. If requested by a Council member, the minutes shall show the ayes and nays of any question to be taken. Council members wishing to abstain for a conflict of interest shall state such on the record prior to any discussion or vote on the item and shall file a written declaration with the Clerk as soon as possible following the meeting. Any other abstention must be declared at the time of the calling for a vote, or a silence will be recorded as an affirmative vote. The Mayor or chairman of the meeting will announce on the record whether the motion passed or failed.

Section 2-3-9 Declaration of Vacancy (2008-A355)

The office of any Council member is deemed vacant pursuant to ARS § 38-291, as may be amended, if such member fails to discharge the duties of his or her office for three (3) consecutive months, including failure to attend Council meetings unless otherwise authorized by the Council.

Article 2-4
ORDINANCES, RESOLUTIONS AND CONTRACTS

Section 2-4-1 Prior Approval

All ordinances, resolutions, and contract documents shall, before presentation to 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 objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.

Section 2-4-2 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 member of the Council may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise, they shall not be considered.

Section 2-4-3 Reading of Proposed Ordinance

Ordinances shall be read before adoption, but may be read by title only, if the Council is in possession of printed copies of said ordinance. A member of the Council may request that the ordinance under consideration be read in full.

Section 2-4-4 Requirements for an Ordinance

Each ordinance ~~should~~ SHALL have ~~but~~ one subject ONLY, 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 2-4-5 Effective Date of Ordinances

A. No ordinance, resolution, or franchise shall become operative until thirty days after its passage by the Council and execution by the Mayor, except measures permitted by law to be adopted as an emergency that are 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 of all the members elected to the Council, taken by ayes and nays.

B. In addition to the provisions of subsection A of this section, the clerk shall certify the minutes of any Council meeting at which an ordinance, resolution or franchise, except an emergency measure, is passed. The thirty day period specified in subsection A shall be calculated from the date of passage by the Council, execution by the Mayor, and approval as to form by the Town Attorney, and a copy available to the public pursuant to ARS 19-142.C, as may be amended .

CHAPTER 3
ADMINISTRATION
Article 3-1
OFFICERS IN GENERAL

Section 3-1-1 Residency

Residency within Town limits for ~~the manager,~~ department heads or other personnel may be required for certain positions as reflected in the advertising for the position.

Section 3-1-2 Dual Positions (2007-A346)

The provisions below distinguish between two (2) positions that are appointed and reviewed by the Council (Town Manager and Town Attorney), and other department heads that are under review and control of the Town Manager, who may terminate them for cause, but who do not have the severance offer of Section 3-1-3.B. In the event that a person has a dual position, such as Town Manager/ Community Development Director, he or she will have the review and termination rights associated with the higher-level position, but in the event the job title is simply severed, without termination of the individual, such personnel action will not have rights under 3-1-3.B.

Section 3-1-3 Removal Provisions (2000-A160) (2007-A346)

A. **Removal for Cause.** (2000-A160) (2007-A346)
The Town Manager and the Town Attorney will be reviewed by the Town Council using procedures that may be adopted by motion of the Council and may be removed from their positions for cause. All other department heads and classified employees report to the Town Manager and may be removed for cause. "Removal for Cause" includes failure to receive satisfactory performance reviews, violation of adopted work rules in the Personnel Handbook, violation of drug policies, conviction of a criminal offense involving moral turpitude, loss of any professional license or other qualification necessary for the position, and failure to fulfill tasks assigned by the job description.

B. **Termination Other than For Cause.** (2006-A160) (2007-A346)
The Town Manager, Town Attorney (if employed by the Town), may be removed by the Council other than for cause, by offering severance pay of six (6) months' salary, conditioned on the employee and Town signing a mutual release for any employment claims, and including other terms mutually agreeable, as may be authorized by ARS §9-239.C, as may be amended.

C. A manager or department head shall provide the Council with thirty days' written notice of intention to resign his position.

Article 3-2
OFFICERS
(2000-A160) (2001-A211) (2007-A346) (2008-A355) (2010-A370)

Pursuant to ARS §9-237, as may be amended, in addition to the common Council, the officers of the Town include the Town Clerk, Town Marshal, Director of Public Works/Town Engineer, and TOWN MANAGER, TOWN ATTORNEY, AND other officers (department heads) deemed necessary by the common Council, who shall be appointed as provided by ordinance of the Town. ~~Other officers include the Town Manager, Finance Director, Community Development Director, Library Director, Magistrate, Parks and Recreation Director, Housing Department Administrator and Street Superintendent.~~ In the temporary absence of the Town ~~Manager~~Manager~~, OR THE Town Attorney~~, the Town Manager ~~officer~~ shall appoint a temporary replacement pursuant to Section 3-2-1.1 ~~in consultation with the Mayor and Vice-Mayor~~. In the temporary absence of an officer other than the Town Manager~~, OR Town Attorney,~~ the Town Manager may ~~officer shall~~ appoint a temporary ~~replacement in consultation with the Town Manager~~replacement.

Section 3-2-1 Town Manager (2000-A160) (2001-A211) (2008-A355)
A. Office Established. The office of Town Manager is hereby established.

B. Appointment of Town Manager. The Town Manager shall be appointed by majority vote of the Council on the basis of executive and administrative ability and shall hold office at the pleasure of the Council.

C. Eligibility. No member of the Council, their spouse or relatives to the first degree shall be eligible for appointment as Town Manager until one year has elapsed after such Council member shall have ceased to be a member of the Council. The Town Manager shall be a resident of the Town, unless such requirement is waived by the Council.

D. Powers and Duties of Town Manager. The Town Manager is the administrative head of the government of the Town under the direction and control of the Council, except as otherwise provided in this article. He shall be responsible for the efficient administration of all the affairs of the Town that are under his control. In addition to his general powers as administrative head and not as a limitation thereon, it shall be his duty and he shall have the following powers:

1. Law Enforcement. To see that all laws and ordinances of the Town and all franchises, contracts, permits, and privileges granted by the Council are faithfully observed and to report any failure in that regard to the Council. The Council shall then give such instruction and direction as it may desire for remedial, corrective or terminating action by the Manager.

2. Authority Over Employees. To control, order and give direction to all heads of departments (other than Council-appointed officers) and to subordinate officers and employees of the Town under his jurisdiction through their department heads.

3. Power of Appointment and Removal. To appoint, remove, promote, and demote any and all officers and employees of the Town, except the Town Attorney and the Town Magistrate, all of whom shall be appointed by the Council. As to these officers, he shall recommend appointment and removal to the Council. All such actions of the Manager shall be subject to all applicable personnel ordinances, rules and regulations, and state statutes.

4. Administrative Reorganization of Offices. To conduct studies and effect such administrative reorganization of offices, positions, or units under his direction as may be indicated in the interest of efficient, effective, and economical conduct of the town's business.

5. Ordinances. To recommend to the Council for adoption such measures and ordinances as he deems necessary.

6. Attendance at Council Meetings. To attend all meetings of the Council unless the Mayor excuses him individually or unless the Council excuses him, except when his removal is under consideration, in which case the Town Manager's attendance at a meeting shall be governed by the Arizona Open Meeting Act (A.R.S. § 38-431 *et seq.*, as may be amended). He may present recommendations relative to each item on the agenda for approval, rejection, or modification by the Council, and prepare the agenda as provided in Section 2-3-6.A.

7. Financial Reports. To keep the Council at all times fully advised as to the financial condition and needs of the Town.

8. Budget. To prepare and submit a proposed annual budget and a proposed annual salary plan to the Council.

9. Investigations and Complaints. To make investigations into the affairs of the Town and performance of any obligations of the Town and to report all findings to the Council. Further, it shall be the duty of the manager to investigate all complaints in relation to matters concerning the administration of the Town government. If the investigation involves the conduct of a person reporting directly to the Council (the Town Manager or Town Attorney) the Mayor and Vice-Mayor shall designate a person to conduct the investigation. If the Mayor and Vice Mayor cannot agree on such designation, the matter shall be referred to the Council.

10. Public Buildings. To exercise general supervision over all public buildings, parks, and other public property under the control and jurisdiction of the Council.

11. Additional Duties. To perform such other duties as may be required by the Council, not inconsistent with federal law, state law, or Town ordinances.

12. Salary Schedule. To recommend to the ~~governing body~~ COUNCIL, a standard schedule of pay for each appointive office and position in Town service, including minimum, intermediate and maximum rates. To authorize the payment of overtime pay for such employees as may work in excess of a normal work period. Such rates of pay and periods of work shall be in conformity with rates and salaries enacted by the Council.

13. DOCUMENTS. TO SIGN CONTRACTS FOR BUDGETED ITEMS ~~LESS THAN $10,000 AND~~ OTHER DOCUMENTS THAT ARE NECESSARY TO CONDUCT THE BUSINESS AND AFFAIRS OF THE TOWN PER THE TOWN POLICY AND OPERATIONS GUIDE.

E. Internal Relations.

1. Council-Manager Relations. The Council and its members shall deal with the administrative services of the Town only through the Town Manager, except for the purpose of inquiry, and neither the Council, nor any member thereof shall give orders or instructions to any subordinates of the Town Manager. The Town Manager shall take his orders and instructions from the Council only when sitting in a duly convened meeting of the Council, and no individual Council member shall give orders or instructions to the Town Manager.

F. Attendance at Commission Meetings. The Town Manager may attend any and all meetings of the planning and zoning commission and all other commissions, boards or committees created by the Council. He shall cooperate to the fullest extent possible with the members of all commissions, boards, or committees appointed by the Council.

G. Other Departments. The Town Manager may, with the concurrence of the Council, establish other departments (in addition to the departments set forth in this Code) to conduct the business and affairs of the Town.

H. Before appointing a person to fill the positions of Town Clerk, Town Marshal, Director of Public Works/Town Engineer or any other department head position, the Town Manager shall solicit input from no more than three persons serving on the Council.

Section 3-2-1.I Acting Town Manager (2010-A370)

In the absence of the Town Manager from his office, or upon the disability of the Town Manager, or in the event the position has been vacated by either the resignation of the Manager or the termination of his contract by action of the Town Council, the Acting Town Manager shall be appointed as follows:

A. For a temporary absence or disability of the Town Manager, the Town Marshal will serve as Acting Town Manager. If the Town Marshal is not available, the Town Clerk will serve as Acting Manager.

B. For a vacancy in the position, the Acting Town Manager shall be appointed by resolution of the Council, which may also resolve to keep the position vacant until filled by later selection and contract.

C. The Acting Town Manager shall have the duties and responsibilities of the Town Manager as established by this code, ordinance or statute, except that he shall not without prior approval of the Council:
   1. Incur any unbudgeted indebtedness on behalf of the Town.
   2. Discharge any Town employee except for extreme cause.
   3. Substantially change duties and authorities assigned to other staff members.

D. The Acting Town Manager may assign, in writing, temporary duties to other staff members for a period not to exceed twenty working days.

Section 3-2-2 Town Clerk (2000-A160)

A. Office Established. The Office of the Town Clerk is hereby established. The Town Clerk shall be appointed by the Town Manager on the basis of ability and shall hold office pursuant to Section 3-1-3.A of this code. The Town Clerk shall also be Treasurer of the Town.

B. Duties.

1. Records. The clerk shall keep a true and correct record of all business transacted by the Council and any other records that either pertain to the business of the Town or that the Council directs. The clerk shall number, plainly label, and file separately in a suitable MANNER ~~cabinet~~ all resolutions, notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders, and other documents of whatever nature.

2. Public Inspection of Records. The clerk shall keep convenient for public inspection all public reports and public documents under the control of the clerk, as provided by state statute.

3. Monthly Reports. The clerk shall prepare and collect from Town officers and employees such monthly reports prepared in such manner and to include such information as may be directed by the Council.

4. Minutes. The clerk shall prepare or cause to be prepared all minutes of Council proceedings and ensure their correctness and accuracy.

5. Ordinances, Resolutions, Budgets and Notices. The clerk shall process, record, file, publish and, if required by state statute, post all ordinances, resolutions, budgets, and notices that may be passed by the Council.

6. Election Official. The clerk shall be the Town election official and perform those duties required by state statute and as directed by the Council.

7. Licenses. The clerk shall issue or cause to be issued all licenses that may be prescribed by state statute, Town ordinance, or this code.

8. Administrative Duties. The clerk shall perform those administrative responsibilities and duties that are conferred upon the clerk by the Council in addition to those specified in Arizona Revised Statutes, Town ordinances, and this code.

3-2-3 Finance Director (2000-A160) (2007-A346)

A. **Office Established.** (2007-A346)
The office of the Finance Director is hereby established. The Finance Director shall be appointed the Town Manager on the basis of ability.

B. **Duties of Finance Director.**
The Finance Director shall receive and safely keep all monies that come to the Town and pay out the same as authorized by the Council or the Manager as authorized by the Council. The Finance Director shall keep a separate record and account of each different fund provided by the Council, apportion the monies received among the different funds prescribed by the Council, and keep a complete set of books showing every money transaction of the Town, the state of each fund, from what source the money in each fund is derived, and for what purpose expended. ~~He~~ THE DIRECTOR shall make monthly reports to the Council of all receipts and disbursements, and the balance in each fund.

C. **Expenditure Control and Purchasing.**
The Finance Director is authorized to approve requests to expend funds, but only as authorized in a Council-approved budget AND THE TOWN OF CAMP VERDE POLICY AND OPERATIONS GUIDE~~, except that in interruptions of Town Services resulting in a public emergency, the Finance Director and the Town Manager may jointly award contracts and make purchases for the purpose of meeting said emergency, but they shall file promptly with the Council a certificate showing such emergency and the necessity of such action, together with an itemized account of all expenditures. It shall be the duty of the Finance Director and the Town Manager to see that no indebtedness is incurred or expenditure made in violation of the Arizona Constitution and the state budget laws.~~

Section 3-2-4 Town Marshal

A. Office Established. The office of the Town Marshal is hereby established. The Town Marshal shall be appointed by the Town Manager on the basis of ability, and shall hold office pursuant to Section 3-1-3.A of this code. The Town Marshal shall be a resident of the Town, unless such requirement is waived by the Council.

C. Powers and Duties. The Town Marshal is the administrative head of the police department of the Town under the direction and control of the Town Manager. He shall perform such duties as may be required of him by law and as the Town Manager may deem necessary.

Section 3-2-5 Director of Community Development (2008-A355)

A. Office Established. The Office of Director of Community Development is hereby established. The Director of Community Development shall be appointed by the Town Manager on the basis of ability, and shall hold office pursuant to Section 3-1-3.A of this code.

B. Powers and Duties.

1. Be the zoning administrator pursuant to ARS § 9-462.05, and the code enforcement officer as may be amended, to enforce the zoning regulations of the Town of Camp Verde, either directly or through ~~his~~ their designee(s) advise ~~the zoning inspector of~~ Town policy and violations, help to determine enforcement priorities, and train and supervise the inspectors.

~~2. Act as the head of the Town's Department of Community Development.~~

~~3. Have the following duties in regard to economic development:~~

~~a. Organize and develop the economic planning for the Town.~~

~~b. Participate in development and planning and implementation of goals and objectives, along with the Camp Verde Chamber of Commerce and the Town's Economic Development Commission, or similar organizations, to stimulate retail sales, encourage new and existing business development with increased employment and better wages, and location of commerce and industry to Camp Verde.~~

~~c. Act as representative for the Town and liaison with potential new retailers, and industrial business, commercial business or other developers.~~

~~d. Respond to and resolve issues and questions on economic and industrial development.~~

~~4. Have the following duties concerning Town Planning:~~

~~a. Develop goals and objectives for planning, including supervision of the preparation or updating of the general plan of the Town.~~

~~b. Conduct and supervise planning studies in the community to gather data for evaluating current and advanced planning projects.~~

~~c. Direct the preparation of agenda items for the Council, the Planning and Zoning Commission, and other committees, commissions, and boards involved in land use and planning.~~

~~d. Serve as technical advisor to the Commission, Council, Manager, and other Town departments and civic groups on planning, zoning, and code enforcement.~~

~~e. Confer with engineers, developers, architects, other governmental agencies, and the general public in acquiring information and coordinating planning and zoning matters including providing such persons or agencies with information on Town subdivisions and zoning codes.~~

~~f. Conduct special studies and assignments, research complex planning problems, and prepare reports.~~

~~g. Assign inspector(s) to respond to and resolve citizen complaints and inquiries regarding planning and zoning matters.~~

Section 3-2-6 Director of Public Works/Engineer

A. Office Established. The office of Director of Public Works/Engineer is hereby established. The Director of Public Works/Engineer shall be appointed by the Town Manager on the basis of ability, and shall hold office pursuant to Section 3-1-3.A of this code.

B. Powers and Duties. The Director of Public Works/Engineer is the administrative head of the public works department under the direction and control of the manager. In such position, the Director of Public Works/Engineer shall:

1. Supervise the operations division which shall have charge of and supervision over the care, maintenance and construction of all streets, sidewalks, alleys and public ways; the construction, operation and maintenance of all storm, water and sanitary sewers and all street gutters, drains, drainage ways, improvement districts, waste water treatment, airports, easements and appurtenances thereto under Town jurisdiction; the care, maintenance and construction of all public buildings, lands and parkways; the operation, maintenance and construction of all other public works projects and improvements within the jurisdiction of the Town.

2. Direct preparation of improvement districts and coordinates work and studies for improvement projects.

3. Direct abandonments and acquisition of right-of-way for public improvements such as streets, alleys, sewers and drainage ways.

4. Review and approve plans, permits, and specifications for Town construction contracts; direct and advise inspectors of construction projects under his jurisdiction; interpret construction plans and specifications.

Section 3-2-7 Town Attorney (2002-A220)

A. Office Established. The office of Town Attorney is hereby established. The Town Attorney shall be appointed by a majority vote of the Council on the basis of ability and shall hold office pursuant to Sections 3-1-3.A and 3-1-3.B of this code.

B. Powers and Duties.

1. The Town Attorney is the administrative head of the legal department under the direction and control of the Council.

2. The Town Attorney shall act as the legal counselor and advisor of the Council and other Town officials. The Town Attorney shall give his opinion in writing when requested. Major issues should be subject to Council review and majority direction. Any request that is estimated by the Town Attorney to exceed two (2) hours to complete will be considered a major issue that should be placed on the agenda.

3. If there is a legal issue concerning an agenda item, the Town Attorney may be requested by the Mayor, after direction by the Council, to provide a written opinion to Council, call for a vote for an Executive Session, or to discuss the matter with the interested Council Member in private, rather than give impromptu opinions during the meeting. The Town Manager may also request a formal written opinion in advance of a meeting regarding minor issues. This would not prevent the Attorney from responding to questions on procedures, or explaining the provisions of forms or documents related to the agenda items.

4. The Town Attorney shall draft and/or review deeds, contracts, conveyances, ordinances, resolutions, and other legal instruments when required. Major issues should be subject to Council review and majority direction. Any request that is estimated by the Town Attorney to exceed two (2) hours to complete will be considered a major issue that should be placed on the agenda.

5. The Town Attorney shall approve or disapprove as to form, in writing, all documents submitted to the Town Attorney.

6. The Town Attorney shall return, within ten days, all ordinances and resolutions submitted to him for consideration, with the Town Attorney's approval or disapproval as to form noted thereon, together with his reasons therefore if disapproved.

7. The Town Attorney shall handle or monitor all suits, actions, or causes where the Town is a party and report to the Council, when required, the condition of any suit or action to which the Town is a party.

8. Any contract or consulting attorney or legal representative shall report to the Town Attorney who will act as liaison to the Council. No individual Council Member shall be allowed to directly contact contract attorneys. In the event of conflict of interest or unavailability, the Town Manager shall be liaison to that specific item.

~~Section 3-2-7 Director of Housing and Neighborhood Revitalization (2006-A321)~~

~~A. Office Established. The Office of Director of Housing and Neighborhood Revitalization is hereby established.~~

~~B. Appointment of Housing and Neighborhood Revitalization Director. The Director of Housing and Neighborhood Revitalization shall be appointed by the Town Manager on the basis of ability and shall hold office pursuant to Sections 3-1-3.A.~~

~~C. Powers and Duties. The Director of Housing and Neighborhood Revitalization shall:~~

~~1. Act as the head of the Town's Department of Housing and Neighborhood Revitalization.~~

~~2. Have the following duties in regard to housing:~~

~~Update and implement the Town's Housing Strategy.~~

~~b. Act as representative for the Town and liaison with potential affordable housing developers.~~

~~Serve as technical advisor to the Housing Commission, the Council, and the Town Manager on municipal and regional housing issues.~~

~~Direct the preparation of agenda items for the Housing Commission, and assist with preparation of the agendas for the Council for issues involving affordable/workforce housing.~~

~~Conduct and supervise special housing studies and assignments, research complex housing problems and prepare reports to gather data for evaluating current housing trends and for recommending solutions to housing problems identified.~~

~~3. Have the following duties concerning Neighborhood Revitalization:~~

~~Develop goals and objectives for specific neighborhoods deemed as in need of revitalization by the Housing Strategy or Council.~~

~~b. Conduct and supervise housing studies in the community to gather data for evaluating current and proposed neighborhood revitalization plans.~~

~~Direct the preparation of agenda items for council or manager established neighborhood revitalization committees and assist with preparation of the agendas for the Council for issues involving neighborhood revitalization housing.~~

~~d. Serve as technical advisor to the Housing Commission, Council, Manager, other Town departments, and civic groups on neighborhood revitalization.~~

Article 3-3
Reserved for future use
~~PURCHASING~~

~~**Section 3-3-1 Scope of Article**~~

~~This article shall govern the purchase of any goods or services for or on behalf of the Town. This article is intended to supplement state law and to provide the Town the purchasing power set forth in this Article in addition to powers otherwise available to the Town under state law. However, should applicable state law provide more strict provisions regarding any proposed transaction, those more stringent provisions shall apply.~~

~~**Section 3-3-2 Council Approval When Required**~~

~~Notwithstanding the provisions of Section 3-3-5, no purchases shall be made by or on behalf of the Town without first obtaining Council approval in the following instances:~~

~~A. Where prior approval is required by state law or Town code;~~

~~B. Where the purchase of the item is not included in a category of expenditures provided in the budget as adopted;~~

~~C. Where funds for the purchase are not provided in the budget as adopted;~~

~~D. For the expenditure of funds in an amount in excess of ten thousand dollars, even if included in an approved budget.~~

~~**Section 3-3-3 Purchasing Director; Duties**~~

~~A. The Finance Director shall serve as the purchasing director and shall direct and control all purchases of goods and services made by or on behalf of the Town.~~

~~B. The purchasing director shall approve or deny all purchase requests and shall report to the Council on any purchase requiring Council approval.~~

~~**Section 3-3-4 Emergency Purchases; Procedure**~~

~~In case of an emergency which requires immediate purchase of supplies or services and when time is of the essence and applicable state law does not provide otherwise, the Mayor shall be empowered to authorize the purchasing director to acquire goods or services without complying with the requirements and procedures in this article. A full report of the circumstances of such emergency and the goods or services obtained shall be made to the Council at its next regular meeting.~~

~~**Section 3-3-5 Purchases In General; Bids and Proposals**~~

~~A. Purchases Under $2,500. Whenever the contemplated purchase or contract for services is for the sum of less than$2,500, upon completion of a requisition form and purchase order form, the purchasing director may obtain the goods or services without further formality.~~

~~B. $2,500 to $10,000 Inclusive. Whenever any contemplated purchase or contract for services is for the sum of at least $2,500 but not more than $10,000, after completion of a requisition form, the purchasing director shall obtain at least three bids or proposals. At the discretion of the purchasing director, bids or proposals may be solicited electronically or in writing. Documentation of the bids or proposals solicited is~~

to be maintained and attached to a completed purchase order form. Upon review of the bids and proposals, the purchasing director shall award the purchase or contract to the lowest responsive and responsible bidder in the case of bids, or to the proposer who submits the most responsive and responsible proposal determined to be the most advantageous to the Town, in the case of proposals.

C. In Excess of $10,000. Whenever any contemplated purchase or contract is for a sum in excess of $10,000, the purchasing director shall advertise for bids or proposals according to the procedures provided in this article. The purchase or contract shall be awarded to the lowest responsive and responsible bidder, in the case of bids, or to the proposer who submits the most responsive and responsible proposal determined to be the most advantageous to the Town, in the case of proposals, but the Town shall reserve the right to reject any and all bids and proposals and re-advertise. Written bids or proposals are not required when items are purchased from a vendor on the State Procurement List. No purchase or contract in an amount in excess of $10,000 shall be awarded without prior Council approval. The purchasing director shall present the bids or proposals obtained to the Council and shall report to them on the need for the goods or service and the advantages or disadvantages of the contract and bid proposals. The Council reserves the right to reject any and all bids and re-advertise.

Section 3-3-6 Bidding and Proposal Procedures

Except as provided in state law, the purchasing director shall follow the procedure set forth in this section for all purchases and contracts subject to the bidding process:

A. A notice of solicitation for bids shall state the date, time and place of opening, and the place and time period within which bids shall be submitted.

B. The notice shall state with particularity the goods or services required and shall state the place where specifications may be examined.

C. Bids shall be submitted in a sealed envelope clearly identified as a bid on the front of the envelope. Any bid not received within the time period allowed shall be rejected.

D. All bids shall be opened in public at the time and place specified, and a tabulation of all bids shall be posted in Town Hall for public inspection.

E. All bidders shall be notified in writing of the award or rejection of any and all bids.

F. Proposals shall be requested and evaluated pursuant to procedures consistent with the State Procurement Code (A.R.S. § 41-2534, as may be amended).

Section 3-3-7 Performance and Payment Bonds

The purchasing director shall have the authority to require a performance bond, in such amount as the purchasing director may deem sufficient for contracts other than contracts for construction, and the purchasing director shall require performance and payment bonds for contracts for construction as required by law. In all cases of construction to which state law applies, any requirement for a bond shall be incorporated into the contract.

Section 3-3-8 Exclusive Service

In the event that there is only one person or entity capable of providing a particular commodity or service, the requirement of this article concerning bidding procedures shall not be applicable.

Section 3-3-9 Professional and Technical Services

A. The provisions of this article shall not apply to professional or technical services.

B. No person or firm practicing in a professional or technical field for which a license is required by state law shall be engaged by the Town unless possessing a current license in good standing.

C. Upon engagement, the Town shall enter into a written agreement or memorandum of understanding for the performance of the services for which engaged, setting forth the scope of services and the unit or total price therefore.

Section 3-3-10 Cooperative Purchasing

This article shall not apply to purchases made by, through, or with the State of Arizona or its political subdivisions. The Town may make purchases or award contracts for services without a formal bidding or proposal process whenever other governmental units have done so for the same item or service, if, in the opinion of the purchasing director, a separate bidding process is not likely to result in a lower price for such items or services.

Section 3-3-11 Grants

The provisions set forth in Article 3-3 may be superseded by bidding, proposal, or qualification requirements in federal and state grants.

Section 3-3-12 Purchases from Mayor or Council members

Pursuant to ARS § 38-503(C), as may be amended, the Town, through its common Council, may purchase supplies, materials, and equipment not to exceed three hundred dollars in cost in any single transaction or a total of one thousand dollars annually, or as may be adjusted by law from the Mayor or any member of the common Council without using competitive public bidding procedures according to an annually adopted Town policy.

Section 3-4
Financial Policies
(2009-A366)

Section 3-4-1 Budget Policy
The Town of Camp Verde has a responsibility to its citizens to carefully account for public funds, manage the finances wisely, and plan for adequate funding of services that are desired by the public. The following budget policy, AS OUTLINED IN THE FINANCIAL OPERATIONS GUIDE, provides guidance for preparing the Town of Camp Verde's annual budget (all funds) as well as adoption, implementation, and monitoring of the budget.

Section 3-4-1.1 Budget Philosophy
The Town of Camp Verde's budget philosophy includes funding the service delivery system using the resources provided through current revenue collection while planning for future needs through capital funding and maintenance.

Section 3-4-1.2 Balanced Budget
Arizona law (Title 42 Arizona Revised Statutes) requires the Town Council to annually adopt a balanced budget. The Town of Camp Verde will develop a balanced budget where projected revenues meet or exceed projected expenditures. In the event that projected revenues are not adequate to sustain the service delivery system desired by the Town's citizens, a draw on fund balance may be authorized by the Town Council. In addition, the Town will not use one-time (non-recurring) revenues to fund continuing (recurring) expenditures.

CHAPTER 4
BOARDS, COMMISSIONS AND COMMITTEES
Article 4-1
MEMBERSHIP
(2000-A164) (2003-A260) (2003-A261)

A. Membership and Organization. Each board and commission shall be made up of seven members appointed by the Council in accordance with the procedures contained in subsection B of this article. The organization of boards and commissions shall include a chairperson, and vice-chairperson who are elected from the membership in accordance with Article 4-2.

B. Selection of New Members. (2000-A164) (2002-A231) (2003-A261)

Prior to the expiration of terms for board and commission members, the TOWN CLERK ~~Council~~ shall call for letters of interest from the general public. Such letters shall be filed with the Town CLERK in accordance with the time lines and other related procedures established by the Council. Membership requirements for appointees are subject to the requirements established in the appropriate resolution or ordinance that created the board or commission. The Council may establish any other requirements at the time such appointments are sought for the purpose of aiding the Council in completing the selection process. Any member of a board or commission appointed by the Council shall reside within the corporate limits of the Town. However, Council may waive the residency requirement with good cause, except for appointments to the Planning and Zoning Commission, Board of Appeals, Board of Adjustments~~, and Housing Committee~~. If a member holding a position relocates outside of the Town limits, other than within 90 days from the end of the appointed term, he or she shall resign from the board or commission. (Rev. 2004 by Ord 2003-A261)

C. Terms of Members. (2000-A164) (2003-A260)

All members are appointed to boards and commissions for ~~are limited to~~ a ~~three~~ ~~four~~ three (3) year terms, which begins on JANUARY ~~October~~ 1 of the year such appointment is made. Members may be re-appointed to additional terms. Such terms are to be staggered so that the terms of no more than three members shall expire in any given year.

D. Removal. Members of boards or commissions may be removed for cause including excessive lack of attendance, absences of three consecutive meetings or more than half of all scheduled meetings in any municipal year, or improper conduct as determined by the Mayor and Council.

Article 4-2
ORGANIZATION
(2008-A355) (2008-A360)

A. First Meeting. Each board and commission, during its first meeting of the month of January of each calendar year, shall:

1. Elect a Chairperson. The board or commission shall accept nominations from its membership for a chairperson. Such nominations shall be made, and seconded, and selection of one chairperson shall result upon a majority vote of the full membership of the board or commission.

2. Elect a Vice-Chairperson. The board or commission shall accept nominations from its membership for a vice-chairperson. Such nominations shall be made, and seconded, and selection of one vice-chairperson shall result upon a majority vote of the full membership of the board or commission.

3. Set the Regular Meeting Schedule. The Council shall establish regular meeting dates and times and regular meeting place by resolution in January of each year. Commissions may schedule special meetings and work sessions subject to approval of the Town Manager.

B. Duties of Officers/Members. (2008-A355)

The duties and powers of the various officers and members of the boards and commissions are as follows:

1. Chairperson. The chairperson shall preside at all meetings and hearings of the board or commission, decide all points of order or procedure, and perform any duties required by law, ordinance or the requirements established in this chapter. The term of the chairperson shall be one year, unless reelected to succeeding terms by a majority vote of the membership. The chairperson shall be responsible for becoming familiar with and adhering to the provisions of the open meeting law. The chairperson shall also become familiar with the provisions of Roberts Rules of Order, and although general informality in such rules of order may prevail, shall adhere to such rules in the conduct of meetings where emotional content of the subject matter or the conflict of personalities may otherwise interfere with the orderly conduct of business. The chairperson may, to the extent necessary, work with the department head assigned to the board or commission to assist with special needs, requirements for assistance from the staff, reviewing monthly budget reports and preparation of agendas. The chairperson will determine whether he/she, staff liaison, or designee', will provide a written report to the Mayor and Council summarizing the board or commission activities during the prior quarter, identifying upcoming activities and reviewing any problems, concerns or proposals. Such reports are to be submitted to the Town Clerk for distribution to the Council. Meetings may be scheduled with Council as needed and/or on a regular quarterly basis. In addition, the chairperson shall sign all minutes and resolutions of the board or commission.

2. Vice-Chairperson. The vice-chairperson shall have the responsibility of assuming all of the duties and responsibilities of the chairperson in the event that the chairperson should be absent or the position vacant. Additional duties or activities may be assigned by the chairperson upon majority approval of the board or commission as determined necessary.

Article 4-3
MEETINGS
(2008-A355) (2009-A360)

A. Agendas and Minutes. Each board and commission's SUPPORTING DEPARTMENT shall provide for the posting of agendas and the preparation and approval of minutes for all meetings. The following minimums shall apply to agendas and minutes:

1. Agendas. Agendas shall be posted on the Town Hall bulletin board a minimum of twenty-four hours in advance of all regular, special, and work session meetings of the board or commission and in other locations as deemed necessary.

a. Format. The order of the agenda items may be arranged according to the format approved by the board or commission and additional items may be added. The agenda format shall include at least the following:

(1) Name of board or commission
(2) Date, time, and place of meeting with a statement that the meeting place is handicapped accessible
(3) Call to order
(4) Roll call
(5) Discussion and possible action on the following items
(6) Consent agenda

(7) Approval of the minutes
(8) Call to the public
(9) New business
(10) Set next meeting, time and date
(11) Adjournment

b. Call to the Public. The "Call to the Public" item shall allow for public input on items either on the agenda or other items that may reasonably affect the board or commission. The board or commission may call for non-agenda item input at this time if appropriate input is allowed during all discussion items. The open meeting law prohibits the board or commission from discussing or making decisions on non-agenda items, however, the board or commission may choose to delegate Town staff to handle the issue or place the item for discussion on a future agenda.

c. Special or Work Sessions. The board or commission may, upon majority vote AND APPROVAL OF THE TOWN MANAGER, set a special meeting or work session. In addition, if determined necessary by the affected department head, a special meeting or work session may be called upon discussion with the chairperson.

d. Agenda Packets. Upon completion of agenda posting and preparation of attachments to the agenda, copies of the agenda and any attachments shall be made available to the members of the board or commission in the manner deemed appropriate by the department head. Copies of the complete agenda packets shall be placed in the front reception area of Town Hall for disbursal to interested members of the public a minimum of twenty-four hours in advance of the meeting.

e. Agenda Items. The department head, depending upon the format of the board or commission, shall determine the content of the agenda discussion items. If determined prudent for the board or commission, the chairperson may set the agenda with concurrence from the department head. Such procedures are determined necessary to ensure that the business of the board or commission is conducted in a timely manner. Should a member wish to place an item on the agenda, the member may request such at the next regular meeting of the board or Commission. In the case of conflicts, items may be brought to the board or commission for a vote to consider whether or not the item should be agendized. In the case of the planning and zoning commission and the board of adjustments and appeals, all current applications which require review of the board or commission must be agendized in accordance with state law and may not be removed from the agenda until a vote on the matter has occurred.

2. Minutes. The Town Manager will provide for secretarial/ recording services for the commissions. DIGITAL ~~Tape~~ recording of work sessions is preferred, but if not possible, detailed minutes shall be taken by hand by the secretary or recording secretary assigned by the department head. The following procedures shall be followed:

a. Approval. Minutes of the previous meeting(s) shall be presented at the most reasonable date following the meeting, usually the next meeting of the board or commission. Such minutes shall be reviewed and approved by a majority vote of the board or commission.

b. Filing. Upon approval of minutes, the signed original shall be provided to the Town Clerk within ~~seventy-two hours~~ 2 WORKING DAYS FOR COUNCIL AND 10 WORKING DAYS FOR COMMISSIONS of approval. In addition, the affected department shall maintain copies for public review.

c. Disbursal. WITHIN THREE WORKING DAYS OF A MEETING, THE DRAFT MINUTES SHALL BE POSTED TO THE TOWN'S WEBPAGE. WITHIN TWO WORKING DAYS FOLLOWING THE APPROVAL, THE FINAL COPY OF THE MINUTES SHALL BE POSTED TO THE TOWN'S WEBPAGE. ~~In no case shall minutes be provided to the public until such time as they are approved or a draft is placed on an agenda for the board or commission's consideration. After~~

~~approval, the minutes become a public record and shall be available for public review upon request.~~ Copies of minutes may be released and appropriate copy fees charged to the requesting party in accordance with Town Council policy.

d. Content. Minutes shall contain, at minimum, THE DATE, TIME, AND PLACE OF THE MEETING, THE MEMBERS OF THE PUBLIC BODY RECORDED AS EITHER PRESENT OR ABSENT, A GENERAL DESCRIPTION OF THE MATTERS CONSIDERED, AN ACCURATE DESCRIPTION OF ALL LEGAL ACTIONS PROPOSED, DISCUSSED, OR TAKEN, AND THE NAMES OF MEMBERS THAT PROPOSE EACH MOTION. THE MINUTES SHALL ALSO INCLUDE THE NAMES OF PERSONS AS GIVEN, MAKING STATEMENTS OR PRESENTING MATERIALS TO THE PUBLIC BODY AND A REFERENCE TO THE LEGAL ACTION ABOUT WHICH THEY MADE STATEMENTS OR PRESENTED MATERIAL. ~~all discussion of each agenda item. Roll call shall be included with a listing of the members present and absent from the meeting, including any staff present. When the board or commission, the motion maker take an action, the seconding party and the numerical vote shall be listed in the minutes along with a complete wording of the motion~~. If a roll call vote is conducted, the name and vote of all members shall be listed. The minutes shall be as complete as possible with emphasis on discussion to determine the reason(s) for the board or commission's action on an item.

B. Voting Procedures, Quorums and Abstentions. The action of any board or commission shall be taken by a vote of the membership. Voting procedures shall be in accordance with Robert's Rules of Order to the extent practicable and in accordance with the ~~Council Policies, Rules, and Procedures Manual~~ TOWN OF CAMP VERDE POLICIES AND OPERATIONS GUIDE and shall include the minimum:

1. Motion. A member of the board or commission only may make a motion, and such motion shall only take place after the introduction of an agenda item. If an agenda item is listed as a public hearing, such motion shall not take place until the public hearing has been called and closed.

2. Second. A motion must receive a second from a member of the board or commission. Once a second is received, additional discussion may take place on the item before the vote is taken. If a motion is not seconded, the motion dies.

3. Voting. The chairperson shall call for a vote upon completion of a motion, second, and any discussion. Such vote shall consist of votes in favor, votes in opposition, or abstentions. For a motion to pass, a minimum of four votes shall be in favor of the motion. If less than four votes are received in favor, the motion is then considered to be a vote of denial of the motion. Items may be tabled or referred to a later agenda if it is determined, by majority vote, that such decision would best be rendered upon receiving more information or if requested by the applicant. Tabling or delaying of agenda items should be based upon a definitive time frame and reason. Such should only be considered when necessary or if the applicant is absent or requests a delay.

4. Quorum. A majority of the membership of the board or commission (four) is considered a quorum. If a quorum is present, the meeting shall commence and voting may occur. An affirmative vote shall be unanimous if only four members are present.

5. Abstentions/Conflict of Interest.(2008-A355) . If a member of a board or commission determines that they have a conflict of interest, they shall remove themselves from the meeting room and not take part in either the discussion or the vote. Such conflict should be stated prior to the item being introduced or just after introduction but prior to discussion. A *Conflict of Interest Disclosure Memorandum* form must be completed, signed, and submitted to the Clerk's Office for each conflict that is declared. A member may abstain from voting on an item even if a conflict of interest is not present; however, this is not a preferred action.

Article 4-4
GENERAL DUTIES AND REQUIREMENTS

All boards and commissions are established by a separate document that conveys the specific duties and powers of the group. The following general duties and requirements apply to all members of boards and commissions.

A. The board or commission must operate under the statutory requirements of the Arizona Revised Statutes. Upon appointment to a board or commission, such member shall obtain information regarding the open meeting law and shall become familiar and abide by all statutory requirements. All members of a board or commission are to be provided with copies of this chapter upon appointment and shall become familiar with the duties and requirements of this chapter and other ordinances, resolutions, or information affecting the board or commission and the general subject matter/department which they discuss.

B. Actions of a board or commission are recommendations only, and final action shall be taken by the Council upon items involving financial matters or other items affecting the duties of the staff or creation of new rules and regulations in accordance with state law. The decisions of the board of adjustments and appeals are final unless appealed to superior court.

C. A subcommittee of members of the board or commission may meet to discuss special projects as long as such subcommittee is less than a majority of members, such special subcommittee may be assigned only from the membership and shall not be construed to allow for appointment of non-members to any special committee or group unless approved by the Council in advance of such action.

D. Boards and commissions should review the proposed budget of the affected department where appropriate. Such review should provide general guidance to the department. No formal changes to the proposed budget can be made without the department head's approval. Should conflicts arise, such may be referred to the Town Manager in writing, if deemed appropriate.

E. Boards and commission shall annually review, as necessary, the operating policies and procedures for that activity within their purview. Changes deemed appropriate by the board or commission shall be forwarded, in writing, to the department head and Town Manager and may be provided for consideration by the Mayor and Council if necessary.

F. Boards and commissions shall annually, if necessary, conduct a review of the facilities to include buildings, grounds or any other real property or facilities operated by the Town that are within their purview. A report of the review shall be issued for consideration by the department head and Town Manager and referred to the Council if necessary for formal consideration.

G. A development plan may be developed by the board or commission regarding the department activities that they are empowered to act upon. Such plan should be forward-thinking (five years) and include considerations for the facilities, staffing, equipment, materials, and other items. The BOARD OR COMMISSION ~~Council~~ shall submit such report to the department head and Town Manager for review for final consideration.

H. Members of boards and commissions are hereby encouraged to interact with persons serving in similar capacities in other communities as well as those regional and state officials whose duties include an advisory capacity to them. The purpose of this chapter is not to encumber each of the boards and commissions with specific duties and responsibilities as to interfere with the opportunity for expression of imagination and creativity. Rather, it is the intent of this chapter to assure the orderly and timely conduct of the business of boards and commissions. Structured activity, procedures, and policies are needed to ensure that the work of the board or commission is worthwhile, productive, and successful.

I. A board or commission may vote to consider a request for scheduling a joint work session with the Council. Such request may be made in writing after approval of the board or commission and shall include a description of the reason(s) for the meeting. Such request shall then be presented TO THE TOWN MANAGER for consideration of the Council. The Council may also request joint work sessions with any board or commission and may set any items for discussion at such meeting.

J. All powers and authorities of the Town are reserved to the Mayor and Council, except to the extent that they are specifically delegated to various members of the staff or board or commission by the Mayor and Council or by statute. Boards and commissions ~~are basically to~~ serve in an advisory capacity. Notwithstanding such reservation, the following powers and authorities are delegated to the boards or commissions:

1. Each board or commission shall have the power and the express authority to review those matters specifically assigned to it by ordinance or statute. They shall have the power and authority to issue reports and to discuss such reports with the manager and the Council and to hold any necessary public forums required to assist them in the development of any such reports. Said public forums may include discussion with the press, discussions with the public in general, special meetings and public hearings. In no case, however, shall a board or commission have the power or authority to enter into a contract or to obligate the Town to expend funds. Any such contract or obligation of funds shall be undertaken by request submitted to the Town Manager. Such request shall be responded to, in writing, either positively or negatively within thirty days of receipt of such request by the Town Manager.

2. Executive sessions, as may be allowed pursuant to ARS 38-431.03, as may be amended, to discuss legal matters or property acquisition, shall be requested by the chairman and scheduled jointly with the Council.

Article 4-5
COMMITTEES
(2004-A289)

The Council may appoint temporary *ad hoc* committees for limited purposes. All committees are required to follow the procedures for meetings as set forth in Article 4-3. A quorum for all *ad hoc* committees will consist of four (4) members present at any meeting.

CHAPTER 5

MUNICIPAL COURT
Article 5-1
MUNICIPAL COURT ESTABLISHED; JURISDICTION

There is hereby established in the Town a municipal court that shall have jurisdiction of all violations of this code and jurisdiction concurrently with justices of the peace of precincts in which the Town is located of violations of laws of the state committed within the limits of the Town.

Article 5-2
PRESIDING OFFICER
(2001-A183) (2002-A243)

Section 5-2-1 Town Magistrate (2001-A183) (2002-A243)

The presiding officer of the magistrate court and such other magistrates as deemed necessary by the Council shall be appointed by the Council. A magistrate shall serve for a term of either two or four years. During such term, a magistrate may be removed only for cause.

Section 5-2-2 Powers and Duties of Town Magistrate (2001-A183) (2008-A355)
The powers and duties of the Magistrate shall include:
A. The powers and duties set forth and conferred upon him under the provisions of the state constitution and statutes, this code, and the ordinances, and resolutions of the Town.

B. The keeping of a docket in which shall be entered each action and the proceedings of the court therein.

C. The responsibility for fixing and receiving all bonds and bails and for fixing and receiving all fines, penalties, fees and other monies as provided by law.

D. Payment of all fees, fines, penalties, and other monies collected by the court at least once each month to the treasurer or other officer as designated by the Council.

E. Submitting a monthly report to the Council summarizing court activities for that month.

F. Preparation of a schedule of traffic violations not involving the death of a person, listing specific bail for each violation.

G. Designation of a deputy other than a law enforcement officer and a specific location, at which the deputy shall, during hours when court is not open, set the amount of bail in accordance with the foregoing schedule and collect such bail, or accept proper bail bonds in lieu thereof, for and on behalf of the court.

H. Preparation of a schedule of civil traffic violations listing a specific deposit for each violation. The Magistrate shall designate a person, a specific location and the hours during which such person will be at the location to accept proper deposits for civil traffic violations for and on behalf of the court.

I. Prepare an annual departmental budget as required by the Town manager.

J. Supervise and administer, including hiring, promotion, and termination of court employees consistent with the requirements of the Town Code, Personnel Rules, and adopted budget.

K. Purchase, acquire, or retain goods and services consistent with the requirements of the Town Code and adopted budget.

L. Provide coordination, input, and advice on court administrative matters to the Town Council and staff.

Section 5-2-3 Hearing Officers

The Council may appoint one or more hearing officers to preside over civil traffic violation cases when, in their opinion, the appointment of such hearing officers is necessary to assure prompt disposition of civil traffic violation cases. Hearing officers may hear and dispose of civil traffic violation cases under supervision of the presiding officer of the Magistrate court that are appealable to the superior court pursuant to Title 22, Chapter 2, Article 4, Arizona Revised Statutes.

Section 5-2-4 Assistant Magistrate (2008-A355)

The Town Magistrate may recommend to the Council the names of individuals qualified to serve as assistant magistrate, subject to the assignment and direction of the Town Magistrate, once appointed. All assistant magistrates shall serve for a specified term, subject to removal by the Council. All duly appointed assistant magistrate shall be compensated per a fee established by the Council, and subject to the reimbursement of those travel expenses and other out-of-pocket allowances permitted for Town employees. All assistant magistrates are deemed to be part-time Town employees subject to contributing to the Arizona State Retirement under certain conditions and paying payroll taxes, but are not eligible for benefits such as health insurance and paid time off.

CHAPTER 6
ANIMALS
Article 6-1
ANIMAL CONTROL AND LICENSING

6-1-1 Animal Control Officer
6-1-2 Animals at Large
6-1-3 Waste Removal Required
6-1-4 Licensing of Dogs
6-1-5 Excessive Noise caused by Animals or Birds
6-1-6 Stray Animals
6-1-7 Protection of Animals by Town
6-1-8 Penalty (2008-A355)

Section 6-1-1 Animal Control Officer

A. Pursuant to ARS 9-499.04, as may be amended, the town hereby establishes the office of animal control officer (ACO) who may commence an action or proceeding before a court for any violation or enforcement of this chapter, other local ordinances, and state statutes relating to animal control which occurs within the jurisdiction of the town. Any certified peace officer may also enforce this chapter, ordinances, and statutes.

B. It is unlawful for any person to interfere with the ACO or a law enforcement agent in the performance of their duties.

Section 6-1-2 Dogs at Large

A. A dog shall be deemed "at large" if (i) the dog is not under the verbal control of its owner or the person responsible for its care, or (ii) the dog is unleashed at a distance greater than twenty feet from its owner or the person responsible for its care. A dog is not at large if it is unrestrained on the property or residence of the owner or person responsible for its care.
B. It is unlawful for an owner or person responsible for the care of a dog to permit it to be at large within the town limits. Evidence that the person permitted the dog to be at large may be shown from prior verbal or written warnings by the ACO, complaints from adjoining or neighborhood property owners or the public to the ACO or marshal's office that the dog was observed loose or unattended, the owner or responsible person allowed the dog to be in a public place without any physical restraints, or that the dog was being maintained on the property or residence of the owner or responsible party without sufficient or reasonable enclosures or restraints after being notified that the dog had been leaving the property.
C. Dogs may be at large as an exception to this section as follows:
1. While participating in field trials, obedience classes, or kennel club events where such trials, classes, or events have been approved by the Town.
2. While being used or trained for legal hunting or control of livestock.
3. While assisting a peace officer engaged in law enforcement duties.
4. Guide dogs while assisting blind, deaf or physically handicapped persons, so long as such dogs are under direct and effective voice control of such individual to assure that they do not violate any other provision of law.

Section 6-1-3 Waste Removal Required

A. It shall be unlawful for the owner or person having custody of any dog to fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such dog on public property or deposited on private property without the consent of the person in control of the property. This section shall not apply to guide dogs for blind persons or persons with mobility disabilities.

B. It shall be unlawful for the owner or person having custody of any dog to deposit, cause to be deposited or allow solid waste from dogs to accumulate within or about such premises for longer time

than forty-eight hours. This provision is to include animal waste on private property, including property owned, leased, or controlled by the owner of the dog.

Section 6-1-4 Licensing of Dogs

A. Each dog four months of age or over that is kept, harbored, or maintained within the town limits for at least thirty consecutive days shall be licensed by the town. Fees and penalties for licenses shall be established by resolution of the council, and the town shall provide durable dog tags with the name of the town, license number, and expiration date. Before a license is issued, the owner must present a rabies vaccination certificate signed by a licensed veterinarian stating the owner's name and address and giving the dog's description, date of vaccinations, types, manufacturer, and serial number of the vaccine and the date the revaccination is due.

B. It is unlawful for any person who fails within fifteen days after notification by the ACO, verbally or in writing, to obtain a license for a dog required to be licensed under this article or as may otherwise be required by law, or to remove a dog tag from a dog required to be licensed, or to place a dog tag on a dog other than the dog for which the license was issued.

Section 6-1-5 Excessive Noise caused by Animals or Birds

It is unlawful for any person to own, possess, harbor, or control any animal or bird which frequently or for continuous duration barks, howls, meows, squawks, or makes other aggravating noises if they are clearly audible beyond the property line of the property on which they are conducted and they unreasonably disturb the peace and quiet of the neighborhood.

Section 6-1-6 Stray Animals

Any person who keeps or causes to be kept any horse, mule, cattle, burro, goat, sheep, swine (including potbellied pigs), or other livestock or poultry shall keep such animals in a pen or similar enclosure to prevent the animal from being at large within Town limits. Any such animal found at large may be impounded, with the cost for care to be paid by the owners or responsible parties, and a citation for animal at large may be issued.

Section 6-1-7 Protection of Animals by Town

A. Any peace officer or Camp Verde Animal Control Officer or other designated town enforcement agent(s) is authorized to enforce ARS §13-2910, Cruelty to Animals and its subsections, as may be amended, and to use whatever force is reasonable and necessary to remove any animal from a vehicle or other enclosed space whenever it appears that the animal's life or health is endangered by extreme temperatures or lack of ventilation within a vehicle or other enclosed space.

B. No peace officer or any Camp Verde Animal Control Officer or other designated town enforcement agents shall be liable for damages to property caused by the use of reasonable force to remove an animal from such a vehicle or other enclosed space under such circumstances.

C. Any peace officer or any Camp Verde Animal Control Officer or other designated town enforcement agent(s) is authorized and empowered to remove and impound any animal in plain view and suffering from life threatening exigent circumstances. The owner of any animal removed or impounded under the provisions of this article or the applicable state law shall be liable for any impoundment, boarding, or veterinary fees incurred in connection therewith.

Section 6-1-8 Penalty (2006-A332) (2008-A356)

A. Any person who violates or fails to comply with any provision of this article shall be guilty of a Class 2 misdemeanor, with punishment as provided by law, unless otherwise specified within a particular section of the Code.

B. Camp Verde Animal Control Officer or other designated town enforcement agent(s) may, in addition to the procedures prescribed in this section, impound or cause to be impounded any dog, livestock, or poultry running at large contrary to the provisions of this article.
1. Upon the impounding of any animal, the owner, if known, shall be immediately notified in person, by telephone, or by mail, and may reclaim such animal upon payment of all costs and charges incurred in picking up, impounding, and maintaining the animal.
2. Any licensed dog unclaimed within seven days of its impoundment may be placed for adoption or humanely destroyed within the discretion of Camp Verde Animal Control.
3. Any unlicensed dog unclaimed within five days may be placed for adoption or humanely destroyed within the discretion of Camp Verde Animal Control.
4. Any livestock requiring impoundment will be turned over to the Arizona Department of Agriculture, Livestock Division.

Article 6-2
VICIOUS, DESTRUCTIVE OR DANGEROUS ANIMALS

Section 6-2-1 Vicious or Destructive Animals
Section 6-2-2 Violations; Penalty
Section 6-2-3 Dangerous Animals; Definition
Section 6-2-4 Declaring an Animal Dangerous; notice
Section 6-2-5 Hearing; Burden of Proof; Appeal
Section 6-2-6 Order of Compliance
Section 6-2-7 Consent to Inspection; Inspection; Order of Compliance; Seizure
Section 6-2-8 Required Acts and Unlawful Activities
Section 6-2-9 Minimum Penalties; Enhancement
Section 6-2-10 Authority to Enforce, Remove, and Impound

Section 6-2-1 Vicious or Destructive Animals

It is unlawful for any person to keep, control, harbor, or otherwise have under control any animal which is vicious or destructive. This article shall not apply to zoos, wild animal parks, or animal shelters, or to persons who are in compliance with an order of the town magistrate, issued pursuant to this section.

Section 6-2-2 Violations; Penalty (2006-A332)

A. The owner of any animal that bites, attempts to bite, endangers or otherwise injures or causes injury to human beings or other animals, or destroys, damages, or causes damage to the property of another is guilty of a class 1 misdemeanor.

B. An owner of an animal charged with a violation of this article shall produce that animal for inspection or impoundment upon the request of the Camp Verde Animal Control or other designated town enforcement agent. All owners shall be responsible for any and all applicable impoundment and boarding fees in connection therewith.

C. It is unlawful for any person to fail to comply with an order of the magistrate regarding a vicious or destructive animal. It is a separate offense for each day that such a person fails to comply with the magistrate's order.

D. A violation of any provision of this article is punishable by a fine of up to two thousand five hundred dollars ($2,500), six months in jail, three years' probation or any combination thereof. The magistrate may not grant probation in lieu of, or otherwise suspend, the imposition of the minimum fine prescribed.

E. In addition to the above sanctions, upon the declaration of an animal as vicious or destructive, the magistrate shall order the owner to do one or more of the following:

1. The animal shall be kept in an enclosure that is high enough so that the animal cannot bite, harm, or injure anyone outside the enclosure. The enclosure and property whereon it is located shall be posted with conspicuous signs, and at no time shall the animal leave the enclosure unless it is muzzled, leashed and under the control of an adult human being; or
2. The animal be banished from the town limits; or
3. The animal be spayed or neutered at the owner's expense; or
4. The animal be humanely destroyed; or
5. Restitution up to one thousand dollars ($1,000) may be ordered made by the owner to the victim. This remedy shall not abridge any civil cause of action by the victim.

F. It shall be an affirmative defense to the provisions of this article if the animal is:

1. Not at large and there is provocation; or
2. The dog is a police dog under the command of its trainer.

G. In any proceeding brought to enforce a violation of this article, the following procedure shall be used.

1. A Camp Verde Animal Control Officer or other designated town enforcement agent, upon determining that any animal within the town limits is vicious and is an immediate danger to the safety of any person or other animal, may impound the animal immediately.
2. Within ten days of the date of impoundment, the town magistrate shall conduct a hearing provided under this article.

The owner of the animal shall be notified of this hearing by the court. Upon proof of such notification, such hearing may proceed in the owner's absence.

Section 6-2-3 Dangerous Animals

Definitions

A. A dangerous animal means one which has been declared to be vicious or destructive pursuant to this article or displays or has a tendency, disposition, or propensity, as determined by the town enforcement agent, to:

1. Injure, bite, attack, chase, or charge, or attempt to injure, bite, attack, chase, or charge a person or domestic animal in a threatening manner; or
2. Bare its teeth or approach a person or domestic animal in a threatening manner.

B. A dangerous animal does not include an animal used in law enforcement, nor does this article apply to animals in custody of zoos or wild animal parks, animals placed in animal shelters, animals under the care of veterinarians, or wild animals.

Section 6-2-4 Declaring an Animal Dangerous; notice

A. Camp Verde Animal Control shall develop guidelines to determine if an animal is a dangerous animal.

B. Whenever an animal control officer has reason to believe an animal may be dangerous, an evaluation of the animal shall be conducted.

C. If Camp Verde Animal Control declares that an animal is dangerous; the owner shall be notified and issued an order of compliance. Once an animal is declared dangerous, the animal is dangerous until a hearing officer or judge determines otherwise. If the owner is known, the owner shall be provided with a written notice of the owner's right to file, within five days of receipt of the notice, a written request with animal control for a hearing to determine if the animal is dangerous. If the owner's whereabouts cannot be determined or the animal poses a threat to public safety or domestic animals, the animal shall be impounded and notice (including notice that the animal could be destroyed if the owner fails to appear at the hearing) shall be posted on the owner's property or mailed forthwith to the owner at the owner's last known address by registered or certified mail, return receipt requested.

Section 6-2-5 Hearing; burden of proof; appeal

A. The owner of the animal may request a hearing to contest the declaration of dangerousness or contest the confinement conditions ordered by animal control.

B. If the owner of an impounded animal fails to appear at a hearing or fails to request a hearing, the animal shall be forfeited to animal control to be humanely destroyed.

C. If the owner of a non-impounded animal fails to appear at a hearing or fails to request a hearing, the animal is declared to be dangerous and the order of compliance shall remain in effect.

D. After request for a hearing, Animal Control shall set a hearing date within five working days at a time and place designated by the animal control officer or town enforcement agent. The hearing shall be conducted by a hearing officer selected by Animal Control.

E. The hearing shall be held in an informal manner and a record thereof shall be made by stenographic transcription or by electronic tape recording. The rules of evidence do not apply, and hearsay is admissible.

F. It is the burden of the owner of the animal to establish by a preponderance of the evidence that the animal is not dangerous. The owner may be represented by counsel and present witnesses at the owner's cost.

G. The hearing officer shall make a written decision within five working days of the hearing and notify the owner of the animal of the decision.

H. If the decision of dangerousness is sustained by the hearing officer, the owner of the animal shall obey the order of compliance issued by the enforcement agent within the time given by the order of compliance or ten days whichever is more.

I. If the animal is found not to be dangerous, the order of compliance is null and void. The finding that an animal is not dangerous does not prevent Camp Verde Animal Control or other town enforcement agent from declaring an animal dangerous again if the agent has additional reasons to believe the animal is dangerous after a new evaluation of the animal is conducted.

J. Appeal of the decision of the hearing officer shall be by way of special action to the Superior Court on the record of the hearing. If either party claims the record to be incomplete or lost, and the hearing officer who conducted the hearing so certifies, a new hearing shall be conducted before that officer. The appealing party shall bear the cost of preparing the record of the hearing on appeal. No appeal shall be taken later than thirty days after the decision.

Section 6-2-6 Order of Compliance

A. When an animal is declared dangerous, animal control shall issue an order of compliance requiring the owner within thirty days to:

1. Confine the animal sufficiently to prevent the animal's escape as follows:
   a. The animal control officer shall determine the appropriate fencing requirements for the size and nature of the animal. The animal control officer may require a fence including gates to be six feet in height; the fence from five feet in height to six feet in height to incline to the inside of the confinement area at a forty-five degree angle from the vertical; or that the confinement area be wholly covered by a material strong enough to keep the animal from escaping.
   b. The animal control officer may require the bottom of the confinement area to be concrete, cement or asphalt, or of blocks or bricks set in concrete or cement; or if such bottom is not provided then a footing of such material shall be placed along the whole perimeter of the confinement area to the depth of one foot below ground level, or deeper if required by the animal control officer.
   c. The gates of the confinement area shall be locked at all times with a padlock except while entering or exiting.
   d. The animal control officer may require temporary confinement measures until the order of compliance has been obeyed or the hearing officer determines that the animal is not dangerous. If the owner does not immediately comply with the temporary confinement requirements, the animal shall be impounded.
2. Muzzle and restrain the animal outside the confinement area with a leash, chain, rope or similar device not more than six feet in length sufficient to restrain the animal and under the control of a person capable of preventing the animal from engaging in any prohibited behavior.
3. Post a sign on every gate or entry way to the confinement area stating "Beware of Dangerous Animal, Per Camp Verde Animal Control Code Chapter 6."
4. Obtain and maintain liability insurance in a single incident amount of one hundred thousand dollars ($100,000) to cover any damage or injury that may be caused by the dangerous animal. The animal control officer shall maintain a registry of the animals, owners and insurance carrier for each dangerous animal.
5. Pay the reasonable cost to animal control to tattoo the animal with an identification number or have an identification chip implanted in the animal. The animal control officer shall maintain a registry of such numbers and the owners of the animals.
6. Have a licensed veterinarian spay or neuter the animal at the owner's expense. The owner shall obtain written certification signed by the veterinarian that the spaying or neutering has been performed.

Section 6-2-7 Consent to inspection; Inspection; Order of compliance; seizure

A. By continuing to own an animal declared dangerous, an owner gives consent to the Camp Verde Animal Control or any law enforcement officer to inspect the animal declared dangerous, the premises where the animal is kept, the liability insurance documents required for the animal, and the veterinarian's certificate of spaying or neutering for the animal.

B. The animal control officer may seize and impound the dangerous animal if the owner fails to obey the order of compliance. Five days after the seizure, the animal control officer may humanely destroy the animal unless the owner has demonstrated obedience to the order of compliance. The owner of the animal is responsible for any impound fees. If the owner of the animal demonstrates proof that the order of compliance has been obeyed, then the animal will be returned to the owner after payment of impound fees. Any action under this article shall be in addition to any available penalties.

Section 6-2-8 Required acts and unlawful activities

A. An owner of an animal declared dangerous shall obey the order of compliance.

B. An owner of an animal declared dangerous shall not sell, give away, abandon, or otherwise dispose of the animal without notifying Camp Verde Animal Control in writing in advance.

C. An owner of an animal declared to be dangerous shall provide proof of liability insurance and the veterinarian's certificate of spaying or neutering to Animal Control upon demand.

D. An owner of an animal declared to be dangerous shall not prevent or try to prevent inspection of the animal or the premise where the animal is kept.

E. When the owner of an animal is notified that Camp Verde Animal Control is evaluating an animal or wants to evaluate an animal to determine if the animal is dangerous, the owner of the animal shall present the animal for inspection within twenty-four hours of a request by Animal Control. The owner shall not sell, give away, hide, or otherwise prevent animal control from making an evaluation of the animal.

F. The owner of an animal declared to be dangerous shall prevent the animal from running at large as defined in this chapter.

G. The owner of an animal declared to be dangerous shall prevent the animal from biting, injuring, or attacking any person or domestic animal outside of the confinement area.

Section 6-2-9 Minimum Penalties; enhancement (2006-A332)

A. Whenever in this article any act is prohibited or declared to be unlawful or the doing of any act is required or the failure to do an act is declared to be unlawful, the violation of such provision is a misdemeanor punishable, except for the penalties already set forth herein, by a fine of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000) and/or by imprisonment of not more than six months. The judge may not grant probation in lieu of, or otherwise suspend, the imposition of the minimum fine prescribed. In addition, a person may be placed on probation for not more than three years. The permitted fines set forth in this Section shall not be construed in any way to require only the imposition of the minimum mandatory penalties provided herein.

B. Each day any violation continues or occurs shall constitute a separate offense.

Section 6-2-10 Authority to Enforce, Remove and Impound

A. Authority to enforce

Any peace officer or Camp Verde Animal Control Officer or other designated town enforcement agent is hereby authorized and empowered to enforce the provisions of this chapter and to issue citations for violations thereof. Camp Verde Animal Control shall have primary responsibility for the enforcement of this chapter.

B. Authority to Impound

1. If a peace officer or a Camp Verde Animal Control Officer or other designated town enforcement agent has issued a citation for a violation of this chapter or of the Arizona Revised Statutes, and reasonably believes that the violation will continue, the officer is authorized and empowered to remove and impound the animal.
2. The owner of any animal removed and impounded under the provisions of this chapter shall be liable for any impoundment, boarding, or veterinary fees incurred in connections therewith.

CHAPTER 7
BUILDING
Article 7-1
ADOPTION OF THE 2006 INTERNATIONAL CODE COUNCIL CODES, (ICC) AND RELATED PUBLIC CODES

(2004-A274) (2006-A332) (2007-A341) (2009-A361) (2009-A359)

Pursuant to ARS §9-802 (as amended), the Town hereby adopts for application and enforcement for all construction within Town limits the following codes heretofore in existence, together with all future amendments, revisions, and modifications as issued by the respective publishing agencies.

1. *2006 International Code Council Codes, Published by the International Code Council Incorporated, 2006 Edition.*
2. *2006 International Building Code, Including Appendix J – Grading, Published by the International Code Council Incorporated, (ICC), 2006 Edition.*
3. *2003 International Fire Code, Published by the International Code Council Incorporated, (ICC), 2003 Edition.*
4. *2006 International Fuel Gas Code, Published by the International Code Council Incorporated, (ICC), 2006 Edition.*
5. *2006 International Mechanical Code, Published by the International Code Council Incorporated, (ICC), 2006 Edition.*
6. *2006 International Plumbing Code, Published by the International Code Council Incorporated, (ICC), 2006 Edition.*
7. *2005 National Electrical Code, Published by the National Fire Protection Association, 2005 Edition.*
8. *2006 International Residential Code, Published by the International Code Council Incorporated, (ICC), 2006 Edition.*

9. *2006 Existing Building Code, Published by the International Code Council Incorporated, (ICC), 2006 Edition.*

10. *2006 International Energy Conservation Code, Published by the International Code Council Incorporated, (ICC), 2006 Edition.*

11. *Town of Camp Verde Administrative Building Code*

12. *And Amendments*

The effective date of the ordinance shall be September 20, 2009 after which all new construction and work in progress shall meet the standards set forth in the ICC and the above-related codes.

The Town Council shall adopt fee schedules for inspection and certification under the codes, annually, upon recommendation of the Community Development Director.

At least three (3) copies of the ICC and the above codes, and any future amendments or revisions, shall be kept on file in the Community Development Department. All copies shall be readily available for inspection, including any supplementary pamphlets or explanatory booklets for distribution to the public.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of any standard or provision of the ICC and above related codes, including their subsequent revisions and modifications.

In addition to the criminal penalties, the Court, upon conviction, may order abatement or removal of the construction, and issue appropriate injunctive relief. The Building Official shall issue no final certificate of occupancy until the construction or action described in this paragraph has been inspected and shown to meet all ICC and related code requirements, and all fees to the Town paid.

The Building Official, as defined in town code Article 7-2, Section 7-2-103, *shall be the administrative authority duly appointed to enforce these codes.*

Section 2. Any person found guilty of violating any provision of this ordinance shall be guilty of a Class 2 misdemeanor. Each day that a violation continues shall be a separate offense and punishable as a separate offense.

Section 7-1-100 Town of Camp Verde Technical Code Amendments

The above listed documents are hereby amended for the incorporated areas of the Town of Camp Verde.

INTERNATIONAL BUILDING CODE, 2006 EDITION, ADOPTED BY REFERENCE

The International Building Code, 2006 Edition, including Appendix J and hereby referred to, adopted, and made a part here of as set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

CHAPTER 1 ADMINISTRATION. Is deleted in its entirety and replaced with the requirements of the Town of Camp Verde Administrative Building Code as adopted and from time to time amended.

SECTION 3109.3 – Public swimming pools is amended by the deletion of four feet (1290 mm) and the insertion of five feet (1613 mm).

SECTION 3109.4.1 – Barriers height and clearances is amended by the deletion of forty-eight inches (1219 mm) and the insertion of sixty inches (1530 mm).

SECTION 3109.4.1.7 Gates is amended by revision of the last sentence to read as follows:

3109.4.1.7 – Gates. Where the release mechanism of the self-latching device is located less than fifty-four inches (1372 mm) from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least five inches (127 mm) below the top of the gate, and the gate and barrier shall have openings not greater than 0.5 inch (12.7 mm) within eighteen inches (457 mm) of the release mechanism.

SECTION 3109.4.1.8 Dwelling wall as a barrier is hereby amended by the addition of #4 to read as follows:

4. Emergency escape and rescue windows for sleeping rooms which face within a swimming pool enclosure shall be equipped with a latching device located fifty-four inches (1372 mm) above the floor. All other operable dwelling unit windows facing within the swimming pool enclosure shall be equipped with screwed-in-place wire mesh screen, a keyed lock that prevents opening the window more than four inches (102 mm), or a latching device located not less than fifty-four inches (1372 mm) above the floor.

SECTION 3401.3 – Compliance with other codes is amended by deletion of International Private Sewage Disposal Code, and ICC Electric Code.

INTERNATIONAL FUEL GAS CODE, 2006 EDITION, ADOPTED BY REFERENCE

The International Fuel Gas Code, 2006 Edition, including Appendixes A, B, C and D, and hereby referred to, adopted, and made a part here of as set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

CHAPTER 1 ADMINISTRATION. Is deleted in its entirety and replaced with the requirements of the Town of Camp Verde Administrative Building Code as adopted and from time to time amended.

SECTION 404.9 – Minimum burial depth is amended by adding the following sentence to the end of the section to read as follows:

404.9 – Minimum burial depth. Underground ferrous gas piping shall be electrically isolated from the rest of the gas system with listed or approved isolation fittings (dialectic union) installed a minimum six inches (152 mm) above grade. All nonmetallic piping shall be installed with a yellow 18 AWG tracer wire terminating 12 inches (305 mm) above grade at each end.

SECTION 409.1.3 – Gas piping installations, Shutoff valves, Access to shutoff valves is hereby amended by adding a second sentence to read as follows:

409.1.3 – Gas piping installations, Shutoff valves, Access to shutoff valves. All buildings shall be provided with a shutoff valve located at the building on the downstream side of the gas meter.

INTERNATIONAL MECHANICAL CODE, 2006 EDITION, ADOPTED BY REFERENCE

The International Mechanical Code, 2006 Edition, including Appendix A and hereby referred to, adopted, and made a part here of as set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

CHAPTER 1 ADMINISTRATION. Is deleted in ~~it's~~its entirety and replaced with the requirements of the Town of Camp Verde Administrative Building Code as adopted and from time to time amended.

INTERNATIONAL PLUMBING CODE, 2006 EDITION, ADOPTED BY REFERENCE

The International Plumbing Code, 2006 Edition, including Appendixes B, D, F and G, and hereby referred to, adopted, and made a part here of as set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

CHAPTER 1 ADMINISTRATION. Is deleted in its entirety and replaced with the requirements of the Town of Camp Verde Administrative Building Code as adopted and from time to time amended.

SECTION 305.6.1 – Sewer depth is hereby amended to read as follows:

305.6.1 – Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of twelve inches (305 mm) below finished grade at the point of septic tank connection. All nonmetallic building sewers shall be installed with a green 18 AWG tracer wire terminating 12 inches (305 mm) above grade at each end.

CHAPTER 4 FIXTURES, FAUCETS AND FIXTURE FITTINGS

SECTION 403 – Minimum Plumbing Facilities

TABLE 403.1 – Minimum number of required plumbing fixtures is hereby amended by addition of new footnote "e" to read as follows:

TABLE 403.1 – Minimum number of fixtures.

e. Water coolers or bottled water dispensers may be substituted for drinking fountains in A, B and M occupancies with twenty-five (25) or fewer occupants.

SECTION 504.6 – Requirements for discharge pipe, Item #5 is amended to read as follows:

504.6 – Requirements for discharge pipe.
5. Discharge to the floor, to an indirect waste receptor or to the outdoors. Where discharging to the outdoors, discharge piping shall be no less than six inches (152 mm) and no greater than twenty-four inches (610 mm) from grade.

SECTION 603 – Water service pipe installation is hereby amended as a new section to read as follows:

603.1 – Water service pipe installation. The installation of the water service pipe shall comply with Section 603.1.1.

603.1.1 – Burial depth. The water service pipe shall be buried a minimum of eighteen inches (457 mm) below the finish grade. All nonmetallic service piping shall be installed with a blue 18 AWG tracer wire terminating 12 inches (305 mm) above grade at each end.

SECTION 715.1 – Sanitary drainage; Backwater valves; Sewage backflow is amended to read as follows:

715.1 – Sanitary drainage; Backwater valves; Sewage backflow. An approved backwater valve shall protect all structures connected to a public sewer system.

SECTION 904.1 – Roof extension is amended by the insertion of twelve inches (12").

NATIONAL ELECTRICAL CODE, 2005 EDITION, ADOPTED BY REFERENCE

The National Electrical Code, 2005 Edition, and hereby referred to, adopted, and made a part here of as set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

ARTICLE 90-1 (E) – Administration and Enforcement is hereby added as a sub paragraph to read as follows:

ARTICLE 90-1 (E) – Administration and Enforcement – For the purpose of administration and enforcement of the requirements of this code and amendments thereto, the provisions of the Town of Camp Verde Administrative Building Code as adopted by separate ordinance, and as may be amended from time to time, shall apply.

ARTICLE 210.8 Ground-Fault Circuit –Interrupter Protection for Personnel is hereby amended to read as follows:

(7) Convenience receptacles located within six feet (1.8 m) of any sink, washbasin, tub or shower.

INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION, ADOPTED BY REFERENCE

The International Residential Code, 2006 Edition, including Appendixes A, B, C, G, H, J, and Q, and hereby referred to, adopted, and made a part here of as set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

CHAPTER 1 ADMINISTRATION. Is deleted in its entirety and replaced with the requirements of the Town of Camp Verde Administrative Building Code as adopted and from time to time amended.

SECTION R301 – DESIGN CRITERIA

TABLE R301.2 (1)

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Roof Snow Load	Wind Speed (mph)	Seismic Design Category	SUBJECT TO DAMAGE FROM			Winter Design Temp	Ice Barrier Underlayment Required
			Weathering	Frost Line Depth	Termite		
20	90 MPH Exposure C	C	Moderate	12 inches (305 mm)	Moderate to Heavy	20°	NO

Flood Hazards	Air Freezing Index	Mean Annual Temp
Refer to Flood Plain Unit	194	53°

TABLE R301.5 IS AMENDED BY DELETION OF DESIGN LOAD 20 IN ATTICS WITH STORAGE AND 30 IN SLEEPING ROOMS AND REPLACE WITH 40 IN BOTH AREAS.

USE	LIVE LOAD
ATTICS WITH STORAGE [B, E]	40
SLEEPING ROOMS	40

SECTION R309 – GARAGES AND CARPORTS

Section R309.1 – Opening protection is amended by the addition of the Sentence to read as follows:

R309.1 – Opening protection. Doors providing protection shall be maintained self-closing and self-latching.

SECTION R403.1.1 – Minimum size is hereby amended by addition of the following section to read as follows:

R403.1.1 – Minimum size. Continuous spread concrete footings shall be reinforced with at least one No. 4 horizontal reinforcement bar located three inches (76 mm) from the bottom of the footing. Monolithic interior and exterior concrete footings shall be reinforced with at least one No. 4 horizontal bar located three inches (76 mm) from the bottom of the footing and one No. 4 bar located three inches (76 mm) from the top of the slab. Pier and column footings shall be reinforced with one No. 4 horizontal bar spaced no more than twelve inches (305 mm) in each direction and located three inches (76 mm) from the bottom of the footing.

SECTION R403.1.3.1 – Foundations and stem walls is hereby deleted in its entirety and revised to read as follows:

R403.1.3.1 – Foundations and stem walls. Foundations and stem walls shall be provided with the following steel reinforcement, unless an engineered design is provided:

1. For non-retaining stem walls less than twenty four inches (610 mm) in height, a bond beam composed of one No. 4 horizontal bar is required at the top of the wall and one No. 4 vertical bar is provided at forty-eight inches (1219 mm) on center. The vertical reinforcement shall extend into the footing with a bent hook having a minimum of six-inch (152 mm) 90° bend.

2. For stem walls twenty-four inches (610 mm) to forty-eight inches (1219 mm) in height, a bond beam composed of two No. 4 horizontal bar, or one No. 5 bar is required at the top of the wall and one No. 4 vertical bar is provided at forty-eight inches (1219 mm) on center. The vertical reinforcement shall extend into the footing with a bent hook having a minimum of six-inch (152 mm) 90° bend.

SECTION R404.1.1 – Masonry foundation walls is hereby amended by deletion in its entirety and revised to read as follows:

R404.1.1 – Masonry foundation walls. Concrete masonry foundation walls shall be constructed as set forth in Tables R404.1.1 (2), (3) and (4) for the most restrictive design soil class provided that the minimum vertical reinforcement is one No. 4 spaced no more than forty-eight inches (1219 mm) on center and shall also comply with the provisions of this section and the applicable provisions of Sections R606, R607 and R608. In Seismic Design Category D_0, D_1 and D_2, concrete masonry foundation walls shall comply with Section R404.1.4. Rubble stone masonry walls shall not be used in Seismic Design Category D_0, D_1 D_2 or C.

TABLE R404.1.1 (5) – Foundations, concrete foundation walls is hereby amended by the addition of new subsection "m" to read as follows:

R404.1.1 (5) – Foundations, concrete foundation walls.

m. Where Table R404.1.1 (5) permits plain concrete walls, not less than one No. 4 vertical bar at a spacing not to exceed forty-eight inches (1219 mm) on center, shall be provided.

SECTION R404.1.8 – Rubble stone masonry is hereby deleted in its entirety.

TABLE R404.4 (2) – 7.5 INCH THICK FLAT ICF FOUNDATION WALLS, subsection "c" is hereby deleted and replaced with a new subsection "c" to read as follows:

c. N/R denotes not less than one No. 4 vertical bar at a spacing not to exceed forty-eight inches (1219 mm) on center, shall be provided.

TABLE R404.4 (3) – 9.5 INCH THICK FLAT ICF FOUNDATION WALLS, subsection "c" is hereby deleted and replaced with a new subsection "c" to read as follows:

C. N/R denotes not less than one No. 4 vertical bar at a spacing not to exceed forty-eight inches (1219 mm) on center, shall be provided.

SECTION P2603.6 – Freezing is amended by the revision of the last sentence to read as follows:

P2603.6 – Freezing. Water service pipe shall be installed not less than eighteen inches (457 mm) deep and not less than six inches (152 mm) below the frost line. All nonmetallic piping shall be installed with a blue 18 AWG tracer wire terminating 12 inches (305 mm) above grade at each end.

SECTION P2603.6.1 – Sewer depth is hereby amended to read as follows:

P2603.6.1 – Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of twelve inches (305 mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of twelve inches (305 mm) below grade. All nonmetallic building sewers shall be installed with a green 18 AWG tracer wire terminating 12 inches (305 mm) above grade at each end.

SECTION AG 102 – DEFINITIONS

SWIMMING POOL is amended to read as follows:

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over eighteen inches (457 mm) inches deep. This includes in-ground, aboveground swimming pools, hot tubs and spas.

SECTION AG103.2 – Aboveground and on-ground pools section is amended by the insertion of Exception to read as follows:

AG103.2 – Above ground and on-ground pools.

Exception: Prefabricated swimming pools accessory to detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons.

SECTION AG 105.2 – Outdoor swimming pool is hereby amended to read as follows:

#1 is amended by the deletion of forty-eight inches (1219 mm) and the insertion of sixty inches (1524 mm).

#6 is amended by the deletion of 2-¼ inches (57 mm) square and the insertion of 1 ¾ inches (44 mm) square.

#8 first sentence is amended to read as follows:

8. Access gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and shall be self-closing and self-latching.

Subsection 8.1 is amended to read as follows:

8.1 The release mechanism shall be located on the poolside of the gate at least five inches (127 mm) below the top of the gate.

#9 is revised by the addition of a new Section 9.4 to read as follows:

9.4 Emergency escape and rescue windows for sleeping rooms which face within a swimming pool enclosure shall be equipped with a latching device located fifty-four inches (1372 mm) above the floor. All other operable dwelling unit windows facing within the swimming pool enclosure shall be equipped with screwed-in-place wire mesh screen, a keyed lock that prevents opening the window more than four inches (102 mm), or a latching device located not less than fifty-four inches (1372 mm) above the floor.

Article 7-2

ADMINISTRATIVE BUILDING CODE (2009-A361)

Section 7-2-101 GENERAL

SECTION 7-2-102 APPLICABILITY

SECTION 7-2-103 DUTIES AND POWERS OF BUILDING OFFICIAL

SECTION 7-2-104 PERMITS

SECTION 7-2-105 CONSTRUCTION DOCUMENTS

SECTION 7-2-106 INSPECTIONS

SECTION 7-2-107 CERTIFICATE OF OCCUPANCY AND FINAL APPROVALS

SECTION 7-2-108 UNSAFE STRUCTURES AND EQUIPMENT

SECTION 7-2-109 VIOLATIONS

SECTION 7-2-110 BOARD OF APPEALS

SECTION 7-2-111 FEES

SECTION 7-2-101 GENERAL

7-2-101.1 Title. These provisions shall be known as the "Town of Camp Verde Administrative Building Code," may be cited as such, and will be referred to herein, as "this Chapter."

7-2-101.2 Scope. The provisions of this Chapter shall serve as the administrative, organizational and enforcement rules and regulations for the technical codes which regulate site preparation and construction, alteration, movement, enlargement, replacement, demolition, repair, maintenance, use and occupancy of buildings, structures and building service equipment or appurtenances attached thereto within the Town of Camp Verde, Arizona.

Exceptions: The provisions of this Chapter and the technical codes shall not apply to any of the following:

1. Amusement devices and structures, including merry-go-rounds, Ferris-wheels, rotating conveyances, slides, similar devices and accessory structures whose use is necessary for the operation of such amusement devices and structures; any accessory structure included in the provisions of this sub-section shall be limited to a cover or roof over each device, but shall not include any storage building or detached structure which is not an integral part of the device.

2. Tanks or basins, without a building above, built below grade, which is a part of the town water or sewage treatment process. Storage tanks resting in or upon the ground and installed in accordance with the requirements of the International Building Code.

3. Works of art not over 6 feet (1829 mm) in height and their foundation and supporting structure, provided that no part of which is intended to be occupied or used as shelter.

4. Portable LP-gas equipment of all types not connected to a fixed fuel piping system.

5. Except as provided in Section 401.1.1 International Fuel Gas Code (IFGC), gas piping, meters, gas pressure regulators and other appurtenances used by the serving gas utility supplier in the distribution of gas, other than LP-gas.

6. Federal Development on Federal Land.

7-2-101.3 Intent. The purpose of the technical codes is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

7-2-101.4 Technical Codes. The technical codes shall include all of the following codes applied as indicated, plus the codes and standards referenced in the technical codes shall be considered part of the requirements of the technical codes to the prescribed extent of each such reference.

7-2-101.4.1 Building Code. The provisions of the International Building Code and amendments thereto shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions:

a. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures shall comply with the International Residential Code.
b. Existing buildings undergoing repair, alteration or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.

7-2-101.4.2 Residential Code. The provisions of the International Residential Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures.

Exceptions: Existing buildings undergoing repair, alteration or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.

7-2-101.4.3 Electrical Code. The provisions of the National Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Exception: Electrical work for detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures shall comply with the International Residential Code.

7-2-101.4.4 Plumbing Code. The provisions of the International Plumbing Code shall apply to the installation, alteration, repair, replacement and maintenance of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

Exceptions:

a. Plumbing work for detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures shall comply with the International Residential Code.

b. Plumbing systems in existing buildings undergoing repair, alteration or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.

7-2-101.4.5 Mechanical Code. The provisions of the International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

Exceptions:

a. Mechanical work for detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures shall comply with the International Residential Code.

b. Mechanical systems in existing buildings undergoing repair, alteration or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.

7-2-101.4.6 Fuel Gas Code. The provisions of the International Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

Exceptions:

1. Fuel gas work for detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures shall comply with the International Residential Code.

2. Fuel-gas piping systems, fuel-gas utilization equipment and related accessories on existing buildings undergoing repair, alteration or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.

3. The International Mechanical Code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems operating with fuels other than fuel gas.

7-2-101.4.7 Existing Building Code. The provisions of the International Existing Building Code shall be permitted to apply to existing buildings undergoing repair, alteration, addition, relocation, and change of occupancy.

Exception: A building or portion of a building not previously occupied, used for its intended purpose, or for which a Certificate of Occupancy has not been issued shall comply with the Technical Codes for new construction.

7-2-101.4.8 Energy Conservation Code. The provisions of the International Energy Conservation Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

7-2-101.5 Appendices. Provisions in the appendices of the technical codes shall not apply unless specifically adopted.

7-2-101.6 Definitions. Unless otherwise expressly stated, the following words and terms shall have the meanings as shown in this Chapter. Definitions located in the technical codes are hereby incorporated into this Chapter.

Building – any structure used or intended for supporting or sheltering any use or occupancy.

Building, Existing – a building erected prior to the adoption of this Chapter or one for which a legal certificate of occupancy has been issued for at least one year.

Building Official - the officer or other designated authority charged with the administration and enforcement of this Chapter and the technical codes, or a regularly authorized deputy or other designee. When the term or title administrative authority, Building Official, building inspector, code official, gas inspector, plumbing inspector, mechanical inspector or other similar designation is used in this Chapter or in any of the technical codes, it shall be construed to mean the Building Official.

Building Service Equipment – the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential to the occupancy of the building or structure for its designated use.

Jurisdiction – the Town of Camp Verde, Arizona.

Owner – the person, agent, firm or corporation with legal or equitable interest in a property.

Permit – the official document issued by the Building Official authorizing performance of a specified, legal activity.

Shall – as used in this Chapter and the technical codes is mandatory.

Section 7-2-102 APPLICABILITY

7-2-102.1 General. This Chapter and the technical codes shall apply to, and shall govern, permit applications received on or after the effective date of the ordinance, except the project owner, at their discretion and prior to July 1, 2009, may request such project be designed and constructed under the requirements of the administrative Building code and building codes of the Town of Camp Verde in effect on March 3, 2004.

7-2-102.2 Conflicting provisions. When conflicting provisions or requirements occur between this Chapter, the technical codes and other codes or laws, the most restrictive provisions shall govern. When conflicts occur between the technical codes, those provisions providing the greater safety to life as determined by the Building Official shall govern.

In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern. Where in a specific case different sections of the technical codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

7-2-102.3 Other laws. The provisions of this Chapter and the technical codes shall not be deemed to nullify any provisions of the Town of Camp Verde Code, state or federal laws.

7-2-102.4 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Chapter or the technical codes.

7-2-102.5 Referenced codes and standards. The codes and standards referenced in this Chapter or the technical codes shall be considered part of the requirements of this Chapter and the technical codes to the prescribed extent of each reference. Where differences occur between provisions of this Chapter or the technical codes and the referenced codes and standards, the provisions of this Chapter and the technical codes shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listed equipment or appliance, the condition of the listing and manufacturer's instructions shall apply.

7-2-102.6 International codes references. Within the technical codes and the referenced codes and standards therein, specific references to the following International Codes shall be deemed and interpreted to mean the specific Town of Camp Verde codes as listed herein:

1. International Building Code
2. International Residential Code
3. National Electrical Code
4. International Plumbing Code
5. International Mechanical Code
6. International Fuel Gas Code
7. International Existing Building Code
8. International Energy Conservation Code

7-2-102.7 Partial invalidity. In the event any part or provision of this Chapter or the technical codes is held to be invalid, illegal, unconstitutional or void, such ruling shall not affect the validity of the remaining portions of this Chapter or the technical codes.

7-2-102.8 Additions, alterations and repairs. Additions, alterations or repairs may be made to a building or its building service equipment without requiring the existing building or its building service equipment to comply with all the requirements of this Chapter and the technical codes, provided the addition, alteration or repair conforms to the requirements for a new building or building service equipment. Refer to Section 7-2-101.4.7, for additional options governing additions, alterations and repairs.

7-2-102.9 Existing buildings or structures. The legal occupancy of any building or structure existing on the date of the adoption of this Chapter shall be permitted to continue without change, provided such continued use is not dangerous to life, health and safety as determined by the Building Official.

7-2-102.10 Maintenance. Buildings, structures and building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards, required by the technical codes, shall be maintained in conformance with the technical code under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of building structures and their building service equipment. To determine compliance with this section, the Building Official may cause a structure to be re-inspected.

7-2-102.11 Moved buildings. Buildings, structures and their building service equipment moved into or within this jurisdiction shall comply with the provisions of the technical codes for new buildings or structures and their building service equipment.

7-2-102.12 Historic buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or its building service equipment may

be made without conforming to the requirements of the technical codes when authorized by the Building Official provided:

1. The building or structure has been designated by official action of the legally constituted authority as having special historical or architectural significance, and

2. Unsafe conditions as described in this Chapter are corrected, and

3. The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire-safety and sanitation than the existing building as determined by the Building Official.

   Exception: Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or its building service equipment shall be permitted to comply with the provisions of the International Existing Building Code.

SECTION 7-2-103 DUTIES AND POWERS OF BUILDING OFFICIAL

7-2-103.1 General. There is hereby established a code enforcement agency of the Community Development Department of the Town of Camp Verde known as the Building Division under the administrative and operational charge of the Building Official.

7-2-103.2 Duties and powers. The Building Official is hereby authorized and directed to enforce the provisions of this Chapter and technical codes. The Building Official shall have the authority to render interpretations of this Chapter and the technical codes and to adopt policies and procedures in order to clarify the application of their provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Chapter and the technical codes. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Chapter or the technical codes.

7-2-103.3 Deputies. In accordance with any applicable Town procedures, and with the concurrence of the Community Development Director, the Building Official shall have the authority to appoint technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Building Official.

7-2-103.4 Applications and permits. The Building Official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings, structures, and building service equipment, inspect the premises where such permits have been issued and enforce compliance with the provisions of this Chapter and the technical codes.

7-2-103.5 Notices and orders. The Building Official shall issue all necessary notices or orders to ensure compliance with this Chapter and the technical codes.

7-2-103.6 Inspections. The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

7-2-103.7 Identification. The Building Official and authorized deputies shall carry proper identification when inspecting structures or premises or otherwise in the performance of duties under this Chapter or the technical codes.

7-2-103.8 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this Chapter or the technical codes, or where the Building Official has reasonable cause to believe there exists in a structure or upon a premises a condition contrary to or in violation of this Chapter or the

technical codes making the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Chapter or the technical codes, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

7-2-103.9 Department records. The Building Official shall keep official records of applications received, approved plans, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention by state or local law or ordinances.

7-2-103.10 Liability. The Building Official, members of the board of appeals or any employee charged with the enforcement of this Chapter or technical codes, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this chapter, technical codes or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee in the lawful discharge of duties and under the provisions of this legal representative of the jurisdiction shall defend chapter or technical codes until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action; suit or preceding that is instituted in pursuance of the provisions of this chapter or technical codes.

7-2-103.11 Approved materials and equipment. Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

7-2-103.11.1 Used materials and equipment. The use of used materials meeting the requirements of this Chapter or the technical codes for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Building Official.

7-2-103.12 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this Chapter or the technical codes, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of the codes impractical and the modification is in compliance with the intent and purpose of this Chapter and the technical codes and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of Building Division.

7-2-103.13 Alternative materials, design and methods of construction and equipment. The provisions of this Chapter and the technical codes are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Chapter or the technical codes, provided any such alternative is approved by the Building Official. An alternative material, design or method of construction may be approved where the Building Official finds the proposed design is satisfactory and complies with the intent of the provisions of this Chapter and the technical codes, and the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Chapter and the technical codes in quality, strength, effectiveness, fire resistance, durability and safety. Records of alternative materials, design and methods of construction approvals shall be recorded and entered in the files of the Building Division.

7-2-103.13.1 Research reports. Supporting data, where deemed necessary to assist in the approval of materials or assemblies not specifically provided for in this Chapter or the technical codes shall be provided and shall consist of valid research reports from approved sources.

7-2-103.13.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this Chapter or the technical codes, or evidence a material or method does not conform to the requirements of this Chapter or the technical codes, or in order to substantiate claims for alternative materials or methods,

the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the Town. Test methods shall be as specified in this Chapter or the technical codes or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official may approve the testing procedures. Tests shall be performed by an approved agency. The Building Official for the period required in Section 7-2-103.9 of this chapter shall retain reports of such tests.

7-2-103.14 Stop Work Orders. Whenever the Building Official finds any work regulated by this Chapter or the technical codes being performed in a manner either contrary to the provisions of this Chapter or the technical codes or dangerous or unsafe, the Building Official is authorized to issue a stop work order.

7-2-103.14.1 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

7-2-103.14.2 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by this Chapter and the law.

7-2-103.14.3 Appeals. Any person aggrieved by a stop work order issued by the Building Official may appeal such stop work order to the appropriate technical codes Board of Appeals in accordance with the requirements of this Chapter.

7-2-103.15 Occupancy violations. When a building or structure or building service equipment therein regulated by this Chapter and the technical codes is being used contrary to the provisions of such codes, the Building Official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall, after receipt of notice, discontinue the use within the time prescribed by the Building Official and make the building, structure, or portion thereof, comply with the requirements of such codes.

7-2-103.16 Authority to disconnect utilities. The Building Official shall have the authority to disconnect a utility service or energy supplied to the building, structure or building service equipment therein regulated by this Chapter or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

7-2-103.17 Authority to condemn building service equipment. When the Building Official determines that building service equipment regulated in the technical codes has become hazardous to life, health or property, or has become unsanitary, the Building Official shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, as appropriate. The written notice shall fix a time limit for compliance with such order. Defective building service equipment shall not be used, operated or maintained after receiving such notice.

7-2-103.17.1. When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefore shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises, unless an emergency exist under Section 7-2-103.16 of this chapter.

7-2-103.17.2. When any building service equipment is used, operated or maintained in violation of the technical codes and in violation of a notice issued pursuant to the provisions of this section, the individual or individuals responsible for continued use, operation or maintenance shall be subject to the penalties described in this Chapter and the Building Official shall institute appropriate action to prevent, restrain, correct or abate the violation.

7-2-103.18 Connection after order to disconnect. Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to building service equipment that has been disconnected or ordered to be disconnected or the use has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

Section 7-2-104 PERMITS

7-2-104.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this Chapter or the technical codes, or to cause such work to be done, shall first make application to the Building Official and obtain the required permit or permits.

Exceptions:

1. Federal developments on federal own land.

2. Annual permit holder.

3. Construction or operation incidental to construction and repair to irrigation and drainage ditches or appurtenances thereto, of regularly constituted districts or reclamation districts or clearing or other work upon land in rural areas for fire prevention purposes.

4. Devices used in manufacturing, processing or fabricating normally considered as involved in industry and construction of non-manned structures for the operation and maintenance of electric, gas or other public utility systems operated by public service corporations operating under a franchise or certificate of convenience and necessity.

7-2-104.2 Work exempt from permit. Exemptions from permit requirements of this Chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Chapter or the technical codes or any other laws or ordinances of the Town. Permits shall not be required for the following:

7-2-104.2.1 Building permits. A building permit shall not be required for the following:

a. One-story detached accessory structures ancillary to detached one and two family dwellings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.5 m^2 squared).

b. Fences not more than 6 feet (1829 mm) high.

c. Oil derricks.

d. Retaining walls which are not over 4 feet (914 mm) in height measured from the bottom of the footing to the top of the wall, provided the retaining wall is not supporting a surcharge, is not impounding Class I, II or III-A liquids.

e. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18925 L) and the ratio of height to diameter or width does not exceed 2 to 1.

f. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and not part of an accessible route.

g. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

h. Temporary motion picture, television and theater stage sets and scenery.

i. Prefabricated swimming pools accessory to detached one- and two-family dwellings, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18925 L) and are installed entirely above ground (a permit is required for the required pool barriers).

j. Swings and other playground equipment.

k. Window awnings supported by an exterior wall projecting not more ~~that~~than 54 inches (1372 mm) from the exterior wall, no closer than 3 feet from a property line, and not requiring additional support in detached one- and two-family dwellings and Group U occupancies.

l. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

m. Replacement roof covering provided the replacement roof covering classification is equal to or greater than the existing roofing classification and does not increase the loads imposed upon the roof structural frame.

7-2-104.2.2 Electrical permits. An electrical permit shall not be required for the following:

a. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approve permanently installed receptacles.

b. The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

c. Temporary decorative lighting.

d. A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

e. Low-energy power, control and signal circuits of Class II and Class III as defined in the Electrical Code not install in hazardous locations, as defined in Article 500. Installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

f. Installation of an approved temporary metered power outlet that has been supplied and installed by an electric utility.

(FPN :) a temporary metered power outlet is a device, designed to be installed in the electric utility meter socket that provides metered electrical power to receptacles mounted on or in the device, for the purpose of providing temporary construction power to a residential building. Such devices may not energize the meter socket, lugs or equipment on the customer's side of the meter socket. The temporary metered power outlet shall be an approved device with an AIC ~~aic~~ rating higher than the available fault current provided at the meter.

Such devices may be installed on residential buildings when a valid building permit has been issued, provided that the structural integrity and weather resistive barrier is maintained at the panel location, or the installation is detailed on the approved building plans. This exemption from permitting does not prohibit or limit the authority having jurisdiction from directing the electric utility to disconnect the temporary

7-2-104.2.3 Fuel gas permits. A fuel gas permit shall not be required for the following:

a. Portable heating appliance.

b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

7-2-104.2.4 Mechanical permits. A mechanical permit shall not be required for the following:

a. Portable heating appliance.

b. Portable ventilation equipment.

c. Portable cooling unit.

d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by International Mechanical Code.

e. Replacement of any part not altering its approval or making it unsafe.

f. Portable evaporative cooler.

g. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

7-2-104.2.5 Plumbing permits. A plumbing permit shall not be required for the following:

a. Stopping of leaks in drains, water, soil, waste or vent pipe, except, not including defective concealed trap, drainpipe, water, soil, waste or vent pipe requiring removal and replacement.

b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

7-2-104.3 Emergency repairs. Where equipment replacements and repairs requiring a permit must be performed in an emergency situation, the permit application shall be submitted within the next working business day.

7-2-104.4 Ordinary repairs. Application or notice to the Building Official is not required for ordinary repairs to structures; replacement of lamps or the connection of approved portable electrical equipment to approve permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

7-2-104.5 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment under the ownership and control of public service agencies by established right.

Nothing in this section shall be construed to exempt any electrical installation used for lighting, power, heating, ventilation, elevators pumping or for other building or premise operations, nor exempt any service equipment for electrical service to a building or premise.

7-2-104.6 Annual permits.

7-2-104.6.1 Scope. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the Building Official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for permit.

7-2-104.6.2 Qualified Tradesperson. An individual that holds one or more licenses from a nationally recognized agency in the trade that work is to be performed.

7-2-104.6.3 Annual Permit Records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

7-2-104.7 Temporary structures and uses. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the technical codes.

7-2-104.8 Application for permit.

1. Requirements. To obtain a permit, an applicant shall first file an application in writing on a form furnished by the Community Development Department. Such application, as a minimum, shall contain the following:

    a. Identify and describe the work to be covered by the permit.

    b. Description of the land where the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

    c. Indicate the use and occupancy of the proposed work.

    d. Construction documents and other information as required in this section.

    e. The valuation of the proposed work.

    f. The signature of the applicant or the applicant's authorized agent.

    g. Other data and information as required by the Building Official.

7-2-104.9 Action on application. The Building Official shall examine or cause to be examined applications for permits and related documents within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, identifying the reasons for rejection.

If the Building Official is satisfied that the proposed work conforms to the requirements of this Chapter, the technical codes and applicable laws and ordinances thereto, the Building Official shall issue a permit as soon as practicable, subject only to the payment of appropriate fees.

7-2-104.10 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned and expires 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued. The Building Official is authorized to grant one extension of time for an additional period not exceeding 180 days. Such extension shall be requested in writing with justifiable cause demonstrated.

Exception: Within 90 days of the date of application expiration and for those applications with a ready to issue status prior to the 360-day expiration date, the applicant shall resubmit plans and pay 50% of the current permit fees.

7-2-104.11 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Chapter, the technical codes or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this Chapter, the technical codes or other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents or in the construction.

The Building Official is also authorized to prevent occupancy or use of a structure where in violation of this Chapter, the technical codes or of any other ordinances of this jurisdiction. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

7-2-104.12 Expiration of permit. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or declared abandoned by the owner for a period of 180 days after the date the work is commenced, or if the Building Official declares the permit suspended or abandoned after the expiration of 180 days from the date of permit issuance. The Building Official is authorized to grant a one-time extension of 180 days in accordance with Sections 7-2-104.13.1 and 7-2-104.13.2.

7-2-104.13.1 Work not commenced. Every permit issued under the provision of this Chapter and the technical code shall be valid for a period of one year from the date of issuance provided, however, that any permit shall expire if work authorized by such permit is not commenced and an approved inspection obtained within 180 days from the date of issuance. An approved inspection shall be an inspection that is requested and approved pursuant to Section 7-2-106.5. Before work can be commenced on a structure for which the permit has expired, a new permit shall be obtained and the fee therefore shall be based on the total valuation of the structure.

Exception: Where no work has commenced within 180 days from the date of issuance, the permit may be reinstated, without a fee upon a written or verbal request from the owner or owner's agent, provided work commences and an approved inspection is obtained within one year of the original date of issuance.

7-2-104.13.2 Work commenced. Every permit issued under the provisions of this code shall be valid for a period of one year from the date of issuance, provided, however, that any permit shall expire 180 days after the last approved inspection. An approved inspection shall be an inspection that is requested and approved pursuant to Section 7-2-106.5.

Before work can be continued or resumed on a structure for which the permit has expired, a new permit shall be obtained and the fee thereof shall be determined by the Building Official on the basis of the valuation of the uncompleted portion of the work from the last approved inspection.

Exceptions:

1. A permit shall not expire if the time between approved inspections does not exceed 180 days.

2. If an approved inspection is not obtained within 180 days of the last approved inspection, the permit may be reinstated once, without a fee upon written or verbal request from the owner or owner's agent provided that no substantial changes have been made in the original plans and specifications for such work

and provided further that an approved inspection is obtained within one year of the last approved inspection and the technical codes have not been updated.

7-2-104.14 Unfinished buildings or structures. Whenever work has commenced on a building or structure for which a permit has been issued, and said permit has expired pursuant to Section 7-2-104.8, the owner of the property upon which structure is located, or other person or agent in control of said property, upon receipt of notice in writing from the Department, shall within 30 days from the date of such written notice, obtain a new permit to complete the work and diligently pursue the work to completion, or within said 30 days, obtain a demolition permit and shall remove or demolish the building or structure within 120 days from the date of written notice. Notwithstanding the provisions of Section 7-2-104.8 and this section, whenever work on any building, structure, addition, alteration, appendage or repair has commenced, the exterior walls and roof shall be completed in accordance with the approved plans including but not limited to roofing, fenestration and finish materials including paint, within two years of commencing construction. In the absence of evidence to the contrary, the date of the first inspection request shall establish the date that construction commenced.

The provisions of this section shall apply to all permits issued on and after the effective date of this ordinance and permits issued or reinstated pursuant to Section 7-2-104.8

Such building, structure, addition, alteration, appendage or repair not in compliance with this section is subject to the enforcement and abatement procedures of Section 7-2-109.

7-2-104.15 Suspension or revocation. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this Chapter wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance, regulation or any of the provisions of this Chapter, the technical codes or of other ordinances of this jurisdiction.

7-2-104.16 Placement of permit. The building permit or copy thereof shall be kept on the site of the work until the completion of the project. The issued premise identification placard (yellow card) shall be conspicuously posted on site.

Section 7-2-105 CONSTRUCTION DOCUMENTS

7-2-105.1 Submittal documents. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data, as required by the Building Official, shall be submitted with each application for a permit. The construction documents shall be prepared by a registered design professional as required by Arizona State law and Section 7-2-105.3. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Chapter, the technical codes and other ordinances of the Town.

7-2-105.1.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Chapter, the technical codes and relevant laws, ordinances as determined by the Building Official.

7-2-105.1.2 Screening. Submittal documents may be subject to screening by the Building Official for completeness and code compliance prior to being accepted for permit review. Incomplete submittals or submittals containing readily apparent code violations shall be returned to the applicant without being accepted unless otherwise directed by the Building Official.

7-2-105.1.3 Title sheet information. The construction documents shall contain a title sheet or title sheets indicating the name, address and phone numbers of design professionals. The title sheet shall also contain information regarding the Code review as performed by the design professional, including the size of the building, type of construction, occupancy classification(s), area and height modifications (if any), fire sprinklers (if any), required special inspection (if any), deferred submittals (if any) and any other information as directed by the Building Official. The Building Official is authorized to waive or modify the requirement for a title sheet when the application for permit is for alteration or repair or when otherwise warranted.

7-2-105.1.4 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

7-2-105.1.5 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of the technical codes. In other than detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height as applicable in Section 7-2-101.4.2, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces. The Building Official is authorized to waive or modify the requirement for a means of egress plan when the application for permit is for alteration or repair or when otherwise warranted.

7-2-105.1.6 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with the technical codes. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roofs, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system, which was tested, where applicable, as well as the test procedure used.

The Building Official is authorized to waive or modify the requirement for an exterior wall envelope plan when the application for permit is for alteration or repair or when otherwise warranted.

7-2-105.2 Examination of documents. The Building Official shall examine or cause to be examined the permit application and accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Chapter, the technical codes and other pertinent laws or ordinances.

7-2-105.2.1 Approval of construction documents. When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." The Building Official as required by the approved Building Division retention schedule shall retain one set of construction documents so reviewed. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official. When the submittal documents are produced electronically, the applicant shall provide an electronic copy of all drawings on compact disk or other media approved by the Building Official.

7-2-105.2.2 Previous approvals. This Chapter and the technical codes shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit

has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith and has not been abandoned pursuant to Section 7-2-104.8.

7-2-105.2.3 Phased approval. The Building Official is authorized to issue a permit for the construction of foundations, or other parts of a building or structure before the construction documents for the whole building or structure have been submitted, provided adequate information and detailed statements have been filed complying with pertinent requirements of this Chapter and the technical codes. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the construction operation and without assurance that a permit for the entire structure will be granted.

> Exception: Phased construction approvals are not applicable for Group R-2, R-3 and R-4 occupancies and detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height.

7-2-105.3 Design professional in responsible charge. When it is required that permit submittal documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge.

If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The owner shall notify the Building Official in writing if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required by Section 1704 of the building code, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction where the structural observation is to occur.

7-2-105.3.1 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design not submitted at the time of the application but are to be submitted to the Building Official before completion of the project and before a Certificate of Occupancy is issued.

Deferral of submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the title sheet of the construction documents for review by the Building Official. Deferred submittal items shown on the construction documents shall be clearly noted as "For Reference Only". Deferred submittals do not constitute phased approval of the construction.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge, which shall review them and forward them to the Building Official with a notation indicating the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design professional and the Building Official has approved the submittal documents.

7-2-105.4 Amended construction documents (Revisions). Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

7-2-105.5 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical, plumbing, or fire-suppression systems, for which this Chapter or the technical codes are applicable, to comply with this Chapter and the technical codes.

7-2-105.6 Retention of construction documents. One set of approved construction documents shall be retained by the Building Official for a period of time as prescribed by state or local laws and one set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

Section 7-2-106 INSPECTIONS

7-2-106.1 General. Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Chapter, the technical codes or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Chapter or the technical codes or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

It shall be the duty of the permit holder to provide an approved property address, including number and street name, at all construction sites. Such temporary premises identification shall be clearly visible from the street or roadway fronting the property, shall be installed prior to the first inspection, and shall be maintained until the permanent premises identification is installed and approved.

7-2-106.2 Inspection record card. Work requiring a permit shall not commence until the permit holder or an agent of the permit holder has posted or otherwise made available the inspection record card to allow the Building Official or authorized agent to conveniently make the required entries thereon regarding inspections of the work. The permit holder shall maintain the card available until final approval, by the Building Official, has been granted.

7-2-106.3 Preliminary inspections. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures or sites for which an application has been filed.

7-2-106.4 Inspection and observation program. When special inspection is required by Section 1704 of the building code or as determined by the Building Official, the owner, an agent of the owner, or the engineer or registered design professional in responsible charge, but not the contractor or any other person responsible for the work, shall employ one or more special inspector(s) who shall provide inspections during construction on the type of work listed under Section 1704.1 of the building code or as determined by the Building Official.

When special inspections are required, the special inspections are to be performed in addition to, not in lieu of, the inspections conducted by the Building Official, and shall not be construed to relieve the owner or his authorized agent from requesting the periodic and called inspections required by this Chapter and the technical codes.

7-2-106.4.1 Special Inspector. In accordance with Sections 1704.1 and 7-2-106.4 "Special Inspector(s)" of the building code shall be provided by, or under the supervision of an Engineer or registered design professional in responsible charge of the structural inspection for which "Special Inspection" is required, subject to the following conditions:

7-2-106.4.2 Notification: (Prior to issuing permit) The owner or his authorized agent shall notify the Community Development Department, Building Division in writing on the form provided by this division, the name of the Engineer or registered design professional in responsible charge who will carry out the required inspection. The responsible Engineer or registered design professional of record shall notify the Department of any changes of "Special Inspection(s)" prior to conducting the inspections.

7-2-106.4.3 Certificate of Responsibility: The Engineer or registered design professional in responsible charge of the "Special Inspection(s)" shall so certify to the Division in writing on the town form provided

prior to the issuance of the Building Permit, and shall notify the Division immediately if terminated prior to completion of the work, for which "Special Inspection(s)" is required.

7-2-106.4.4 Qualification: No person(s) shall be assigned to carry out the duties of the "Special Inspector(s)" unless thoroughly qualified by knowledge and experience to render full, complete and competent inspection.

It shall be the responsibility of the Engineer or registered design professional in responsible charge of the special inspection to satisfy the duties and responsibilities as stated in Section 1704.1 of the building code.

7-2-106.4.5 Inspection and Reports: The Engineer or registered design professional in responsible charge of the "Special Inspection(s)" or the designated "Special Inspector(s)" shall provide continuous, competent and complete inspection on the work for which "Special Inspection(s)" is required in accordance with Section 1704.1 of the building code and shall submit reports to the Building Division stating approval of the work as it progresses, but not less than every two weeks.

The "Special Inspector(s)" shall notify the Division immediately upon detection of all discrepancies involved in the "Special Inspections" that have not been corrected in accordance with the approved plans and specifications prior to proceeding with the work.

7-2-106.5 Required inspections. The Building Official, upon notification, shall make the inspections set forth in this Section.

7-2-106.5.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, the required forms shall be in place prior to inspection. An inspection shall be made prior to the placement of concrete. Materials for the foundation shall be on the site, except where concrete is ready mixed in accordance with ASTM C 94; the concrete need not be on the site.

7-2-106.5.2 Underground building service equipment. Underground plumbing, gas, mechanical, or electrical systems shall be inspected for approved materials, proper burial depth and slope but prior to the backfilling of trenches. The piping shall be bedded-in for its entire length, and if applicable, the systems shall be under the prescribed tests required by the technical codes.

7-2-106.5.3 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and if applicable, building service equipment, conduit, piping accessories, insulation and other ancillary equipment items are in place and approved, but before any concrete is placed or floor sheathing installed, including the sub-floor.

7-2-106.5.4 Sewer or water service (building or private). Sewer or water service lines, that provides service to a building or multiple buildings on one site and not installed in a public right-of-way or Public Utility Easement (PUE), shall be inspected for approved materials and proper slope prior to backfilling of the trenches.

7-2-106.5.5 Concrete or masonry walls or columns inspection. Walls and columns shall be inspected after all reinforcing steel, and if applicable, conduits and other piping are in place but prior to the placement of concrete or grout. For concrete walls or columns, required forms shall be in place prior to inspection. Masonry walls or columns constructed in lifts shall require an inspection prior to the grouting of each lift.

7-2-106.5.6 Exterior strap and shear inspection. Exterior walls shall be inspected after the sheathing (used for bracing/shear); wall bracing, metal straps or anchoring devices are in place but prior to the installation of the weather-resistive barrier or wall covering.

7-2-106.5.7 Rough building service equipment. Rough plumbing, gas, mechanical, or electrical systems shall be inspected for approved materials or proper slope but prior to concealing by the building finish

materials. When applicable, the systems shall be under the prescribed tests required by the technical codes. When applicable, these inspections may be completed in conjunction with a frame inspection.

7-2-106.5.8 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking, draft stopping and bracing are in place, pipes, chimneys and vents to be concealed are complete, the rough building service equipment has been approved, after the roof is loaded with roof covering material and the building has been dried-in.

7-2-106.5.9 Energy Efficiency inspection. Insulation inspection shall be made after frame and exterior lath inspection and all rough plumbing, mechanical, gas, and electrical systems are approved and prior to covering or concealment. Blown or sprayed roof/ceiling insulation may be verified before final inspection with markers affixed to the trusses or joists and marked with the insulation thickness by one inch (25.5 mm) high numbers. A minimum of one (1) marker provided for each 300 square feet of area with numbers to face the attic access opening. In lieu of an insulation inspection, a certification from the insulation installer may be submitted.

7-2-106.5.10 Moisture barrier. A moisture barrier inspection shall be performed after all flashings, windows, and moisture barrier is installed prior to the installation of any exterior wall covering.

7-2-106.5.11 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and, if applicable, exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

> Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

7-2-106.5.12 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved. When applicable, this inspection shall be done in conjunction with the gypsum board inspection prior to joints and fasteners being taped and finished.

7-2-106.5.13 Other inspections. In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Chapter or the technical codes and other laws enforced by the Building Division.

7-2-106.5.14 Special inspections. Special inspections and structural observations shall be as required in Section 1704 of the building code in accordance with Section 7-2-106.4 of this Chapter. Special inspections are in addition to, not in lieu of, the inspections conducted by the Building Official.

7-2-106.5.15 Final inspection. The final inspection shall be made after all work shown on the construction documents or as required by the permit is completed.

7-2-106.6 Building service equipment. Building service equipment regulated by the technical codes shall not be connected to the fuel or power supply, or water or sewer systems until authorized by the Building Official. The requirements of this Chapter shall not be considered as prohibiting the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building provided an inspection of such building service equipment has been completed and approved for use.

7-2-106.7 Inspection agencies. The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

7-2-106.8 Inspection requests. It shall be the duty of the holder of the permit or the authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for the inspection of such work as required by this Chapter. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired.

7-2-106.9 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or authorized representative wherein the same fails to comply with this Chapter or the technical codes. Any portions that do not comply shall be corrected and shall not be covered or concealed until authorized by the Building Official. There shall be a final inspection and approval of all construction when the work is completed and prior to any occupancy or use.

7-2-106.10 Re-inspection. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed:

- When the inspection record card is not posted or otherwise available on the work site.
- When the approved plans are not readily available to the inspector.
- For failure to provide access on the date for which inspection is requested.
- For deviating from approved plans thereby requiring the approval of the Building Official.
- When requested work is not ready for inspection.

To obtain a re-inspection, the applicant shall pay the re-inspection fee as set forth in the fee schedule adopted by this jurisdiction. In instances where re-inspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

7-2-106.11 Connection to utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or building service equipment, regulated by the technical codes for which a permit is required by this Chapter, until approved by the Building Official.

The Building Official may authorize the temporary connection of the building service equipment to the utility source of energy, fuel or power for construction power, testing of building service equipment or for use under a temporary certificate of occupancy.

Section 7-2-107 CERTIFICATE OF OCCUPANCY AND FINAL APPROVALS

7-2-107.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Chapter, the technical codes or other ordinances of the jurisdiction.

7-2-107.2 Letter of Compliance. The Building Official is authorized to issue a Letter of Compliance for a building or structure permitted as a basic or shell building, which cannot be occupied. If after a final inspection of the building or structure, and any electrical, fire protection, plumbing, mechanical, gas or similar systems shown on the approved plans there are no violations to the provisions of this Chapter, the technical codes or other laws and ordinances that are enforced by the Building Division, the permit holder may request such Letter of Compliance. The Letter of Compliance certifies that the work performed under the permit has been satisfactorily completed, but does not authorize the occupancy of a basic or shell building or structure.

The Letter of Compliance shall contain the following:

1. The building permit number.

2. The address of the structure.

3. A description of the building, construction type, proposed occupancy type and building area.

4. A statement that the permitted work has been inspected for compliance with the requirements of this Chapter and the technical codes.

5. The name and signature of the Building Official or designee.

7-2-107.3 Certificate of Occupancy. After the Building Official inspects the building or structure and finds no violations of the provisions of this Chapter, the technical codes or other laws that are enforced by the Building Division, the Building Official is authorized to issue a Certificate of Occupancy that contains the following:

1. The building permit number.

2. The address of the building or structure.

3. The type of construction as defined in Section 602.1 of the building code.

4. The occupancy, in accordance with the provisions of Section 302.1 of the building code.

5. The area of each occupancy within the building for which the permit was issued.

6. The occupant load of each occupancy for which the permit was issued.

7. Indicate whether an automatic sprinkler system is provided in the building or structure.

8. A statement that the described portion of the structure has been inspected for compliance with the requirements of this Chapter and the technical codes for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

9. The name and signature of the Building Official or designee.

10. Any special stipulations and conditions of the building permit.

7-2-107.4 Temporary Certificate of Occupancy. The Building Official is authorized to issue a Temporary Certificate of Occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set the conditions, if any, and the time period during which the Temporary Certificate of Occupancy is valid.

7-2-107.5 Revocation. The Building Official is authorized to suspend or revoke, in writing, a Certificate of Occupancy, Letter of Compliance or Temporary Certificate of Occupancy issued under the provisions of this Chapter wherever such certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Chapter or the technical codes.

7-2-107.6 Posting. The certificate of occupancy shall be posted in a conspicuous place within the premises.

Section 7-2-108 UNSAFE STRUCTURES AND EQUIPMENT

7-2-108.1 General. Structures or building service equipment that are or hereafter become structurally unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or which in relation to existing use constitutes a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment, as specified in this Chapter, technical codes or any other effective ordinance, are for the purpose of this section, unsafe buildings. A

vacant structure that is not secured against entry shall be deemed an unsafe condition. Unsafe conditions and structures shall be taken down, removed or made safe, as the Building Official deems necessary and as provided in this Chapter. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Sections 7-2-108.2, 7-2-108.3, 7-2-108.4 and 7-2-108.5.

7-2-108.1.2 Unsafe buildings appendages. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or are otherwise unable to sustain the design loads which are specified in this code, are hereby designated as unsafe building appendages. All such unsafe building appendages are public nuisances and shall be abated in accordance with Section 7-2-108.1 of this Chapter.

7-2-108.2 Notice to owner. The Building Official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this section, the Building Official shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building premises, within 48 hours, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from the date of notice, unless otherwise stipulated by the Building Official. If necessary, such notice also shall require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the Building Official.

7-2-108.2.1 Proper service. Proper service of such notice shall be by one of the following methods; personal service upon the owner of record, if found within the town limits; if not found within the town limits, such service may be made upon said owner by first class mail, postage paid, addressed to the owner, occupant, agent, manager or responsible person at the last know address; delivered in any manner permitted by the Arizona Rules of Civil Procedure for service of process or posted in a conspicuous place on or about the entrance of the structure affected by such notice. Service by mail is deemed complete upon deposit in the U.S. mail. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner. The designated period within which said owner or person in charge is required to comply with the order of the Building Official shall begin as of the date such notice was mailed, received or posted.

7-2-108.3 Posting of signs. The Building Official shall cause to be posted at each entrance to such building a notice to read: DO NOT ENTER UNSAFE TO OCCUPY by order of the Community Development Department, of the Town of Camp Verde. Such notice shall remain posted until the required repairs, demolition or removal are completed. Such notice shall not be removed without written permission of the Building Official and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

7-2-108.4 Right to demolish. In case the owner shall fail, neglect or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the Town Council may order the owner of the building prosecuted as a violator of the provisions of this code and may order the Building Official to proceed with the work specified in such notice.

7-2-108.5 Costs. Costs incurred under Section 7-2-108.4 shall be paid out of the Town Treasury and shall be charged to the owner and collected by the Financial Director in the manner specified in the Town of Camp Verde Code.

7-2-108.6 Restoration. The structure or building service equipment determined to be unsafe shall be permitted to be restored to a safe condition. To the extent repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of this Chapter and the technical codes.

Section 7-2-109 VIOLATIONS

7-2-109.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or building service equipment regulated by this Chapter and the technical codes, or cause same to be done, in conflict with or in violation of any of the provisions of this Chapter and the technical codes.

7-2-109.2 Illegal building. Every building or portion thereof constructed without a building permit where required by this Chapter, shall be made to conform to the provisions of this Chapter and the technical codes or shall be demolished.

7-2-109.3 Notice of violation. The Building Official is authorized to serve a notice of violation or order on the building owner, the owner's agent or person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building, structure or building service equipment in violation of the provisions of this Chapter, the technical codes or in violation of a permit or certificate issued under the provisions of this Chapter. Service of such notice shall be as described in Section 7-2-108.2.1 of this Chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

7-2-109.4 Prosecution of violation. If the notice of violation is not complied within the time frame specified in the notice, the Town may institute the appropriate proceeding at law, or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Chapter or of the technical codes or of the order or direction made pursuant thereto.

7-2-109.5 Remedies not exclusive. Violations of this Chapter or the technical codes are in addition to any other violation established by law, and this Chapter and shall not be interpreted as limiting the penalties, actions, or abatement procedures that may be taken by the Town or other persons under the laws, ordinances or rules.

7-2-109.6 Violation penalties. Any person, firm, or corporation who shall violate any of the provisions of this Chapter and the technical codes may be subject to one or more of the penalties as prescribed in the Town of Camp Verde Code. Civil sanction: A fine of not less than one hundred dollars ($100) nor more the one thousand dollars ($1000) but total fines shall not exceed two thousand dollars ($2000) per day for each property.

Criminal misdemeanor: If found guilty of a class one misdemeanor and upon conviction shall be punished by a fine not to exceed two thousand five hundred dollars ($2,500) or by imprisonment in the Town jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

Separate Offense: Each day any violation is continued or the failure to perform any act or duty required by this section shall constitute a separate violation or offense.

Section 7-2-110 BOARD OF APPEALS

7-2-110.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Chapter and the technical codes, there shall be and is hereby created one board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the town. The Building Official shall be the ex-officio member of and shall consult with and provide advice to the Board during the proceedings and may act as secretary to the board but shall have no vote on any matter before the board.

7-2-110.2 Limitations on authority. The board of appeals shall have no authority relative to interpretation of this chapter nor shall the board be empowered to waive requirements of the technical codes.

7-2-110.3 Created, composition.

7-2-110.4 Appointment, terms and vacancies. Appointments and terms of members shall be in accordance with the Town Charter. In the event of the unexcused absence of a member from three (3) consecutive meetings, the position shall be deemed vacant. Vacancies shall be filled in accordance with the Town Charter for the unexpired term of any member unable or ineligible to serve. A member whose term expires may serve until a successor has been appointed. The town council may remove any member for cause or serve as the Board of Appeals.

7-2-110.5 Officers. The board shall elect a chairman and vice-chairman from among its members, neither of who shall be an ex officio member. The chairman and vice-chairman shall each serve for a one-year period or until their successors are elected.

7-2-110.6 Meetings. The board shall hold one regular meeting every three (3) months or when there is pending business. Special meetings may be called by the Community Development Director or at the request of the chairman or any three (3) members. The affirmative vote of ~~three~~ four ~~(3)~~ (4) members shall be required for passage of any matter before the board.

7-2-110.7 Powers, duties, responsibilities.

1. The board, on request or on its own motion, may interpret the technical provisions of the building code in special cases when it appears that the provisions of the code are inadequate and do not cover the point in question, and may recommend to the council such new legislation as is consistent therewith.

2. The board may grant a variance to the technical provisions of the building code when it can be established that a manifest injustice would be done. A variance shall not be granted by the board unless it is found that:

    a. Special circumstances or conditions apply to the request; and

    b. Granting the variance is necessary for the preservation and enjoyment of substantial property rights; and

    c. Granting the variance will not be materially detrimental to persons residing or working in the premises, to adjacent or surrounding property or to the public in general; and

    d. Granting the variance will be in harmony with the purposes sought to be attained by the building code.

    Each case shall be evaluated on its individual merits and shall not be construed to set a precedent for deviating from the requirements of the building code. The findings of the board shall be binding upon all parties except as provided under Section 7-2-110.9.

3. The board may approve the use of the alternate materials or methods of construction, provided the alternate materials or method is, for the purpose intended, at least the equivalent of that prescribed by the building code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

4. The board may adopt such rules and regulations necessary for the discharge of its duties, provided said rules are not in conflict with the charter or this code.

5. The board is empowered to call upon the town attorney's office for legal counsel and upon any other office or board to aid and assist the board in its deliberations.

7-2-110.8 Appeal from decision of the Building Official.

1. Any person dissatisfied with a decision of the Building Official applying to the technical provisions

of the building code or to an alternate material or method of construction may request a hearing before the board by filing an appeal with the Community Development Director on a form provided therefore. Such appeal shall be heard at the next regular meeting of the board unless such appeal is filed within twenty-one (21) days preceding the next regular board meeting, in which case such appeal shall be heard at the next succeeding regular or special board meeting.

2. All hearings shall be open to the public and any person whose interest may be affected by the decision shall be given an opportunity to be heard.

3. The board shall render all its decisions on appeals in writing to the appellant with a copy to the Community Development Director and Building Official.

7-2-110.9 Decision of the board.

1. The appeal shall be in writing and shall be filed with the town clerk.

2. The board decision on the matter shall be predicated on the same findings as set forth in Section 7-2-110.7 and shall be final.

7-2-110.10 Appeal filing, fees.

1. Appeals shall be filed in the office of the Community Development Department on a form provided therefore. A fee shall be paid at the time of filing of an appeal, in accordance with the schedule established by town council.

2. No part of the fees required herein shall be refundable after an application is filed and the fee paid.

Section 7-2-111 FEES

7-2-111.1 Payment of fees. A permit shall not be issued nor considered valid until the applicable fees established and adopted by the Town of Camp Verde Town Council in accordance with the Town of Camp Verde Code have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

7-2-111.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and fire systems or alterations thereto requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the Town of Camp Verde.

7-2-111.3 Building permit valuation. The applicant for a permit shall provide an estimated permit value at the time of initial application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as finish work, painting, roofing, electrical, gas, mechanical, plumbing equipment, heating, air-conditioning, elevators, fire extinguishing systems, other permanent systems/equipment, grading, landscaping, and other site related improvements. The final building permit valuation shall be the greater of the applicant's stated valuation or the valuation calculated by using the ICC Building Valuation data, except the Building Official or designee may set the final building permit valuation when deemed necessary.

7-2-111.4 Plan review fees. When Section 7-2-105.1 requires submittal documents, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee as shown in schedule as established by the Town of Camp Verde.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 7-2-110.1 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in schedule as established by the Town of Camp Verde.

The plan review fees pay for the initial plan review and two (2) subsequent re-submittals for the same project. If more than three plan reviews are required, or if the permit application shall expire by time limitation, additional plan review fees may be assessed as determined by the Building Official. At the time of permit issuance, additional plan review fees for any increase in valuation shall be assessed in conjunction with, and as a condition of, permit issuance.

7-2-111.4.1 Expedited plan review. Expedited plan review fees shall be equal to the amount of the plan review fees required by this Section. Expedited plan review fees are separate from the plan review and permit fees required by this section and are in addition to those fees.

7-2-111.5 Investigation fees. Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee established by the Building Official that shall be in addition to the required permit fees. The investigation fee shall be equal to the permit fee required by this Chapter. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of this Chapter and the technical codes. An investigation fee shall be collected whether or not a permit is then or subsequently issued.

7-2-111.6 Fee refunds. The Building Official may authorize the refunding of any fee paid hereunder, which was erroneously paid or collected.

The Building Official may authorize the refunding of that portion of the permit fee in excess of the fee for issuance when no inspection has been done for which a permit has been issued in accordance with this code.

The Building Official may authorize the refunding of that portion of the plan review fee in excess of the fee for issuance when the application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Article 7-3
CONFORMANCE WITH ZONING ORDINANCE

Whenever a building permit is issued and a building inspection performed, such building must conform to the provisions of the zoning ordinance of Camp Verde in addition to the provisions of this chapter.

Article 7-4
BUILDING OFFICIAL

The building official and administrative authority, as such may be referenced in any section of this chapter for all matters pertaining to any building, plumbing, electrical, or any other inspections, shall be vested in the office of the Town Manager or his designee, provided that the manager or the Council may authorize such deputies as needed to perform any inspection work or other functions that may be required by this chapter.

Article 7-5
ROAD SPECIFICATIONS AND DETAILS

That certain document entitled "Uniform Standard Specifications" and that certain document entitled "Uniform Standard Details" as published by the Maricopa Association of Governments, are hereby adopted as the Town road standards and made a part of this chapter as though said documents were specifically set forth in full herein.

Article 7-6
STREET NAMING AND ADDRESSING
(2006-A332)

A. In accordance with Ordinance 2001 A193, street names should be appropriate and easy to read so that children in particular can pronounce the name in an emergency situation. Street names are subject to review and prior approval of the reviewing officer pursuant to the procedures provided in the Street Naming and Addressing Guidelines. New Streets must be named from a pool of historical locations, pioneer family names, local brands and native vegetation that is approved and updated by the Town Council and is available at the Community Development Department. A list of historical street names shall be submitted by staff to the Council for review and approval as required, but not less frequently than every six (6) months. The applicant also has the option of submitting a list of alternate street names along with the Preliminary Plat for possible approval by the Council.

B. This program is hereby declared the only legal addressing system for the incorporated areas within the Town.

C. Any person who fails to comply with the addressing requirements of this article within thirty days of initial notification by the addressing official shall be subject to a petty offense for the first offense, and a Class 3 Misdemeanor for a second or subsequent offense as to the same property. Each day the property is not in compliance may constitute a separate offense. "Person" includes the property owner, occupant, or any persons having control over the use of the property.

Article 7-7
ENFORCEMENT PROCEDURES FOR VIOLATIONS OF TOWN CODE
(2006-A332) (2006-A336)

Section 7-7-1 General Provisions.

A. Violations of this Code and Zoning Ordinances of the Town may be filed under the criminal or civil enforcement procedures below or by any means stated including Section 1.8 of this Code. A person shall not be charged with both a civil and criminal offense for the same violation on the same date, but a subsequent violation against the same property or person may be charged as civil rather than criminal.

B. For the purpose of enforcement of this Code unless otherwise stated, there is hereby created the position of Code Enforcement Officer. The Community Development Director, or designee, acting as the Zoning Administrator (ARS 9-462.05C, as may be amended) shall administer and enforce this Ordinance, up to and including the issuance by the Marshall's Department of criminal charges against violators.

Section 7-7-2 Criminal Citation: A criminal citation is used when: the offense is serious and requires immediate action, the alleged violator has ignored previous warnings or notice, has refused to work with the Town toward compliance, or the violation is a repeat of a previous offense.

~~A. Designation of Civil Offense. Violations of zoning and code ordinances of the Town may be filed under the civil enforcement procedures and are declared to be civil offenses. A person~~

~~shall not be charged with both a civil and criminal offense for the same violation on the same date, but a subsequent violation against the same property or person may be charged as criminal rather than civil.~~

Section 7-7-3 Civil Offense. Violations of zoning and code ordinances of the Town may be filed under the civil enforcement procedures and are declared to be civil offenses. A person shall not be charged with both a civil and criminal offense for the same violation on the same date, but a subsequent violation against the same property or person may be charged as criminal rather than civil.

~~B~~1. Hearing Officer. The Council shall periodically appoint a hearing officer to hear and determine zoning and code violations under the civil violation procedure. The hearing officer shall not be an employee or member of any Town board or commission.

~~C~~2. Filing a complaint. Civil complaints shall be filed using either the uniform Arizona Traffic Ticket and Complaint form, or one substantially similar, which shall cite to this ordinance as well as the particular subsection of the zoning or code ordinance applicable to the alleged violation. Each subsection of the ordinance cited in the complaint shall be deemed a separate offense. Complaints may be sworn to any building inspector or zoning code officer for the Town. The citation shall contain the date and time of the alleged violation, and direct the defendant to appear before the Hearing Officer at the specified time to enter a plea either admitting or denying the complaint. Citations will be served by personal delivery upon the defendant by the responsible inspector or code enforcement officer, or by registered mail together with a summons, in the manner set forth in rule 3.4, Rules of Criminal Procedure. The citation will state that if the defendant fails to appear, the hearing officer will enter a default judgment against him in favor of the State, and impose sanctions not to exceed $250 for each alleged violation. Subpoenas for witnesses shall be prepared and signed at the request of either the defendant or the State, and served by personal service, certified mail, or first class mail, pursuant to ARS 13-4072, as may be amended.

~~D~~3. Hearing Procedures. Unless otherwise modified therein, civil enforcement procedures herein shall follow the Arizona Rules of Court for Civil Traffic Violations. The Town Attorney OR DESIGNEE will present evidence of the charges in the complaint. The defendant may present evidence pro per or through counsel. The defendant will not have a right to a jury trial. If the hearing officer finds that the charges are proven by a preponderance of the evidence, judgment shall be entered against the defendant for the State, and sanctions imposed up to $250 per offense. If the hearing officer finds the charges not proven, the case shall be dismissed. Any sanction shall be imposed immediately, without setting a sentencing date or probationary period, except that the hearing officer may allow the defendant a time to pay the sanction not more than 30 days from the hearing date.

~~E~~4. Appeals. The defendant may appeal the decision of the hearing officer to the Town Magistrate, pursuant to ARS 22-402.B, as may be amended, who shall conduct a review of the matter limited to whether the ordinance or code has been correctly interpreted or applied by the component. It shall not be a trial de novo unless the Court determines that the records are insufficient, or there is no record preserved. A record for purposes of this section consists of audio tape recordings, any written rulings of the Hearing Officer, and exhibits admitted at the hearing. Further appeal to the Superior Court, either pursuant to the civil traffic rules or through ARS 12-124.A, as may be amended, is hereby granted, but may be discretionary with the Court.

Section 7-7-4 Notice and Citation Procedure:

Unless otherwise stated in this Code the following notice procedure shall be used:

a. Verbal/Courtesy Warning: A verbal or written warning may be provided by the Code Enforcement Officer to the alleged party in violation, as a courtesy, when the violation is not considered immediately serious to the health, safety, or property of others, permitting a minimum of 10 days to correct, or make timely arrangements to correct, the violation.

b. Written Notice of Violation: A written notice of violation is provided when: personal contact cannot be made, because access to the property is prevented, the occupant is

not on the premises or has ignored an earlier courtesy warning. The time frame for compliance, not to exceed 60 days from the first courtesy warning, is at the discretion of the Code Enforcement Official.

c. Criminal Citation: A criminal citation is used when: the offense is serious and requires immediate action, the alleged violator has ignored previous warnings, has refused to work with the Town toward compliance, or the violation is a repeat of a previous offense.

For the purpose of enforcement of the Town Code, violations of any adopted building code in conjunction with a code violation will be considered violations of the Town Code as well, and appropriate, simultaneous enforcement action shall be taken by the Building Official.

Section 7-7-~~1~~ 5 Inspection Warrant. (2006-A336)

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.

Article 7-8
PLACEMENT OF UTILITIES UNDERGROUND AND ESTABLISHING A PERMIT

A. Definitions:

Developer shall be deemed to be any individual, firm, corporation, partnership, association, syndication, trust, governmental agency, or other legal entity that is responsible for the development or redevelopment of land that created any demand for any utility service or causes alteration of existing utility services, other than the serving utility.

Existing utility system means such poles, structures, wires, cables transformers, and other related facilities that are in place and in operation within 90 days of the effective date of this ordinance, or improvements or changes hereinafter made to maintain service capabilities or existing facilities and utility drops, but it does not include extensions made to existing distribution lines.

New utility system means such poles and structures, wires, cables, transformers, and all other related facilities used in or as a part of the distribution or transmission of electricity, telephone, telegraph, radio, internet, or television communications that are not in place as of the effective date of this ordinance, or new extensions made from existing poles and wires.

Service drop refers to that line which extends from the service utility's existing utility system and connects to the individual customer who is the ultimate user of that service.

B. Permit for above Ground Installation. After the effective date of this ordinance, no developer shall erect any new utility system, nor relocate an existing utility system, within Town limits above the surface of the ground, whether along streets or over individual lots or parcels of the development, unless a special permit described herein is first granted by the Town. The undergrounding requirements herein shall apply regardless of the existence or availability of easements for overhead lines. The developer shall be required to comply with any underground policy of the utility, and undergrounding shall be completed and approved prior to any occupancy of the project. If poles are removed which include streetlights, the streetlights will be replaced by the developer at its cost with freestanding poles and luminaries approved by the Town. In the event the utility company adds new poles or lines as a system upgrade or power line extension, it shall be considered the developer, and pay any undergrounding costs. In cases where utility lines are required to be placed underground due to a combination of needs generated by (re) development, utility system upgrade, and governmental improvement projects, there shall be an equitable sharing of the cost of that undergrounding effort between the Town or governmental agency, utility, and developer.

C. Exemptions. This ordinance shall not apply to transmission or feeder lines having a voltage rating greater than 12,500 volts; switchyards and substations utilized in a new utility system; pad-mounted transformers, cabinets, pull boxes, and similar on-the-ground equipment; temporary service equipment for emergency services, special events, or construction sites; service drops from existing overhead lines,

unless underground service is required under municipal or state subdivision statutes or codes; or normal maintenance and repairs of existing utility systems.

D. Special Permits. A special permit to waive the underground requirements of this ordinance may be issued by the Town. Granting of a special permit is rare and shall not undermine the purpose of the ordinance. Cost disparity in itself shall not constitute grounds for issuance of a special permit. A request for the special permit shall be filed with the Community Development Director for approval. If the permit is denied, the applicant may file a request for review with the Planning & Zoning Commission for their recommendation. The final decision on an appeal shall be with the Town Council.

E. Permits. Developers shall be required to submit a written application to obtain a construction permit for undergounding of facilities as part of the permit process. The content of the permit shall be established from time-to-time by the Community Development Director and/or Director of Public Works/Town Engineer, but shall include as a minimum:

_ Plot plans to scale showing the proposed location of the underground facilities, cross-sections of the below grade areas, and other information necessary to properly identify and record the work

_ Roadway cut permits from the Town or ADOT, and a traffic control plan, if needed

_ Performance bonds and insurance

CHAPTER 7
BUILDING
ARTICLE 7-9
(2005-A310)

STORM WATER PROTECTION

7-9-1 Purpose
7-9-2 Definitions
7-9-3 Applicability
7-9-4 Responsibility for Administration and Enforcement
7-9-5 Severability
7-9-6 Discharge prohibitions and exemptions
7-9-7 Operating facilities or activities
7-9-8 Construction sites
7-9-9 Post-construction
7-9-10 Cleanup and notification requirements
7-9-11 Inspections
7-9-12 Enforcement and Penalties (2006-A322)

SECTION 7-9-1 PURPOSE

This article sets forth the requirements for the control of pollutants that are or may be discharged to the public storm drain system. The purpose of this article is to enable the Town to comply with all applicable State and Federal Laws related to Storm Water Management, including but not limited to, the Clean Water Act (33 United States Code 1251 ET Seq.) The National pollutant discharge elimination system regulations (40 code of Federal regulations part 122), and the Town's Arizona pollutant discharge elimination system (AZPDES) permit (Arizona Administrative Code R18-19-A902).

SECTION 7-9-2 DEFINITIONS

For the purposes of this article, the following words and terms shall be defined as follows.

A. *ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ)* means the State Agency charged with enforcement of Environmental Laws and Regulations.

B. *ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM (AZPDES) STORM WATER PERMIT* means a permit issued by ADEQ which authorizes the discharge of storm water pursuant to Arizona Administrative Code R18-9-A902, which incorporates 40 Code of Federal Regulations § 122.32.

C. *BEST MANAGEMENT PRACTICES (BMPS)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMPS also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from outdoor storage areas.

D. *CLEAN WATER ACT means the Federal Water Pollution Control Act, as amended, 22 United States Code 1251* ET SEQ.

E. *ENGINEER* means the Town Engineer.

F. *DISCHARGE* means any spilling, leaking, pumping, pouring, emitting, emptying, injecting, placing, releasing, leaching, dumping, or disposing into or on any land in a manner that may cause pollution.

G. *ENVIRONMENTAL PROTECTION AGENCY (EPA)* means that the Federal Agency charged with enforcement of Environmental Laws and Regulations.

H. *NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER PERMIT* MEANS A PERMIT ISSUED BY EPA WHICH AUTHORIZES THE DISCHARGE OF STORM WATER PURSUANT TO THE CLEAN WATER ACT § 402 (33 U.S.C. § 1342).

I. *NOTICE OF INTENT (NOI)* means a form submitted to ADEQ notifying of person's intent to be covered under a separate AZPDES Storm Water Permit, as required by Federal and State Law.

J. *PERSON* means any individual, partnership, co-partnership, firm, company, corporation, Limited Liability Company, association, Joint Stock Company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns.

K. *POLLUTANT* shall have the same meaning as defined in 40 C.F.R. § 122.2, and includes but is not limited to any solid, liquid, gas, or other substance that can alter the physical or chemical properties of water including but not limited to fertilizers, solvents, sludge, petroleum and petroleum products, solid waste, garbage, biological materials, radioactive materials, sand, dirt, animal waste, acids, and bases..

L. *PREMISES* mean any building, lot, parcel, real estate, land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

M. *PUBLIC STORM DRAIN SYSTEM* means all or any part of the publicly-owned and maintained roads, streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, and dry wells located with public easements, right-of-way, parks, common areas, retention areas, or other publicly-owned or maintained real property designed or used for collecting, holding, or conveying storm water.

N. *STORM WATER* means storm water runoff, surface runoff, and drainage.

SECTION 7-9-3 APPLICABILITY

This article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 7-9-4 RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT

The Town Engineer is delegated the authority to exercise the powers and perform the duties set forth in this article and to administer and enforce provisions of this article. The Engineer may designate other employees to exercise such powers and perform such duties, as he deems appropriate.

SECTION 7-9-5 SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance or any part of the code 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 portions thereof.

SECTION 7-9-6 DISCHARGE PROHIBITIONS AND EXEMPTIONS

A. Unless expressly authorized or exempted by this article, no person shall cause or allow the discharge to a public right-of-way or public storm drain system of any substance that is not composed entirely of storm water

B. Unless expressly authorized or exempted by this article, no person shall use, store, spill, dump, or dispose of materials in a manner that those materials could cause or contribute to the addition of pollutants to storm water.

C. *Exemptions.* The following discharges are exempt from the prohibitions set forth in subsections (A) and (B) of this section:

1. Discharges authorized by a separate NPDES or AZPDES permit.

2. The following categories of non-storm water discharges are permissible unless otherwise prohibited under subsections C)(3), (C)(4) OR (C)(5):

   A. Water line flushing,
   B. Landscaping irrigation,
   C. Diverted stream flows,
   D. Rising groundwater,
   E. Uncontaminated groundwater infiltration as defined in 40 C.F.R. § 35.2005(20),
   F. Uncontaminated pumped groundwater,
   G. Discharges from potable water sources,
   H. Foundation drains,
   I. Air conditioning condensation,
   J. Irrigation water,
   K. Springs,
   L. Water from crawl space pumps,
   M. Footing drains,
   N. Lawn watering,
   O. Individual residential car washing,
   P. Flows from riparian habitats and wetlands,
   Q. De-chlorinated swimming pool discharges,

R. Discharges from emergency firefighting activity,
S. Dust control watering; or
T. Any other activity that the Engineer identifies is not a significant contributor of pollutants during the Town's AZPDES Storm Water permit term. (40 C.F.R. § 122.34(B)(3)(III)).

3. No person shall discharge to the public storm drain system any exempted discharge under this subsection if the Engineer or assigned designee identifies and provides written notice to the person that the discharge has the potential to be a source of pollutants to receiving waters, waterways, or groundwater

4. No person shall discharge to the public storm drain system that would result in or contribute to a violation of the AZPDES storm water permit issued to the Town. Liability for any such discharge shall be the responsibility of the person causing or responsible for the discharge.

5. No person shall establish, use, maintain, or continue any connection to the public storm drain system, which has caused or is likely to cause a violation of this section.

SECTION 7-9-7 OPERATING FACILITIES OR ACTIVITIES

A. All persons owning or operating premises or engaged in activities who are required by Federal or State Law to submit to EPA and/or ADEQ a notice of intent (NOI) to comply with an NPDES or AZPDES Storm Water permit shall provide a copy of such notice to the Engineer upon request. Facilities required to apply for a Storm Water permit are identified in 40 C.F.R. 122.26(B)(14).

B. All persons engaged in activities which will or may reasonably be expected to result in pollutants entering the public storm drain system shall undertake best management practices (BMPS) to minimize such pollutants, shall provide protection from accidental discharge of pollutants to the public storm drain system and comply with the cleanup and notification requirements of this article. Such measures shall include the requirements imposed by Federal, State, County, or Local Authorities. BMPS are site-specific and are described in the document "Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices" (EPA 832-R-92-006) or other guidance documents available from EPA and/or ADEQ.

C. If a best management practice is required by the Engineer to prevent a pollutant from entering the public storm drain system, the person receiving the notice of such a requirement may petition the Engineer to reconsider the application of the BMP to the premises or activity. The written petition must be received within ten (10) working days setting forth any reasons and proposed alternatives. The Engineer will act within thirty (30) days of the petition.

SECTION 7-9-8 CONSTRUCTION SITES

A. All persons engaged in construction activities ~~whe~~that are required by Federal or State law to submit to EPA and/or ADEQ a notice of intent to comply with an NPDES or AZPDES Storm Water ~~permit,~~permit shall provide the Town with copies of the NOI and the NPDES Storm Water permit issued by ADEQ. Construction activities that will disturb one acre or more of land area or smaller land areas if they are part of a larger common plan of development or sale are required to apply for a Storm Water permit. (40 C.F.R. 122.26(B)(15).

B. Any person performing construction shall not cause or contribute to a violation of the AZPDES Storm Water permit issued to the Town. Liability for any such discharge shall be the responsibility of the person causing or responsible for the discharge. Any person performing

construction shall undertake Best Management Practices to minimize pollutants (including sediments) from leaving the construction site, shall provide protection from accidental discharge of pollutants to the public storm drain system, and comply with the cleanup and notification requirements of this article. Site operator shall ensure erosion and sediment control and control waste and properly dispose of wastes, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. Such measures shall include the requirements imposed by Federal, State, County, or Local Authorities. BMPS are site-specific and are described in the document "Storm Water Management for Construction Activities: Developing pollution Prevention Plans and Best Management Practices" (EPA 832-R-92-005) or other guidance documents available from EPA and /or ADEQ.

C. If a Best Management Practice is required by the Engineer to prevent a pollutant from entering the public storm drain system, the person receiving the notice of such a requirement may petition the Engineer to reconsider the application of the BMP to the premises or activity. The written petition must be received within ten (10) working days setting forth any reasons and proposed alternative. The Engineer will act within thirty (30) days of receipt of the petition.

SECTION 7-9-9 POST-CONSTRUCTION

Property owners or operators shall ensure long-term operation and maintenance of post-construction storm water runoff control mechanisms, such as retention basins, dry wells and other measures described in 40 C.F.R. § 122.34(B)(5)(III).

SECTION 7-9-10 CLEANUP AND NOTIFICATION REQUIREMENTS

A. As soon as any owner or operator has actual or constructive knowledge of any discharge which may result in pollutants entering the public storm drain system, such person shall promptly take all necessary steps to ensure the discovery of the source and the extent and proceed with containment and cleanup of such discharge.

B. The owner or operator shall notify the Engineer of the discharge in both of the following manners:

1. By telephone as soon as practical or by calling 9-1-1 if hazardous materials are involved; and

2. By written report identifying the discharge source, extent, pollutant, measures taken to mitigate the discharge, and preventative measures put in place to prevent a subsequent discharge.

SECTION 7-9-11 INSPECTIONS

A. AUTHORITY TO INSPECT. Upon presentation of credentials and at all reasonable or necessary hours, all authorized employees of the Town shall have access to all premises and to all records pertaining to those premises for purposes of ensuring compliance with this article. Inspection, interviewing, copying, sampling, photographing, and other activities conducted on the premises shall be limited to those which are reasonably needed by the Town in determining compliance with the requirements of this article. All persons shall allow such activities under safe and non-hazardous conditions with a minimum of delay.

B. MONITORING ACTIVITIES. The Engineer may order any person engaged in any activity or owning or operating a business or enterprise on any premises which may cause or contribute to discharges of pollutants to the public storm drain system in violation of this article or any

applicable NPDES or AZPDES Storm Water permit condition to undertake such monitoring activities and analyses and furnish such reports as the Engineer reasonably may specify. The costs of such activities analyses and reports shall be borne by the recipient of the order

C. **ACCESS REFUSAL.** If an authorized employee of the Town has been refused access to any premises, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect, interview, copy, photograph or sample as part of an inspection and sampling procedure of the Town designed to determine compliance with the requirements of this article or any related laws or regulations, or to protect the environment and the public health, safety and welfare of the community, then the Engineer may seek issuance of a search warrant from the Town Municipal Court.

SECTION 7-9-12 ENFORCEMENT AND PENALTIES (2006-A332)

A. **CHARGES.** Charges levied pursuant to this article shall be collected by the Community Development Department. The Director shall manage the Town's Storm Drain System.

B. **OWNER OF RECORD.** The owner of record of the property upon which a violation of this article occurs shall be presumed to be a person having lawful control over the activity or premises unless it is demonstrated that another person has knowingly and in good faith accepted responsibility for the activity at issue. If more than one person is identified as the owner, such persons shall be presumed to be jointly and severally in lawful possession and control the activity or premises.

C. **NOTICE OF VIOLATION.** The Director may issue a written notice of violation to any person who has violated or is in violation of this article. Failure to comply with any act required in the notice of violation shall be a separate violation for each day beyond the thirtieth (30) day following the notice of violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. In appropriate situations the Director may notify the person orally either in person or by telephone prior to, and in some cases in lieu of, written notification.

D. **CONSENT ORDERS.** The director my enter into consent orders, assurances of voluntary compliance, negotiated settlement agreements or other similar documents establishing an agreement with any person responsible for noncompliance. Such documents will include specific action to be taken by the person to correct the noncompliance within a time period specified by the document, including an identification and description of the Best Management Practices and measures to utilize in implementing the order. Such documents shall have the same force and effect as any other orders issued under this article and shall be judicially enforceable.

E. **CEASE AND DESIST ORDERS.** When the Director finds that a person has violated , or continues to violate, any provision of this article or any related laws or regulations, or that the person's past violations are likely to recur, the Director may issue an order to the person directing them to cease and desist all such violations and direct the person to immediately comply with all requirements; and take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation. Issuance of a cease and desist order shall not be a bar against, or prerequisite for, taking any other action against the person. A person's failure to comply with an order of Engineer issued pursuant to this article shall constitute a violation of this article.

F. **CIVIL PENALTIES.** In addition to any other enforcement authority contained in this article, the Director may issue a civil citation to any person who has violated, or continued to violate, any provision of this article or any related laws or regulations. A person who violates any

requirement of this article or any applicable NPDES or AZPDES Storm Water permit condition shall be civilly liable to the Town for a sum not to exceed $27,500 per day for each violation.

G. **CRIMINAL PENALTIES.** A person who willfully or negligently violates any provision of this article, or any related laws or regulations shall, upon conviction, be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed $27,500 per day for each violation and/or by imprisonment for a period not to exceed six months.

H. **CRIMINAL PROSECUTION**. Some intentional violations may constitute criminal violations of Federal, State, and Town Law, and that under such circumstances, the Director may seek the assistance of the EPA, the Attorney General, the County Attorney, or the Town prosecutor to commence civil and/or criminal action against any person who violates any requirement of this article or any applicable NPDES or AZPDES Storm Water Permit condition.

I. **REVOKING OR WITHHOLDING OF PERMIT.** In addition to or in lieu of all other available penalties, the Town may revoke or withhold any permit, approval or license to construct improvements to real property or operate a business in the Town related to the violation if the holder of such permit, approval, or license is in violation of any requirement of his article or any applicable NPDES or AZPDES Storm Water Permit condition.

J. **LIABILITY FOR COSTS.** The Engineer may assess liability for costs to any person in violation of this article for all actual costs incurred by the Town in surveillance, sampling and testing, abatement, and remediation associated with a discharge. Additionally, the Engineer may assess liability for costs to any person whose discharge resulted in a violation of the Towns AZPDES Storm Water Permit.

Article 7-10
Municipal Development Fees
(2006-A337-Referred to a vote 3-22-2007)

Section 7-10-1 Definitions

The words or phrases used herein shall have the meaning attributed or prescribed to them in the Camp Verde Town Code, except as may otherwise be indicated herein:

A. "Applicant: means any person who files an application with the Town for a building permit.

B. "Appropriation" or "to appropriate" means an action by the Town to identify specific Public Facilities or Services for which development fee funds may be utilized. Appropriation shall include, but shall not necessarily be limited to: inclusion of a Public Facility in the adopted Town budget or capital improvements program; execution of a contract or other legal encumbrance for construction of a Public Facility using development fee funds in whole or in part; and/or actual expenditure of development fee funds through payments made from a development fee account.

C. "Development Fee" means a fee adopted pursuant to A.R.S. § 9-463.05 which is imposed on New Development on a pro rata basis in connection with and as a condition of the issuance of a building permit and which is calculated to defray all or a portion of the costs of the Public Facilities required to accommodate New Development.

D. "General Government Development Fee" means a fee imposed on all New Development to fund the proportionate share of the costs of providing general governmental services, including but not limited to municipal office space and major capital equipment.

E. "Library Development Fee" means a fee imposed only on new residential development to fund the proportionate share of the costs of library buildings, collections and facilities.

F. "Multiple Uses" means a New Development consisting of both residential and non-residential uses, or one (1) or more different types of non-residential uses, on the same site or part of the same New Development.

G. "Municipal Planning Area" means an area outside of the present Camp Verde Town limits, but in which the Town may provide Public Facilities or Services.

H. "New Development" shall not include (i) any reconstruction, redevelopment, rehabilitation, structural alteration, structural enlargement, structural extension, or new use undertaken pursuant to a building permit issued prior to the effective date of the Development Fee Code, (ii) any new residential development which does not add a new Dwelling Unit, (iii) any new non-residential development which does not add square footage, unless the new non-residential development increases the demand for Public Facilities or (iv) any use, development, project, building, fence, sign or other activity which does not result in an increase in the demand for Public Facilities. The term "New Development" shall include any new construction as well as any reconstruction, redevelopment, rehabilitation, structural alteration, structural enlargement, structural extension, new use or development not excluded above, all as described more fully in Section 7-10-3.C.2 of this Development Fee Code.

I. "Parks and Recreation Development Fee" means a fee imposed only on new residential development to fund its proportionate share of the costs of parkland, park improvements, recreation facilities and support buildings and vehicles.

J. "Police Development Fee" means a fee imposed on all New Development to fund its proportionate share of the costs of public safety buildings and facilities, communication systems, vehicles and major capital equipment.

K. "Public Facility or Service" means public improvements, facilities or services, including police facilities, municipal facilities, open space, parks and library facilities necessitated by New Development.

L. "Public Facility Expenditures" means an appropriation or expenditure of public funds incurred in connection with the provision of a Public Facility or Service, including but not limited to:

1. ~~amounts~~Amounts appropriated in connection with the planning, design, engineering and construction of Public Facilities, which expenditures including, but are not limited to:

a. planning, legal, appraisal, financing, development, and other costs related to the acquisition of, or use rights on, land;

b. the costs of compliance with bidding procedures and applicable administrative and legal requirements; and

c. all other costs necessarily incident to provision of the Public Facility.

Section 7-10-2 Purpose and Intent

The purposes and intent of the Town's Development Fee Code and procedures are:

A. To establish uniform procedures for the imposition, calculation, collection, expenditure and administration of any development fees imposed on New Development;

B. To implement the goals, objectives and policies of the Town of Camp Verde General Plan, as amended from time to time, to assure that New Development contributes its fair share towards the costs of providing Public Facilities or Services reasonably necessitated by such New Development;

C. To ensure that New Development obtains a reasonable benefit by the Public Facilities or Services provided with the proceeds of Development Fees;

D. To ensure that all applicable and appropriate legal standards and criteria relating to the imposition of Development Fees are properly incorporated into the Town Code; and

E. To ensure that all applicable procedural requirements of A.R.S. § 9-463.05 have been met.

Section 7-10-3 General Provisions; Applicability

A. Term. The Development Fee Code and the procedures established herein shall remain in effect unless and until repealed, amended, or modified by the Mayor and Council in accordance with applicable State law, Town Code or Town ordinances.

B. Annual Review.

1. At least once every year, and not later than January 1 of each year, beginning January 1, 2007, the Town Manager or his designee shall coordinate the preparation and submission of an Annual Report to the Mayor and Council on the subject of Development Fees enacted pursuant to this Article.

2. The Annual Report may include any or all of the following as appropriate:

a. Recommendations for amendments, if appropriate, to this Development Fee Code or to specific ordinances or Town Code sections;

b. Proposed changes to the Town of Camp Verde General Plan, as amended from time to time, or plan elements and/or an applicable capital improvements project, including the identification of additional Public Facility projects anticipated to be funded wholly or partially with Development Fees;

c. Proposed changes to Development Fee schedules as set forth in this Development Fee Code imposing and setting Development Fees for particular Public Facilities;

d. Proposed changes to level of service standards for particular Public Facilities;

e. Proposed changes to any Development Fee calculation methodology;

f. Proposed changes to the population, housing, land use, persons per household or non-residential development projections included in the Annual Fee Report and upon which the Development Fee amounts have been determined; and

g. Other data, analysis or recommendations as the Town Manager or appropriate designee may deem appropriate, or as may be requested by the Mayor and Council.

3. In addition to the matters set forth in Paragraph B.2 of this Section, the Annual Report shall also set forth:

a. The number of building permits issued by type of residential or non-residential development;

b. The square footage (gross floor area) of non-residential development, by type;

c. The total amount of Development Fees collected by Public Facility and by land use type;

d. The amount of expenditures made from the Development Fee account or sub-accounts and the purpose for which the expenditure was made, i.e., the description, type and location of the Public Facility project;

e. When each Public Facility project was initiated and when it was (or will be) completed;

f. Wwhether additional Development Fee funds will be appropriated for the same project(s) in the future;

g. Wwhether supplemental non-Development Fee funds have been used for the project(s) and, if so, how much;

h. Tthe total estimated cost of the project(s) and the portion funded with Development Fees;

i. Wwhether each Public Facility project is in the Town's current annual budget or capital improvements program;

j. Tthe estimated useful life of each project;

k. Tthe extent to which each Public Facility project is needed to serve new/projected growth; and

l. Ssuch other facts as may be requested or deemed relevant by the Mayor and Council.

4. Submission of Development Fee Annual Report and Council Action. The Town Manager or appropriate designee shall submit the Development Fee Annual Report to the Mayor and Council, which shall receive the Annual Report and which may take such actions as its deems appropriate, including, but not limited to, requesting additional data or analyses and holding public workshops and/or public hearings.

C. New Development Affected. This Development Fee Code shall apply to all New Developments.

1. Municipal Planning Areas. Development Fees imposed by the Town may, if necessary and appropriate, be collected by other municipalities or by Yavapai County on New Development within the Town's Municipal Planning Area, but outside of the Town of Camp Verde limits, pursuant to an intergovernmental agreement which provides that the Development Fees collected be transferred to the appropriate Town fund for expenditure in accordance with the terms of this Development Fee Code.

2. Exceptions to the application of Development Fees to New Development. Unless otherwise expressly noted, the fees imposed by this Article shall not apply in the following circumstances:

a. Previously-Issued Building Permits. No Development Fee shall be imposed on New Development for which a building permit has been issued prior to the effective date of this Development Fee Code.

b. No Net Increase in Dwelling Units. No Development Fee shall be imposed on any new residential development which does not add a new Dwelling Unit.

c. No Net Increase in Non-Residential Square Footage. No Development Fee shall be imposed on any new non-residential development which does not add square footage to a currently existing facility, unless the new non-residential development will increase the demand for Public Facilities for which Development Fees are being imposed.

d. Other Uses. No Development Fee shall be imposed on a use, development, project, structure, building, fence, sign or other activity, whether or not a building permit is required, which does not result in an increase in the demand for Public Facilities.

e. Other Development Exempted by State Law. No Development Fee shall be imposed on New Development which is exempted by Arizona State ~~laws,~~laws; however, the Town may seek to negotiate the construction of Public Facilities or the provision of services, or to negotiate the payment of Development Fees with such entities. See A.R.S. § 9-500(18).

3. Effect of Payment of Development Fees on Other Applicable Town Land Use, Zoning, Platting, Subdivision or Development Regulations. The payment of Development Fees shall not entitle the Applicant to a building permit, which shall only be issued if all other applicable land use, zoning, planning, platting, subdivision or other related requirements, standards and conditions have been met. Such other requirements, standards and conditions are independent of the requirement for payment of a Development Fee.

4. Amendments. This Development Fee Code may be amended from time to time by the Mayor and Council; provided, however, that no such amendment shall be adopted without a written report detailing the reasons and need for the increase or establishment of a new Development Fee without proper notice and public hearing as set forth in A.R.S. § 9-463.05(C).

5. Effect of Imposition of Development Fees in a Community Facilities District. In calculating and imposing a Development Fee applicable to land in a community facilities district established under Arizona Revised Statutes, Title 48, Chapter 4, Article 6, the Town shall take into account all public infrastructure provided by the district and capital costs paid by the district for necessary public services and facilities and shall not assess a portion of the Development Fee otherwise calculated to be due that would duplicate the infrastructure provided by the district or the costs imposed by the district on New Development.

Section 7-10-4 Procedures for Imposition, Calculation and Collection of Development Fees

A. In General. The Town shall calculate the Development Fees due and owing for any Applicant at the time of the issuance of a building permit. The Applicant shall pay the Development Fees prior to and as a condition of the issuance of a building permit.

B. Calculation.

1. Upon receipt of an application for a building permit, the Town shall determine (a) whether the permit is for a residential or non-residential use, (b) the specific category (type) of residential or non-residential development, if applicable, (c) if residential, whether the use is single-family, multifamily or mobile home, and (d) if non-residential, the number of new or additional square feet of gross floor area (rounded up to the nearest square foot) and the proposed use of the facility.

2. Upon receipt of an application for a building permit relating to an existing facility, the Town shall determine whether the permit will result in a change in use. In such cases, the Development Fee due shall be based only on the incremental increase in the Development Fee(s) for the additional Public Facilities needed to accommodate the change in use.

3. After making the determinations in the Paragraph B of this Section 7-10-4, the Town shall calculate the Development Fee pursuant to Table One of Section 7-10-5 of this Development Fee Code by incorporating any applicable offset.

4. If the type of land use proposed for New Development is not expressly listed in the particular Development Fee schedule, the Town shall, at its option and in its discretion, determine the basis used to calculate the Development Fee(s) by:

a. identifying the most similar land use type listed and calculate the Development Fee based on the Development Fee for that land use; or

b. identifying the broader land use category within which the specified land use would apply and calculate the Development Fee based on the Development Fee for that land use category; or

c. reference to an independent impact analysis for Development Fee calculation. If this option is chosen, the following shall apply:

(i) The Applicant shall be responsible, at its sole expense, for preparing the independent impact analysis, which shall be reviewed for approval by the Town Engineer and the Town Manager prior to the Town's notification pursuant to paragraph (iii) of this subparagraph.

(ii) The independent impact analysis shall measure the impact that the proposed New Development will have on the particular Public Facility at issue, and shall be based on the same methodologies used in the Development Fee calculation methodology report, and shall be supported by professionally acceptable data and assumptions.

(iii) After review of the independent analysis submitted by the Applicant, the Town shall accept or reject the analysis and provide written notice to the Applicant of its decision on a form provided for such purpose within thirty (30) days of the submission of the completed independent impact analysis. If the independent impact analysis is rejected, the written notice shall provide an explanation of the insufficiencies of the analysis.

(iv) The final decision of the Town Engineer may be appealed pursuant to this Article.

5. An Applicant may request a *non-binding* estimate of Development Fees due for a particular New Development at any time by filing a request on a form provided for such purpose by the Town. The Applicant must acknowledge that the estimate may be subject to change when a formal application for a building permit for New Development is made. Such non-binding estimate is solely for the benefit and convenience of the prospective Applicant and shall in no way bind the Town nor preclude it from making amendments or revisions to any provisions of this Development Fee Code, the specific Development Fees or the Development Fee schedules.

6. The calculation of Development Fees due from a Multiple-Use New Development shall be based upon the aggregated demand for each Public Facility generated by each land use type in the New Development.

7. The calculation of Development Fees due from a phased New Development shall be based upon the demand generated by each specific land use within the phase of development for which a separate building permit is requested.

8. Development Fees shall be calculated based on the Development Fee amount in effect at the time of application for a building permit.

C. Offsets. The Town Manager, or his designee, shall perform the actions of the Town in accordance with this Paragraph C unless specifically stated otherwise.

1. Offsets against the amount of a Development Fee due from a New Development shall be provided for, among other things, contributions made in cash, or by dedication of land (if accepted or required by the Town) or by actual construction of all or part of a Public Facility acceptable to the Town by the affected property owner meeting or exceeding the demand generated by the New Development, and the contribution is determined by the Town to be a reasonable substitute for the cost of Public Facilities which are included in the particular Development Fee calculation methodology.

2. The amount of the excess contribution shall be determined by the Town upon its receipt of a written application requesting an offset; provided, however, that (a) the Town will make no reimbursement for excess contributions unless and until the particular Public Facility fund has sufficient revenue to make the reimbursement without jeopardizing the continuity of the Town's capital improvements program and (b) the excess contribution may not be transferred or credited to any other type of Development Fees calculated to be due from that development for other types of Public Facilities. The determination of the eligibility for and the amount of the credit shall be made by the Town on a form provided for such purposes. If the Applicant contends that any aspect of the Town's decision constitutes an abuse of discretion, the Applicant shall be entitled to appeal pursuant to this Article.

3. No offset shall be allowed unless the Town has approved the contribution or expenditure before it is or was made.

4. Offsets for dedication of land or provision of Public Facilities shall be applicable only as to Development Fees imposed for the same types of Public Facilities which are proposed to be dedicated or provided. Even if the value of the dedication of land or provision of a Public Facility exceeds the Development Fee due for the type of Public Facility, the excess value may not be transferred to Development Fees calculated to be due from the Applicant for other types of Public Facilities for which Development Fees may be imposed. Offsets may, however, be transferred to the same Applicant or to other Applicants for New Development which are proposed within the final approved platted area of the same development and for the same type of Public Facility.

D. Collection. The Town shall collect all applicable Development Fees at the time of issuance of a building permit and shall issue a receipt to the Applicant for such payment unless:

1. the Applicant is determined to be entitled to a full offset; or

2. the Applicant has been determined to be not subject to the payment of a Development Fee; or

3. the Applicant has filed an appeal protesting the imposition or calculation of the Development Fee and has posted with the Town a bond or other surety in the amount of the Development Fee, as calculated by the Town and approved by Town Attorney and Finance Director.

The Town shall collect a Development Fee at the time of issuance of a building permit even if Development Fees were paid by the Applicant at an earlier time in the development permit or approval process if the ~~amount of the Development Fees have~~amount of the Development Fees

has increased since such prior approval. In such case, the Applicant shall only be liable for the difference between the Development Fees paid earlier and those in effect at the time of issuance of the subsequent building permit.

E. Establishment of Development Fee Accounts; Appropriation of Development Fee Funds; and Refunds.

1. Development Fee Accounts. A Development Fee account shall be established by the Town for each category of Public Facilities for which Development Fees are imposed. Such account shall clearly identify the category, account, or fund for which the Development Fees are imposed. All Development Fees collected by the Town shall be deposited into the appropriate Development Fee account or sub-account, which shall be interest bearing. All interest earned on monies deposited to such account shall be credited to and shall be considered funds of the account. The funds of each such account shall be capable of being accounted for separately from all other Town funds, over time. The Town shall establish and implement necessary accounting controls to ensure that the Development Fee funds are properly deposited, accounted for and appropriated in accordance with this Development Fee Code, A.R.S. § 9-463.05 and any other applicable legal requirements.

2. Appropriation of Development Fee Funds.

a. In General. Development Fee funds may be appropriated for Public Facilities, for Public Facility expenditures as defined herein and for the payment of principal, interest and other financing costs on contracts, bonds, notes, or other obligations issued by or on behalf of the Town.

b. Restrictions on Appropriations. Development Fees shall be appropriated only for the particular Public ~~Facility~~Facility, for which they were imposed, calculated and collected.

3. Refunds.

a. Eligibility for Refund.

(i) Expiration or Revocation of Building Permit. An Applicant who has paid a Development Fee for a New Development for which the necessary building permit has expired or for which the building permit has been revoked prior to construction shall be eligible to apply for a refund of Development Fees paid on a form provided by the Town for such purposes.

(ii) Abandonment of Development After Initiation of Construction. An Applicant who has paid a Development Fee for a New Development for which a building permit has been issued and pursuant to which construction has been initiated, but which construction is abandoned prior to completion and issuance of a certificate of occupancy, shall be eligible for a refund if, and only if, the uncompleted building is completely demolished pursuant to a proper demolition permit.

(iii) Administrative Fee. A five percent (5%) administrative fee, but not to exceed two hundred dollars ($200), shall be deducted from the amount of any refund granted and shall be retained by the Town in the appropriate Development Fee account to help defray the administrative expenses associated with the processing of a refund application.

(iv) Refunds shall be made only to the current owner of property on which the New Development was proposed or occurred. If more than one owner owns

property which paid the Development Fees, the request for refunds shall contain a copy of the conveyance documents wherein the proportionate ownership shares are set forth and the refunds shall be issued in accordance with the ownership shares of the conveyance documents. Any party obtaining a refund from the Town shall confirm current ownership and entitlement to this refund under oath and shall defend and indemnify the Town from any claims by any other party claiming a right to the refund for the same New Development.

b. Processing of Applications for a Refund. Applications for a refund shall be made on a form provided by the Town for such purposes and shall include all information required herein, as appropriate. Upon receipt of a complete application for a refund, the Town shall review the application and documentary evidence submitted by the Applicant as well as such other information and evidence as may be deemed relevant, and make a determination as to whether a refund is due. Refunds by direct payment shall be made following an affirmative determination by the Town.

c. Applications for refunds due to abandonment of a New Development prior to completion shall be made in or on forms provided by the Town and shall be made no later than sixty (60) days following expiration or revocation of the building permit. The Applicant shall submit (1) evidence that the Applicant is the property owner or the duly designated agent of the property owner, (2) the amount of the Development Fees paid by Public Facilities category and receipts evidencing such payments, and (3) documentation evidencing the expiration or revocation of the building permit or approval of demolition of the structure pursuant to a valid Town-issued demolition permit. Failure to apply for a refund within sixty (60) days following expiration or revocation of the building permit or demolition of the structure shall constitute a waiver of entitlement to a refund. No interest shall be paid by the Town in calculating the amount of any refunds.

d. The Town may, at its option, make refunds of Development Fees by direct payment, by offsetting such refunds against other Development Fees due for the same category of Public Facilities for New Development on the same property, or by other means subject to agreement with the property owner.

F. Appeals.

1. An appeal from any decision of a Town official pursuant to this Development Fee Code shall be made to the Mayor and Council by filing a written appeal pursuant to the appropriate Town form, if any, with the Town Clerk within thirty (30) days following the decision which is being appealed; provided, however, that if the notice of appeal is accompanied by a cash bond or letter of credit in a form satisfactory to the Town Attorney and the Finance Director in an amount equal to the Development Fee calculated to be due, a building permit may be issued to the New Development. The filing of an appeal shall not stay the imposition or collection of the Development Fee as calculated by the Town unless a cash bond or other sufficient surety has been provided.

2. The burden of proof shall be on the appellant to demonstrate that the decision of the Town is erroneous pursuant to the applicable legal standard.

3. All appeals shall detail the specific grounds therefor and other relevant information and shall be filed in such form as requested by the Town for such purposes.

Section 7-10-5 Development Fees

A. All new residential and non-residential development in the Town of Camp Verde shall be subject to the payment of a Municipal Development Fee payable at the time of building permit issuance by the Town, pursuant to this Ordinance as follows:

TABLE ONE
DEVELOPMENT FEES

	Police	General Government	Library	Parks and Recreation	TOTAL
Residential	**Per Housing Unit**				
Single Family	$275	$578	$549	$1,225	$2,627
Multifamily	$300	$630	$599	$1,336	$2,865
Mobile Home	$249	$523	$497	$1,109	$2,379
Nonresidential	**Per 1,000 Square Feet**				
820 Com/Shop Ctr 25,000 SF or less	$1,336	$312			$1,648
820 Com/Shop Ctr 25,001-50,000 SF	$1,048	$268			$1,316
820 Com/Shop Ctr 50,001-100,000 SF	$917	$234			$1,151
820 Com/Shop Ctr 100,001-200,000 SF	$794	$208			$1,002
820 Com/Shop Ctr over 200,000 SF	$681	$187			$868
710 Office/Inst 10,000 SF or less	$527	$420			$947
710 Office/Inst 10,001-25,000 SF	$427	$388			$815
710 Office/Inst 25,001-50,000 SF	$364	$367			$731
710 Office/Inst 50,001-100,000 SF	$310	$347			$657
720 Medical-Dental Office	$841	$380			$1,221
610 Hospital	$409	$317			$726
770 Business Park	$297	$296			$593
110 Light Industrial	$162	$217			$379
140 Manufacturing	$88	$168			$256
150 Warehousing	$115	$120			$235
Other Nonresidential					
320 Lodging (per room)	$131	$67			$198
565 Day Care (per student)	$104	$15			$119
620 Nursing Home (per bed)	$55	$34			$89

SECTION 3. SEVERABILITY.

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.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall be effective at 12:01 a.m. on December 20, 2006 (the ninety-first (91st) ~~day~~)day) following its adoption by the governing body of the Town of Camp Verde.

(Referred to a vote of the Citizens, March 2007 Primary Election. Effective March 22, 2007).

CHAPTER 8
TRANSACTION PRIVILEGE TAX
Article 8-1
ADOPTION OF TAX CODE
(2006-A332)

That certain document known as "The Tax Code of the Town of Camp Verde, Arizona," three copies of which are on file in the office of the town clerk of the Town of Camp Verde, Arizona, which document was made a public record by Resolution No. 88-45 of the Town of Camp Verde, Arizona, and any amendments thereto is hereby referred to, adopted and made a part hereof as if fully set out in this chapter.

CHAPTER 9
BUSINESS REGULATIONS
Article 9-1
~~CASUAL BUSINESS LICENSE~~PEDDLER'S/SOLICITOR'S LICENSE
(2004-A280) (2008-A355)

9-1-1 Definitions
9-1-2 License Required
9-1-2.1 Exemptions
9-1-3 Applications
9-1-4 ~~Fees~~ Licensing, Bonding, and Fees
9-1-5 Fees for Charitable, Religious or Civic Organizations (2010-A373)
9-1-6 License to be posted
9-1-7 Location Restrictions
9-1-8 Undue Noise Prohibited
9-1-9 ~~Enforcement by Police Officers~~ Enforcement Provisions
9-1-10 Revocation
9-1-11 Signs to be Observed

Section 9-1-1 Definitions
(2004-A280) (2008-A355)

In this article unless the context otherwise requires:
A. "Canvasser or solicitor" means any person, whether a resident of the Town or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance from place to place, from house to house or from street to street taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether such person is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself or for another person, hires, leases, uses or occupies any building, structure, tent, railroad car, boat, hotel room, lodging house, apartment, shop, or any other place within the Town for the sole purpose of exhibiting samples and taking orders for future delivery.

B. "Peddler" means any person, whether a resident of the Town or not, traveling by foot, wagon, automobile, or any other type of conveyance from place to place, from house to house or from street to street carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or a person who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance. It is further provided that a person who solicits orders and, as a separate transaction, makes delivery to

purchasers as a part of the scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions herein contained. The word "peddler" shall include the words "hawker" and "huckster".

C. "Transient merchant," "itinerant merchant," or "itinerant vendor" means any person, whether owner or otherwise, whether a resident of the Town or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the Town, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad car, boat, hotel room, lodging house, apartment, shop, or any street, alley or other place within the Town for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition shall not be construed to include any person, firm or corporation who, while occupying such temporary location, does not sell from stock but exhibits samples only for the purpose of securing orders for future delivery. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer or by conducting such transient business in connection with, as a part of or in the name of any such local dealer, trader, merchant, or auctioneer.

D. "Special Event" includes the temporary sales and displays by street vendors, craft shows, fair booths, and similar operations usually associated with a special event or holiday.

E. "PRODUCER" INCLUDES OWNERS, PROPRIETORS OR TENANTS OF AGRICULTURAL LANDS, ORCHARDS, FARMS AND GARDENS WHEREON FOOD PRODUCTS ARE GROWN, RAISED, OR PREPARED FOR MARKET. "FOOD PRODUCT" INCLUDES: EVERY PRODUCT OF THE SOIL IN ITS NATURAL OR MANUFACTURED STATE, INCLUDING, WITHOUT LIMITATION, BEEF AND BEEF PRODUCTS; SWINE AND PORK PRODUCTS; FOWLS AND POULTRY PRODUCTS; EGGS AND EGG PRODUCTS; MILK AND MILK PRODUCTS; HONEY, AND LAMB AND SHEEP PRODUCTS.

Section 9-1-2 License Required (2004-A280) (2008-A355)
It is unlawful for any peddler, solicitor, canvasser, transient merchant, itinerant merchant, or itinerant vendor to engage in such business within the corporate limits of the Town without first obtaining a ~~Casual Business~~ PEDDLER/SOLICITOR'S license in compliance with the provisions of this chapter. ~~This article shall also govern all special event sales and operations within the Town limits.~~ This article does not apply to participants of Town Events who have paid booth fees, OR garage sales, auctions, sidewalk sales, HOME-BASED PARTY SALES OF ITEMS FOR PERSONAL USE (AVON, TUPPERWARE, ETC.), student fund raising sales, and bake sales that occur less than three (3) times per year.~~; events occurring more than three (3) times per year must obtain a Casual Business License.~~ This article also does not apply to licensed retail businesses that conduct occasional off-site sales events, such as car and recreational vehicle shows and home shows. However, off-site sales may require zoning clearance.

9-1-2.1 EXEMPTIONS
A PERSON CONDUCTING THE FOLLOWING SHALL BE EXEMPT FROM THIS CHAPTER. **(NOTE: FIREWORKS SALES ARE NOT EXEMPT FROM THIS CHAPTER.):**

a. ACTIVITIES REQUIRED BY STATUTE OR BY ORDER OF ANY COURT
b. BONA FIDE AUCTION SALES PURSUANT TO ARIZONA LAW
c. RELIGIOUS, POLITICAL, OR NONPROFIT ORGANIZATIONS, AS RECOGNIZED BY INTERNAL REVENUE SERVICE (MUST PROVIDE DOCUMENTATION)
d. SCHOOL AND YOUTH ACTIVITIES (I.E. BOY SCOUTS, GIRL SCOUTS, CHURCH CLUBS, YOUTH SPORTS GROUPS, ETC.).
e. FUND RAISING ACTIVITIES INTENDED TO PROVIDE FINANCIAL ASSISTANCE TO THE GRAVELY ILL, TO ASSIST THE VICTIMS OF CRIMES, DISASTERS, OR THE LESS FORTUNATE, FOR THE CONSTRUCTION OF A COMMUNITY FACILITY, ~~ETC.~~ETC.
f. GOVERNING AGENCIES (FEDERAL, STATE, COUNTY, CITY OR TOWN)
g. OUTDOOR SALES OR ACTIVITIES BEING CONDUCTED ON A PROPERTY DIRECTLY RELATED TO THE PRIMARY SALES OF A BUSINESS LOCATED ON THE SAME PROPERTY (THOUGH, ACTIVITY SHALL ~~MAY~~ BE SUBJECT TO ZONING COMPLIANCE)
h. ANY BUSINESS OR VENDOR THAT IS PARTICIPATING IN A COMMUNITY-WIDE SPECIAL EVENT ACTIVITY THAT IS SPONSORED BY THE TOWN OR A PRIVATE (NON-PUBLIC)

ORGANIZATION. HOWEVER, A VENDOR WHO DOES NOT HAVE A PERMANENT CAMP VERDE BUSINESS LICENSE MUST OBTAIN A TEMPORARY BUSINESS LICENSE FOR SPECIAL EVENTS PURSUANT TO THE TOWN OF CAMP VERDE SPECIAL EVENT POLICY.

i. PRODUCER OF FARM PRODUCTS ON AGRICULTURAL LANDS, FARMS, AND GARDENS

~~i.~~j. ACTIVITIES INTENDED TO INCREASE PUBLIC AWARENESS OF PUBLIC PROGRAMS.

Section 9-1-3 Applications (2004-A280) (2008-A355)

A. Applicants for a ~~Casual Business~~ PEDDLER/SOLICITOR'S License under this chapter must file with the clerk a sworn application in writing, on a form to be furnished by the Clerk, which shall give the following information:

1. A CURRENT AND VALID DRIVER'S LICENSE OR OTHER FORM OF STATE-ISSUED IDENTIFICATION THAT INCLUDES THE APPLICANT'S nName, ~~and~~ description, AND RECENT PHOTOGRAPH. ~~of the applicant.~~

2. COMPLETE address, PHYSICAL AND MAILING ~~legal and local~~ of the peddler/solicitor ~~.~~

3. A brief description of the nature of the business and the goods to be sold ~~and, in the case of products of farm or orchard, whether produced or grown by the applicant~~.

4. Verification of a Transaction Privilege Tax License.

5. If employed, the name and address of the employer, together with credentials establishing the exact relationship.

6. The length of time for which the right to do business is desired. No ~~SOLICITOR/~~PEDDLER/~~SOLICITOR~~'S ~~Casual Business~~ License shall be issued for a period longer than three (3) consecutive days.

7. If a vehicle is to be used, a COMPLETE DESCRIPTION, INCLUDING MAKE AND MODEL, LICENSE PLATE AND NUMBER, VEHICLE IDENTIFICATION NUMBER, AND OTHER IDENTIFYING CHARACTERISTICS OF ALL VEHICLES THAT WILL BE USED IN THE BUSINESS. ~~description of the same, together with license number of any vehicles to be used in or near the display area or other area of business, and other means of identification~~.

8. A statement as to whether or not the applicant has ever been convicted of any crime, misdemeanor, or violation of any municipal laws and the nature of the offense and the punishment or penalty assessed therefore.

9. IF OPERATING FROM A SPECIFIC LOCATION (I.E. RETAIL PARKING LOT) AND NOT DOOR-TO-DOOR, ORIGINAL WRITTEN AND SIGNED LETTER OF CONSENT FROM THE PROPERTY OWNER OF RECORD PERMITTING THE ACTIVITY OR EVENT. ~~Obtain the written permission of the property owner and tenant, if any, for the operation.~~

~~10.~~ COPIES OF ~~Obtain~~ ANY necessary health or other regulatory permits required by law.

B. No license issued hereunder shall be transferable.

Section 9-1-4 LICENSING, BONDING, AND Fees (2004-A280) (2008-A355)

k. FEES:

The license fees for peddlers, solicitors, canvassers, and transient merchants and the application fee provided in Section 9-1-3 shall be determined by resolution of the Council, BUT IS NO LESS THAN THE

ACTUAL COSTS ASSOCIATED WITH A BACKGROUND CHECK. ~~THE LICENSE FEES FOR CHARITABLE, RELIGIOUS, OR CIVIC ORGANIZATIONS SHALL ALSO BE ESTABLISHED BY COUNCIL RESOLUTION.~~ No fee shall be required of any person, agency, or agent ~~resident of the Town of Camp Verde~~ selling products of the farm, SOIL, or orchard ~~actually produced by the resident~~.

l. BOND REQUIRED

THE APPLICANT SHALL POST EITHER A CERTIFIED CHECK OR A SURETY BOND PAYABLE TO THE TOWN OF CAMP VERDE IN THE AMOUNT OF ONE THOUSAND DOLLARS ($1,000) WITH THE TOWN CLERK. EVERY BUSINESS, FIRM, COMPANY, OR CORPORATION, WHICH HAS EMPLOYEES OR AGENTS ACTING IN THE CAPACITY OF PEDDLER, SOLICITOR~~,~~, C-ANVASSER, OR TRANSIENT MERCHANT, SHALL FILE WITH THE CLERK A BLANKET SURETY BOND COVERING ALL SUCH EMPLOYEES OR AGENTS AND RUNNING TO THE TOWN IN THE AMOUNT OF FIVE THOUSAND DOLLARS ($5,000).THE SURETY BOND MUST REMAIN ACTIVE FOR THE DURATION OF THE LICENSE. IF THE BOND IS CANCELLED OR RENEWAL PREMIUMS ARE NOT PAID, THE LICENSE WILL BE REVOKED IMMEDIATELY. SURETY BONDS MUST INCLUDE THE FOLLOWING STATEMENT, AT MINIMUM: THIS BOND MEETS THE REQUIREMENTS OF CHAPTER 9, BUSINESS REGULATIONS, OF THE TOWN CODE.

m. LICENSE

THE APPLICANT SHALL SUBMIT FINGERPRINT(S) AND ALL FEES ASSOCIATED WITH THE COST OF A BACKGROUND CHECK TO THE MARSHAL'S OFFICE FOR A COMPLETE BACKGROUND CHECK. THE CLERK SHALL FORWARD A COPY OF THE APPLICATION TO THE MARSHAL'S OFFICE. THE MARSHAL'S OFFICE SHALL HAVE TEN (10) WORKING DAYS IN WHICH TO RESPOND WITH COMMENTS OR CONCERNS. FOLLOWING A CLEAN BACKGROUND ~~INVESTIGATION AND~~INVESTIGATION AND PAYMENT OF LICENSE FEES, THE CLERK SHALL ISSUE THE PEDDLER/SOLICITOR'S LICENSE FOR A PERIOD NOT TO EXCEED THREE (3) DAYS. THE LICENSE SHALL BE DISPLAYED WITH THE PEDDLER/SOLICITOR AT ALL TIMES.

PEDDLER/SOLICITOR'S LICENSE MAY BE ISSUED TO THE SAME PERSON(S) OR ORGANIZATION NO MORE THAN THREE (3) TIMES IN A ONE-YEAR PERIOD.

Section 9-1-5 Fees for Charitable, Religious or Civic Organizations (2004-A280) (2008-A355)(2010-A373)

There shall be no fees assessed for the use of Town-owned facilities, grounds, or equipment by charitable*, religious, or civic organizations[1]. It shall be the duty of the Clerk to determine if the organization making the application is a charitable, religious, or civic organization and that the individual making the application is a member of the organization. The Town Clerk is authorized to waive user fees only for these organizations based on Council policy. Fees are determined by Council Resolution on an annual basis. The determination by the Clerk may be appealed to the Town Manager, which may at his discretion decide such appeal or refer it to the Council.

*CHARITABLE ORGANIZATIONS MUST BE RECOGNIZED AS TAX-EXEMPT BY THE INTERNAL REVENUE SERVICE. DOCUMENTATION PROVING IRS EXEMPTION SHALL BE PRESENTED AT THE TIME OF THE REQUEST TO WAIVE FEES.

Section 9-1-6 License to be Posted (2004-A280) (2008-A355)

The license issued by the Clerk shall be posted in a conspicuous place if the licensee is using a vehicle or a building in his business and otherwise must be kept by the person and exhibited at any time upon request.

[1] Civic Organizations are those organizations whose activities are a direct benefit to the citizens of Camp Verde.

Section 9-1-7 Location Restrictions (2004-A280) (2008-A355)

No peddler, canvasser, or transient merchant shall locate on the public street or property, and must have written permission of a property owner for private property IN THEIR POSSESSION AND ON FILE WITH THE CLERK'S OFFICE. It is unlawful for any peddler, canvasser, or transient merchant to operate in any stationary location, to operate within three hundred feet of a public school ground, or to operate in any congested area where such operation might impede or inconvenience the public or cause traffic or parking hazards. The judgment of a law enforcement officer exercised in good faith shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

Section 9-1-8 Undue Noise Prohibited (2004-A280) (2008-A355)

No licensee, nor any person on the licensee's behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system, for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell upon any of the streets, alleys, parks or other public places of the Town or upon any private premises in the Town where sound of sufficient volume is emitted or produced that is capable of being plainly heard upon the public thoroughfares.

Section 9-1-9 ~~Law~~ Enforcement Provisions (2004-A280) (2008-A355)

It shall be the duty of any law enforcement officer of the Town to enforce the provisions of this article.

Section 9-1-10 Revocation (2004-A280) (2008-A355)

The Clerk after notice for any of the following causes may revoke permits and licenses issued under the provisions of this chapter:

A. Fraud, misrepresentation, or false statement contained in the application for license;
B. Fraud, misrepresentation, or false statement made in the course of carrying on business;
C. Any violation of this article;
D. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

Section 9-1-11 Signs to be ~~Observed~~ (Observed (2004-A280) (2008-A355)

It is unlawful for any peddler, solicitor, canvasser or transient merchant, in the course of his business to ring the doorbell or knock at any building whereon a sign bearing the words "No Peddlers," "No Solicitors," "No Canvassers," No Transient Merchants," or a similar message is exposed to public view.

Article 9-2 OFF-PREMISES CANVASSING AND SIGNAGE
~~(Removed by 2004-A280)~~

9-2 Definitions
9-2-1 Limitations on Off-Premises Canvassing Activity
9-2-3 Specific Prohibitions and Appropriate Conduct
9-2-4 Violations and penalties

SECTION 9-2 DEFINITIONS

A. "OFF-PREMISES SOLICITATIONS" MEAN ACTIVITIES INITIATED BY BUSINESSES OR ITS ~~THEIR~~ REPRESENTATIVES THAT IS MEANT TO ENGAGE THE PUBLIC IN A CONVERSATION IN ORDER TO CONSUMMATE A BUSINESS TRANSACTION.

B. "VISITOR'S CENTER" MEANS THE TOWN OF CAMP VERDE FACILITY OPERATED AS THE TOWN'S OFFICIAL VISITOR'S CENTER.
C. "VISITOR'S CENTER SIGNAGE" MEANS THAT SIGNAGE THAT IS SPECIFIC TO THE TOWN'S OFFICIAL VISITOR'S CENTER. NO OTHER SIGNAGE IMPLYING THAT A BUSINESS IS THE TOWN'S OFFICIAL VISITOR'S CENTER WILL BE PERMITTED.
D. "BUSINESS" MEANS ANY COMMERCIAL ACTIVITY IN WHICH ANY REAL PROPERTY, TIMESHARE INTERESTS, GOODS, SERVICES, OR EDIBLES ARE SOLD OR OFFERED FOR SALE OR FOR RENT WITHIN THE CORPORATE LIMITS OF THE TOWN.
E. "BUSINESS AGENT" MEANS THE EMPLOYEE, REPRESENTATIVE, AGENT, OR SOLICITOR OF ANY BUSINESS.
F. "ENCLOSED STRUCTURE" MEANS A STRUCTURE HAVING A ROOF AND SUPPORTED BY COLUMNS OR WALLS. ENCLOSED STRUCTURE DOES NOT INCLUDE ANY SIDEWALKS UNDER A ROOFED AREA.
G. "GOODS" SHALL MEAN ANY TANGIBLE ITEM, INCLUDING, BUT NOT LIMITED TO EDIBLES, MERCHANDISE, PRODUCTS, SUPPLIES, COUPONS, PAMPHLETS, BROCHURES, AND MAPS.
H. "OFF-PREMISES CANVASSING" (OPC) MEANS PERSON-TO-PERSON EFFORTS INITIATED BY A BUSINESS AGENT SOLELY INTENDED TO INTEREST, ENTICE PEDESTRIANS IN OR SOLICIT THE PARTICIPATION OF ANY PERSON TO PARTICIPATE IN COMMERCIAL TRANSACTIONS WITH A BUSINESS, INCLUDING, BUT NOT LIMITED TO OFFERS OF GOODS, CASH, DISCOUNTS ON PRODUCTS OR SERVICES, OR OTHER ITEMS INCLUDING THE OFFERING OF FREE GOODS OR SERVICES OF VALUE MADE IN EXCHANGE FOR OR WITH THE INTENT TO INDUCE THE RECIPIENT'S WILLINGNESS TO RECEIVE INFORMATION RELATING TO A POSSIBLE COMMERCIAL TRANSACTION, EXCEPT WHEN DONE ENTIRELY WITHIN AN ENCLOSED STRUCTURE.
I. "OPC EMPLOYER" MEANS ANY BUSINESS OR OTHER PERSON WHO DIRECTLY HIRES OR OTHERWISE CONTRACTS WITH AN OPC SOLICITOR TO CONDUCT OPC ACTIVITIES ON ITS BEHALF.
J. "OPC SOLICITOR" SHALL MEAN ANY PERSON ENGAGED IN OFF-PREMISES CANVASSING.
~~"PRODUCT" SHALL MEAN THE REAL PROPERTY, TIMESHARE INTERESTS, GOODS, EDIBLES, OR SERVICES SOLD OR OFFERED FOR SALE OR RENT.~~
K. "PRODUCT" SHALL MEAN THE REAL PROPERTY COMPRISING THE PRIMARY BUSINESS OF A RESORT OR COMMERCIAL LODGING ESTABLISHMENT BUT ~~MEANS~~ ONLY THAT PORTION OF REAL PROPERTY THAT IS OWNED BY A RESORT OR COMMERCIAL LODGING ESTABLISHMENT WHICH IS USED EXCLUSIVELY FOR RESORT OR COMMERCIAL LODGING ACTIVITY. SUCH ACTIVITY INCLUDES ONLY THE PROVIDING OF LODGING OR ANCILLARY SERVICES TO THE PROVISION OF LODGING FOR THE BENEFIT OF THE ESTABLISHMENT'S GUESTS.
L. "SIDEWALK" MEANS ANY OUTSIDE WALKWAY, PUBLIC OR PRIVATE, USED BY PEDESTRIANS.
M. "STREET" SHALL MEAN~~S~~ ALL THAT AREA DEDICATED TO PUBLIC USE FOR PUBLIC STREET PURPOSES AND IS WITHIN THE JURISDICTION AND CONTROL OF THE TOWN OF CAMP VERDE OR THE ARIZONA DEPARTMENT OF TRANSPORTATION AND SHALL INCLUDE, BUT NOT BE LIMITED TO PUBLIC ROADWAYS, PARKWAYS, AND ALLEYS.

SECTION 9-2-1 LIMITATIONS ON OFF-PREMISES CANVASSING ACTIVITY

NO PERSON SHALL ENGAGE IN OFF-PREMISE CANVASSING WITHIN THE CORPORATE LIMITS OF THE TOWN OF CAMP VERDE, EXCEPT ON REAL PROPERTY COMPRISING THE PRIMARY BUSINESS OF A RESORT OR COMMERCIAL LODGING ESTABLISHMENT.

SECTION 9-2-2 SIGNAGE

IT SHALL BE UNLAWFUL FOR ANY PERSON, COMPANY, CORPORATION, OPC SOLICITOR OR OPC EMPLOYER OR ENTITY ENGAGED IN THE PROCUREMENT OF PROSPECTIVE CUSTOMERS FOR SALES, SOLICITATIONS, PRESENTATION OR SUBSTANTIALLY SIMILAR ACTIVITY, TO IDENTIFY OR ADVERTISE ITSELF BY MEANS OF ANY SIGN, THAT UTILIZES THE

FOLLOWING PHRASES OR SUBSTANTIALLY SIMILAR PHRASES, ***"TOURIST INFORMATION", "TOURIST CENTER", "VISITOR INFORMATION", "VISITOR CENTER", "ACTIVITY CENTER", "ACTIVITY INFORMATION"***, UNLESS:

A. THE IDENTITY OF THE BUSINESS IS DISCLOSED ON THE FACE OF THE SIGN IN LETTERS OF SUFFICIENT SIZE TO BE CLEARLY READABLE TO THE PUBLIC, BUT IN NO EVENT LESS THAN 50% OF THE AVERAGE SIZE OF THE SIGN TEXT, WHICH IS LARGER; AND

B. THE WORDS "SALES SOLICITATION" ARE CAUSED TO BE PRINTED WITHIN THIRTY DAYS AFTER ~~FEBRUARY 16~~ APRIL 20, 2011 IN AN UNOBSCURED MANNER, IN AT LEAST CLEARLY READABLE THREE-QUARTER (3/4) INCH BLOCK LETTERS WITHIN TWO FEET OF AFOREMENTIONED SIGNAGE CONCERNING TOURIST OR VISITOR INFORMATION EITHER ON THE DOORS TO THE BUILDING OR ON THE EXTERIOR WALL OF THE BUILDING IMMEDIATELY ADJACENT TO THE DOOR; OR IF THE BUSINESS OPERATES FROM A BOOTH WITHIN ANOTHER BUSINESS ESTABLISHMENT, THE SAME SHALL BE PRINTED ON THE FRONT PANEL OF THE BOOTH IN A LOCATION CLEARLY AND CONSISTENTLY VISIBLE TO ANY PERSONS PASSING BY.

C. THE FOLLOWING NOTICE IS PROVIDED IN CLEARLY VISIBLE AND READABLE THREE-QUARTER (3/4) INCH BLOCK LETTERS ON THE DOORS OF THE BUILDING, OR ON THE EXTERIOR WALL OF THE BUILDING IMMEDIATELY ADJACENT TO THE DOORS OR ON ANY BOOTH REFERRED TO IN SUBSECTION B "COMPLAINTS OR CONCERNS ABOUT SALES SOLICITATION ACTIVITY MAY BE REPORTED TO THE TOWN OF CAMP VERDE BY CALLING 928-567-6631.

D. SUCH SIGNS SHALL COMPLY IN ALL MATERIAL RESPECTS WITH ANY ORDINANCES OR RULES SPECIFIYING SIGNAGE STANDARDS WITHIN THE TOWN OF CAMP VERDE

SECTION 9-2-3 SPECIFIC PROHIBITIONS AND APPROPRIATE CONDUCT

IN ADDITION TO THE PROVISIONS OF ANY OTHER APPLICABLE TERM OF THIS ARTICLE, IT SHALL BE CONSIDERED UNLAWFUL AND A VIOLATION OF THIS ARTICLE FOR AN OPC SOLICITOR TO:

A. INTERFERE WITH OR OBSTRUCT THE FREE TRAVEL OR PASSAGE OF ANY PEDESTRIAN ON ANY STREET OR SIDEWALK OR OBSTRUCT OR OTHERWISE IMPEDE ANY PERSON'S FREE MOVEMENT OR ACCESS TO OR FROM ANY PUBLIC STREET OR SIDEWALK.

B. THROW, PLACE, OR DEPOSIT SOLID WASTE, LITTER, PAPER, DOCUMENTS OR HANDBILLS ON ANY STREET OR SIDEWALK.

C. INTENTIONALLY INFLICT EMOTIONAL DISTRESS BY VERBAL OR PHYSICAL HARASSMENT OR COERCION ON ANY PERSON.

D. MISREPRESENT IN ANY WAY THE PRICE, QUALITY, OR NATURE OF THE PRODUCT BEING PROMOTED.

E. MISREPRESENT THE SOURCE OR SPONSOR OF ANY INFORMATION OFFERED OR PROVIDED.

F. OPC SOLICITORS SHALL CONDUCT THEMSELVES IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

1. NO OPC SOLICITOR SHALL TOUCH A PERSON WITHOUT CONSENT DURING A SOLICITATION.
2. NO OPC SOLICITOR SHALL SOLICIT USING ANY OFFENSIVELY LOUD SOUND, VOCIFEROUS SPEECH, BOISTEROUS CONDUCT, OR PROFANE OR VULGAR LANGUAGE.
3. NO OPC SOLICITOR SHALL SOLICIT AN OCCUPANT OF A VEHICLE IN A PUBLIC STREET WHETHER THE VEHICLE IS MOVING, STOPPED, OR PARKED.

SECTION 9-2-4 VIOLATIONS AND PENALTIES

1. ANY RESPONSIBLE OPC EMPLOYER AND EACH RESPONSIBLE OPC SOLICITATOR SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY VIOLATIONS OF THIS ARTICLE.

2. ANY VIOLATIONS OF THE TERMS OF THIS ARTICLE SHALL BE PUNISHABLE BY A CIVIL FINE OR IN THE ALTERNATIVE, MAY BE PROSECUTED AS A CLASS 1 MISDEMEANOR. ~~REPEAT VIOLATIONS WITHIN ANY 30-DAY PERIOD MAY ALSO BE PUNISHABLE BY A CIVIL FINE PER VIOLATION OR A CLASS 1 MISDEMEANOR.~~ IN ADDITION, THE TOWN MAY BRING SUIT FOR INJUNCTIVE RELIEF WHERE WARRANTED.
3. THE MARSHAL'S OFFICE AND CODE ENFORCEMENT OFFICIAL OF THE COMMUNITY DEVELOPMENT DEPARTMENT IS CHARGED WITH THE IMPLEMENTATION AND ENFORCEMENT OF THIS ARTICLE.

Article 9-3
BUSINESS LICENSES
(2008-A355)

9-3 Definitions
9-3-1 Purpose
9-3-2 Registration and License
9-3-3 Issuance of Business License
9-3-4 Payment
9-3-5 Posting of Business License
9-3-6 License not Transferable
9-3-7 Fees
9-3-8 Penalty

Section 9-3 Definitions (2008-A355)

A. "Business" means occupation, work, or trade in which a person is engaged; commercial, industrial, or professional dealings; the buying and selling of commodities; and any commercial store or factory. For the purposes of this article, "Business" also includes those property owners that offer for lease three (3) or more residential units and/or one (1) or more commercial unit(s) that are located within the incorporated limits of the Town of Camp Verde.

B. "Business Location" means the physical location (address) of the business location. If business location includes more than one parcel, all parcel numbers must be listed on the Application for Business License and receive a Zoning Clearance approval before a Business License will be issued.

C. "Home Occupation" means an occupation, profession, activity or use located in a residential district, and which uses is merely incidental to the residential use and does not change the character of the neighborhood by externally detectable lighting, noise, odor, or appearance associated with the activity, and is created and operated as a sole proprietorship with no more than one non-residential employee. No storage or use of toxic materials and/or chemicals that are utilized in connection with a Home Occupation are permitted in a residential district.

D. "Property Owner" means the legal owner of the land/parcel on which the business is conducted.

E. "Occupier of Land" means a Business Owner that does not own the land/parcel on which the business is conducted.

F. "Telecommuting" means working from home as an employee or employer by way of electronic transmission devices. Telecommuting does not require a Business License.

G. "Toxic Materials/Chemicals" mean liquid, aerosol, or solid substances that are harmful, destructive, deadly, or poisonous to human, animal, or fowl.

Section 9-3-1 Purpose (2008-A355)

The Council has determined that it is in the best interest of the public to maintain a list of business activities within the Town to provide contacts for emergency services, directories, compliance with zoning codes, building and fire codes, tax, and/or other ordinances and statutes.

Section 9-3-2 Registration AND LICENSE (2008-A355)

It is unlawful for any person, firm, organization, corporation or other entity to engage in business within the corporate limits of the Town without first obtaining a Business License in compliance with the provisions of this chapter.

Section 9-3-3 Issuance of Business License ~~Certificate~~ (2008-A355)

It is the duty of the Town Clerk to prepare and issue a Business License under this article for every person, firm, company, or corporation liable therefore; the period of time covered; the name of the person, firm or corporation for whom issued; the type of business; the location or place of business and verification of privilege tax license.

Section 9-3-3.1 Certificate of Compliance (2008-A355)
No operation of any new business, excluding Home Occupation OR SERVICE businesses THAT DO NOT HAVE A PERMANENT LOCATION, will be allowed or Business License issued within the limits of the Town without the issuance of a Certificate of Compliance from the Building Department. The Certificate of Compliance requires a physical inspection of the building to verify that the proposed business activity and building are in compliance with all zoning, building, and fire codes, AS APPROVED BY THE BUILDING OFFICIAL.

Issuance of the Business License does not imply that the Town in any way regulates or warrants the manner in which the operator does business.

Section 9-3-4 Payment (2008-A355)

A. All Business License fees shall be paid at the office of the Town Clerk ~~in such manner as may be specified by the Clerk~~.

B. Business Licenses are issued for a 12-month period. Annual renewal payments are due on the first day of the month in which the license was first issued. For example, renewal fees for License #000 issued on January 30, 2008 becomes due on January 1, 2009.

C. The Business License and registration for all businesses which do not pay the required fees within thirty days of their due date will be cancelled. A new application and associated fees will be required to reinstate the Business License.

D. A full fee shall be paid for each fee period ~~or portion of a fee period in which a business is carried on~~.

E. A separate Business License must be obtained for each branch established or separate place of business in which any business is carried on. If a business location includes more than one parcel, all parcel numbers must be listed on the Application for Business License. All parcels must receive Zoning Clearance approval before a Business License will be issued.

Section 9-3-5 Posting of Certificate (2008-A355)

Every person, firm, company, or corporation, having a Business License under the provisions of this article, shall keep such Business License posted and exhibited, while in force, in some conspicuous part of the place of business. Every person having such Business License and not having a fixed place of business shall carry such Business License with him at all times while carrying on that business for which the same was granted. Every person, firm, company, or corporation having a Business License under the provisions of this article shall produce and exhibit the same whenever requested to do so by any officer authorized to issue, inspect, or collect by the Town.

Section 9-3-6 License not Transferable (2008-A355)

No Business License issued under the provisions of this article shall in any manner be assignable or transferable to any other person, firm, company, or corporation.

Section 9-3-7 Fees (2008-A355)

All businesses liable shall pay a set fee as set forth by the Council by resolution. Fees are non-refundable and are not set on a pro rata basis.

Section 9-3-8 Penalty (2008-A355)

It is unlawful for any person to commence, transact, or carry on any business within the Town without first having obtained a license from the Town or to comply with all provisions of this Chapter. Violations shall be punishable under Chapter 1, Article 1-8 with each day that such business is practiced, transacted or carried on constituting a separate offense. It shall be the duty of any authorized personnel or officer of the Town to enforce the provisions of this chapter.

Article 9-4
MINING
(2000-A160) (2001-A180)

9-4-1 General Provisions
9-4-2 Definitions
9-4-3 Permitting Requirements and Procedures
9-4-4 General Regulations
9-4-5 Administration

Section 9-4-1 General Provisions

A. Authority. The authority of the Town to establish the regulations in this article is granted by ARS 9-462.01 Zoning Regulations, as may be amended, and 9-240 B5(c) General Powers of Common Council, as may be amended.

B. Purpose. It is the intent of the Town to establish regulations on uses that mine, quarry, or extract resources which are taken from the natural environment. These regulations are intended to aid in managing the town's resources by complimenting the federal, state, county, and local regulations.

C. Applicability and Exemptions. The regulations contained in this article apply to all business operations that mine, quarry or extract natural resources as defined herein. This article shall not be construed to prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, grazing or general agricultural purposes. Mining, quarrying or processing of natural resources for personal use, as defined herein, are exempt from the requirements of this article. This article supersedes sections 104 and 105 of the Planning and Zoning Ordinance as far as the activities and uses described herein.

Any existing legal non-conforming operations as of the date of adoption of this article are considered a "grandfathered" right of continued use unless one or a combination of the following occur:

1. Operations on the site were illegally installed on the property as defined herein as a non-conforming use;

2. The mining, quarrying, or extracting operations are discontinued for a period of six continuous months or more unless the Director grants written permission;

3. The land area used for the mining, stockpiling, and/or processing operations is increased, by purchase or annexation, to encompass more than the original land area used for the mining operation, this article is not to be construed to require a permit for operations where mining is moving from one location to another within the boundaries of the property lines where an existing non-conforming mining operation is located;

4. The introduction of different processing uses which are related to the mining, quarrying or processing operation such as crushing, batching or other related processing of mined materials; this does not apply to new methods which are similar or the same as existing processing operations or any uses that are listed in the grandfathered use permits; and/or

5. The operation expands to mine or quarry a new resource not previously extracted from the site, this does not include resources which are mined as part of the existing operation but are not necessarily processed or sold. In no case is this exemption to be construed to allow any existing non-conforming use to operate in a fashion so as to cause a public nuisance pursuant to Section 108-A of the Planning and Zoning Ordinance. Where the processing of natural resources is conducted as a sole use, not combined with a mining or quarry operation, such uses are restricted to appropriate zoning districts.

Section 9-4-2 Definitions

In this article unless the context otherwise requires:

A. "Agent" means any person, business, corporation or other entity proposing an application on behalf of the property owner. Agent will provide a copy of the agreement that the requested use is permissible from the owner.

B. "Agricultural purpose" means grazing, growing of crops, or other bona-fide agricultural uses of property as defined by the State of Arizona.

C. "Applicant" means any real property owner or agent applying for a permit according to this article.

D. "Commission" means the Planning and Zoning Commission of the Town of Camp Verde.

E. "Department" means the Community Development Department of the Town of Camp Verde.

F. "Director" means the director of the Community Development Department of the Town of Camp Verde.

G. "Environmental Impact" means a change, modification or effect that positively or negatively influences the condition, volume, number, nature or quality of air, water, earth, plant and animal life, natural resources, noise, public services, transportation and circulation, land use, aesthetics, cultural, archeological and historical resources, the provision of public utilities, human health, and recreation.

H. "Established Residential Area," means an area that is zoned for residential use and is subdivided or contains a residential structure. The exterior property line of the subdivided lot or residential site delineates such areas.

I. "Existing Illegal Non-Conforming Use" means any use that is conducted without the required permits or is not a legal non-conforming use.

J. "Extract" means removing, cutting, gathering, digging, scraping, pumping, or other similar action resulting in the separation of a natural resource from its original environment as part of a mining, quarrying, or processing operation.

K. "Legal Non-Conforming Use" means any use that legally exists with all permits required at the time the use was installed.

L. "Mining or Quarrying Operation" means any commercial or industrial operations involving extraction, removal, processing, quarrying, or transportation of natural resources and related products, and the storage, stockpiling, distribution and sale thereof from the site where such resources were derived. Such operations include the extraction, removal and the delivery of the product off-site, of natural resources for monetary gain, regardless of the size of the site or the volume of extraction.

M. "Natural Resource" means sand and gravel, rock or any mineral, gas or petroleum product, geothermal energy, and earth or clay that is naturally found on a property.

N. "Permanent Mining Operation" means any mining operation that is conducted on a site for a period of six continuous months or more.

O. "Permittee" means any person, business, company corporation or entity that is granted approval of a Use Permit according to this article.

P. "Personal Use" means on-site excavation and movement, on- or off-site, of natural resources to improve a site for the purposes of agriculture or development. Materials under this definition will be limited to incidental sales as determined by the Director. In no case shall this definition be construed to require a permit under this article if excavation activities are specifically related to agriculture or development of the property and not for monetary gain from the sale of natural resources.

Q. "Planning and Zoning Ordinance" means Ordinance 87-A23, copies of which are on file in the office of the town clerk, as adopted and amended from time to time by the Town, that regulates land use and development within the Town.

R. "Processing," means the act of preparing, mixing, batching, washing, crushing, or otherwise modifying a natural resource for the purpose of creating a saleable commodity or product.

S. "Temporary Mining Operation" means a short-term use, less than six months in one period, where natural resources are subject to the requirements listed in Section 9-4-4.

Section 9-4-3 Permitting Requirements and Procedures

A. Permit Required

1. The establishment or expansion of mining or quarrying operations may occur in any zoning district if Council approves a Conditional Use Permit. The setback requirements of mining or quarrying operations will be a maximum of 300 feet from the property line.

However, Council will regulate the setback requirement on a case-by-case basis determined by, but not limited to, topography and adjacent land uses.

2. For uses applicable to this article, a complete Use Permit Application must be filed with the Department. All Use Permits shall be processed in accordance with this article and Sections 108-J and 113 of the Planning and Zoning Ordinance.

3. For temporary mining or quarrying operations, as defined herein, a Temporary Use Permit shall be reviewed. Permits must comply with criteria in Subsection B of this section and are processed according to Subsection E of this section. The Council reserves the right to apply reasonable and necessary conditions on permanent and temporary mining operations as they deem the best interest of the public.

B. Procedure for Obtaining Permits

1. Any party that wishes to install or expand a mining, quarrying, or processing operation shall complete a Use Permit or Temporary Use Permit application obtained from the Department. This application shall be filed with the appropriate fees, as established by Council resolution.

2. The Director shall place the application on the next available agenda when a complete application is submitted to the Department. The procedures in Subsection E of this section apply to temporary permits. Appropriate projects shall be noticed, posted, and advertised for public hearing according to state law and the requirements of the Planning and Zoning Ordinance.

3. Before filing an application, the applicant will meet with the director or other duly appointed representative of the Town for discussing the intended use(s). The Department will also prepare a list of requested data based on the discussion of the intended use, any preliminary project data provided by the applicant and federal, state and local requirements. This list will assist the applicant in preparing the required application, but in no means, shall be construed as a complete listing of all requirements from all agencies. It is the applicant's responsibility to acquire all necessary permits and licenses. When the application is completed to the Director's satisfaction, it will be submitted, if required to the Commission for review. A recommendation from the Commission will then be submitted to the Council with a request for Council action. A permit is non-transferable without ~~written consent from the Director or~~ Council approval. The report may include, but is not limited to the following:

a. **Based on Local Requirements**

1) Completed Application - Use Permit/Temporary Use Permit

2) Proposed Location - Impacts to existing residentially developed properties

3) Noise Impacts - Related to noise created by truck traffic, engine warm-up, and operation of mining and processing equipment

4) Dust - Impacts on surrounding land uses

5) Screening - Screening and buffering of operation form properties that are zoned residential

6) Operational Controls - Related to setbacks and environmental impacts

7) Lighting - Planning and Zoning Ordinance

8) Parking - Planning and Zoning Ordinance

9) Post-Mining Plan - A proposed use of the area following the mining project

10) Noise and Vibration Control Plan - Planning and Zoning Ordinance

11) Other Environmental Impacts - Impacts identified by the applicant or staff

12) Other information as determined by the Director or Council.

b. Based on Federal, State, County Requirements, and Local Input

1) Transportation - Impacts related to truck traffic routes and associated traffic hazards. **ADOT/Local**

2) Excavation and Reclamation - Quality and effectiveness of site restoration plan and consideration of site reuse and development timing. **FEMA/Local**

3) Hydrology Plan - **Yavapai County/Army Corps of Engineers**

4) Sanitation Permit - **Yavapai County**

5) EPA Permits - **Federal/State**

6) DEQ/ADEQ Permits - **Federal/State**

7) Erosion Plan - **FEMA/Army Corps of Engineers/Yavapai County**

8) Archeological Permit - **State**

9) Others, as determined by **Federal, State, County** or **Local** requirements.

C. Application Requirements for Permanent Mining Operations. An application filed for permanent mining, quarrying, and processing operations, as defined in this article, shall include the following information:

1. A completed Use Permit Application

~~2. An 8½" by 11" Xerox (transparency) reduction of the site plan~~

3. A site excavation and reclamation plan containing all required data contained in Subsection D of this section.

4. A complete list of all required permits from county, state and federal agencies that regulate the proposed use. This list shall include a description of the required permit, including contact person names, phone numbers and addresses, and an anticipated time frame for obtaining each required permit.

D. Excavation and Reclamation Plan. All Use Permit Applications for mining operations shall include an excavation and reclamation plan, as required by Subsection C of this section. If the proposed operation is located in a floodplain area, a topographic survey shall be provided in accordance with Yavapai County Flood Control District and/or Army Corps of Engineers requirements. The Excavation and Reclamation Plan shall be reviewed in conjunction with the information gathered by staff. For the purposes of ensuring that the site is reclaimed for reuse and mined in an expeditious manner, the applicant shall provide the following:

1. The general location of resources to be mined overlaid on the topographic survey of the site, if provided.

2. The method of grading and restoring vegetation.

3. The location and containment methods for stockpiling of mined materials, including dust and erosion control.

4. A description of the mining method.

5. An estimate of the costs associated with the restoration of the site.

6. The Applicant will provide the Department with sufficient copies of all required documentation for preliminary and secondary review.

E. Permit Requirements for Temporary Mining Operations

1. Certain temporary mining operations, as defined herein, may not require the same permitting procedures as permanent uses. Only one temporary permit per site may be issued. Successive permits or occasional use of temporary permits are not allowed, and such operations shall be deemed permanent mining operations subject to the permitting requirements provided in this article.

2. For temporary mining operations, such as major grading operations where excavated fill is to be sold or other similar types of operations, a permit may be reviewed and approved by the Council without advertising a public hearing when these operations do not exceed a 30-day period. If such operations are to exceed a 30-day time period, but are less than six months in duration, the Commission shall review the Temporary Use Permit and forward a recommendation to Council. Upon filing an application for a temporary mining operation, the operator shall provide the following information:

a. The site plan and permit requirements for permanent mining operations stated in Subsection C, paragraphs 2, 3 and 4 of this section.

b. The excavation and restoration information required in Subsection D, paragraphs 2, 3, 4 and 5 of this section.

c. Other information as requested by Council.

Section 9-4-4 General Regulations

The general regulations contained in this article shall apply to all mining operations and permits.

A. **Site Development and Operational Regulations.** All mining, quarrying and processing operations shall conform to all applicable plans and documentation approved as presented or revised in the Use Permit or Temporary Use Permit application. In addition to the conditions applied on the permit, all operations shall meet the following operational regulations:

1. **Dust Control.** All haul roads, public or private, connecting internal operations and roads connecting to paved public streets or easements shall be kept wetted, treated with a dust palliative or hard-surfaced and maintained so as to control dust while in use. No person shall drive or move any truck or other vehicle within the town unless the vehicle is so constructed or loaded as to prevent any load contents, including without limitation, litter, dust or other forms of debris from being blown or deposited upon any street, alley or other public place. No person shall drive or move any truck or other vehicle carrying garbage, litter, refuse, rubbish and/or other forms of debris within the town unless the garbage, litter, refuse, rubbish and/or other forms of debris is completely and securely covered by a tarpaulin, canvas, or other cover.

2. **Setbacks.** The setback requirements of mining or quarrying operations will be a maximum of 300 feet from the property line. However, Council will regulate the setback requirement on a case-by-case basis as determined by, but not limited to, topography and adjacent land uses.

3. **Noise.** May be regulated depending upon haul route and the neighborhood.

B. **Implementation of Use Permit.** If the Council approves the Use Permit, the applicant shall provide the following prior to the issuance of the Use Permit:

1. Written proof and verification of approval of all required permits from county, state, or federal agencies.

2. Written verification of compliance with all conditions of approval placed on the permit, as applicable.

3. The applicant shall provide appropriate financial assurance equal to the amount and method approved by the Town for restoration of the site. The Council ~~or Director~~ will make a determination based on the excavation and reclamation plan using one or more of the following options:

a. Allowing the applicant to provide property as security.

b. Allowing a percentage of the monetary gain to be placed in trust as security.

c. Other approved methods of assurance.

Section 9-4-5 Administration

A. **Subsequent Review and Expiration of Permits.** All Use permits issued pursuant to this article are subject to periodic review and expiration as determined by Council.

B. **Revocation of Use Permit.** Violation of any applicable federal, state, county, or local regulation is sufficient grounds for Council action that may lead to the revocation of the Use Permit.

C. **Appeals.** If the applicant or affected property owner disagrees with the decision of the Director to issue or deny a temporary permit or the requirements for permit processing related to a permanent or temporary operation, such person may file a written appeal with the Director within ten (10) days of the Director's decision. Such appeal shall be referred to the Board of Adjustment pursuant to Section 112 of the Planning and Zoning Ordinance. Further appeals are possible through Superior Court.

D. **Permit Status.** Issuance of a permit is not an approval by the Town of any use or activity that is prohibited by any other governmental agency or private covenant.

Section 9-4-6 Penalty (2006-A332)

Pursuant to Article 1-8, any person that fails to comply with any provision of this article, or uses property in violation of any provision of this article or permit issued herein, shall be guilty of a ~~petty offense~~ CLASS 2 MISDEMEANOR for the first offense, and a misdemeanor for a second or subsequent offense as to the same property or activity, with each day that the property or activity is not in compliance constituting a separate offense. "Person" includes the property owner, occupant, agent, or any person having control over the use of the property. Enforcement of this ordinance may also be pursuant to Council action under ARS §9-462.05, as may be amended.

CHAPTER 10
HEALTH AND SANITATION
Article 10-1
TRANSPORTATION OF REFUSE

10-1-1 Definitions
10-1-2 Transporting Refuse
10-1-3 Penalty

Section 10-1-1 Definitions

In this article unless the context otherwise requires:

A. ~~A.~~ ABANDONED VEHICLE: MEANS any vehicle, other than one falling within the categories enumerated by Arizona Revised Statutes sections 28-2482 et seq. and 28-4832 et seq. (i.e., horseless carriages, classic cars, historic vehicles, or street rod vehicles), which is without current license plates or tabs, or is inoperable, stripped, unclaimed, junked or discarded. This shall also mean vehicles, other than those categories enumerated above, being repaired, when such repairs take ninety (90) days or more. For purposes of this chapter, the term "abandoned vehicle" may also refer to trailers, and/or dismantled and/or partially dismantled motor vehicles which by reason of dismantling, disrepair, or other causes, are incapable of being propelled under their own power, in addition to the definition herein, except for those categories of motor vehicles specifically exempted herein.

B "Bulky items" means all wood, timber, household or construction discards, large pieces of metal, stones, concrete, or other building or similar materials.

CB. "Garbage" means all putrid wastes, except sewage and body wastes, including but not limited to, dead animals and all organic wastes that have been prepared for, or intended to be used as, food or have resulted from the preparation of food, including all such substances from all public and private establishments and residences.

DC. "Plant trimmings" means shrubs or tree growth of more than four feet in length and more than one-half inch in diameter.

ED. "Refuse" means all garbage and trash.

E. "Trash" means all non-putrid solid wastes consisting of combustible or noncombustible wastes, including but not limited to, paper, cardboard, cans, yard clippings, plant trimmings, ashes, bedding, glass, crockery, bulky items, or other accumulation of debris.

F. "Yard clippings" means grass, sod, and plant growth of less than four feet in length and less than one-half inch in diameter.

Section 10-1-2 Transporting Refuse

It is unlawful for any person to transport, or cause to be transported, any refuse on or along any public street or alley within the Town, unless the load is so covered or secured with netting, fabric, or other device so as to prevent any of said load from dropping, sifting, leaking, or otherwise escaping. In the case of timber or bulky items, ropes, straps, cables or chains may be substituted for netting or fabric to provide a securely anchored load.

Section 10-1-3 Penalty

Any person found guilty of violating this article, except as otherwise provided, shall be guilty of a class 3 misdemeanor, and upon conviction shall be punished by a minimum fine of thirty-five dollars. No judge shall suspend imposition of sentence, except community service may be used in lieu of fine.

Article 10-2
REMOVAL OF TRASH, RUBBISH, AND DEBRIS

10-2-1 Declaration of Nuisance
10-2-2 Notice
~~10-2-3 Abatement and Lien~~
10-2-3 Abatement of Nuisances by Town – Assessment of Costs
10-2-4 Abatement of Emergency Violations by the Town
10-2-5 Lien for Assessment
10-2-6 Responsibility upon Transfer of Property
10-2-7 Interference with Enforcement, Abatement
10-2-8 Violations–Penalties
10-2-4-9 Unlawful Dumping (2000-A158)

Section 10-2-1 Declaration of Nuisance

It is hereby declared to be a public nuisance, fire hazard, and hazard to public health and safety to allow the accumulation of rubbish, trash, filth, debris, abandoned inoperable vehicles, dilapidated buildings and structures, litter, garbage, dead animals, brush, street cleaning, industrial wastes, or other unsanitary matter of any kind on any property, buildings, lots, grounds, tracts of land and the contiguous sidewalks, streets, and alleys. Additionally declared are:

A. Property and Hazards: No use or structure shall be operated or maintained in such a manner as to be an explosive or fire hazard; nor cause smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, toxic fumes or other negative impact on the community to be emitted into the atmosphere at any time to such an extent as to constitute a nuisance; contribute to neighborhood deterioration; nor divert water-carried waste or pollutants into any open water course or groundwater supply. Any such condition

determined by the Town to constitute imminent peril to public health, safety or welfare shall be ceased immediately

1. Disposing of Materials: Trash and garbage must be kept contained prior to off-site disposal so as not to be a nuisance. Additionally:

   a. Open garbage must not be stored in any residential or commercial lot for more than seven days.

   b. Commercial dumpsters must be kept clean, emptied regularly, kept in good repair, and continuously covered.

   c. The Town will notify the property owner of any violations of the above and take enforcement action, if necessary.

2. Fire Hazard: In order to ensure the safety of its residents and protect property, the Town will among other things, enforce fire hazard codes. Additionally:

   a. The property owner shall be responsible for the removal of dry grasses and weeds exceeding six inches in height AND deemed to constitute a fire hazard by the Fire Marshal or the Zoning Inspector.

   b. The dispensing, handling, or disposal of fuels, paint thinner, or similar explosive or fire-producing materials shall comply with Underwriters Laboratories, Inc. standards or better.

3. Graffiti: To avoid negative impact on the community, and to prevent the spread of gang activity, this nuisance must be removed immediately.

4. Unclaimed Publications: Unclaimed publications include either depositing the material, or failure to clean it up from the property by removing it.

   a. If the publication is subscribed to, the property owner or tenant shall be responsible for the unclaimed publications.

   b. If the material is unsolicited, the publisher shall be responsible for the unclaimed publications.

5. Unsafe Structures and Equipment: Per 7-2-108 of the Town Code,

6. Fences, Screen Walls and Retaining Walls: All fences, screen walls and retaining walls on the premises shall be safe and structurally sound. They shall be maintained so that they do not constitute a blighting, or deteriorated condition.

Section 10-2-2 Notice

Written notice of any violation of Section 10-2-1 shall be either personally served or sent to the owner, lessee, or occupant of the property at his last known address by registered or certified mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him at his last known address. The notice shall be dated, signed by the ~~zoning inspector~~ CODE ENFORCEMENT OFFICER OR BUILDING OFFICIAL, have attached a copy of this article, and ~~be substantially IN~~ INCLUDE, AT MINIMUM, the following ~~form~~ ITEMS: PROPERTY DESCRIPTION/ADDRESS; DESCRIPTION OF THE VIOLATION; REQUIRED MITIGATION; CONSEQUENCES; ~~DATED AND SIGNED BY THE BUILDING OFFICIAL~~

~~**Notice to Compel Property Cleanup**~~

~~Property Description/Address:~~

~~You are the record owner, lessee, or occupant of the above property that was recently inspected by the Town and found to have accumulated trash and other material in violation of Article 10-2 of the Camp Verde Town Code (attached). You have thirty days from receipt of this notice to clean up the property by removing the material or abating the condition which constitutes a hazard to public health and safety, or the Town will cause the removal and abatement at an estimated cost of $_____ plus an additional 5% (for inspection and incidental costs) of $_____. This total amount of $_____ will then be an assessment and, when recorded in Yavapai County, becomes a lien on the property which will be enforceable and foreclosed as provided under ARS 9-499, as may be amended).~~

~~The description of the violation is as follows:~~

> ~~You have a right to appeal this notice, and the costs of abatement or assessment, to the Council, by making a written request posted and received within the above thirty day period to the zoning inspector at the following address: Zoning Inspector, Town of Camp Verde, 473. S. Main Street, Camp Verde, AZ 86322~~
>
> ~~If the Council sustains the notice and assessment, your time for compliance will be ten days from the Council meeting, or the time remaining in the initial thirty days, whichever is greater.~~
>
> ~~Date of Notice:~~
>
> ~~Signed:~~
>
> ~~Zoning Inspector~~

The notice of violation and the assessment lien shall run with the land. The town, in its sole option, may record a notice of violation with the county recorder and thereby cause compliance by any entity thereafter acquiring such property. The nonfiling of any notice of violation shall in no way affect the validity of such notice as to the entities so notified. A satisfaction of a notice of violation or assessment lien shall be filed when the property is brought into compliance by the owner, occupant or lessee. Where multiple ownership exists of a property in violation of this chapter, the town may serve any one (1) owner of record and such service shall be deemed to be service upon any party having or claiming an ownership interest in the property. After service upon any one (1) owner, the town may fully proceed under this chapter the same as if all owners had been served.

Section 10-2-3 Abatement of Nuisances by Town – Assessment of Costs

When any owner, lessee or occupant to whom notice has been given fails, neglects or refuses to abate the prohibited violation from such property by the date set for compliance within the notice, the town manager, or his duly authorized representative, shall abate such violation. Upon abatement of the violation, the town manager, or his duly authorized representative, shall prepare an assessment containing a verified statement of the actual cost of such removal or abatement. The owner, lessee or occupant shall be required to pay the actual cost, plus an additional twenty (20) percent of such cost, to the town within thirty (30) calendar days after the assessment has been mailed to the last known address of record of the owner, lessee or occupant. A duplicate copy of such assessments shall be mailed to the person or persons to whom the original notice of removal was mailed in the manner heretofore prescribed for service of the notice of removal. If the total assessment, including the twenty (20) percent additional charge as set out above, is not paid within thirty (30) calendar days after mailing of the assessment, the town shall apply a lien to the property in the amount of the original assessment, including the twenty (20)

percent additional charge, plus the cost of title search, recording fees, legal fees and other related fees. Failure to comply will result in civil court action.

Section 10-2-4 Abatement of Emergency Violations by the Town

A. When a violation of this code poses a substantial and immediate threat of serious harm to the health or safety of any person, then the town may immediately enter the property and take the minimum action necessary to relieve the threat of serious harm. Prior to entering the property, the town shall obtain:

1. The consent of a person who owns, leases, rents, occupies, controls, or has the right to control the property; or
2. A search warrant from the town magistrate court authorizing the town to enter the property.

The Superior court shall issue such an order only upon a showing that probable cause exists to believe that a violation of this code, which poses a substantial and immediate threat of serious harm to the health or safety of any person, exists on the property.

B. Any person who owns, leases, rents, occupies, controls, or has the right to control the property ~~whothat~~ is found to be in violation of this section will be issued a citation for all violations causing the emergency abatement. The magistrate court may impose monetary reimbursement orders as justified by the violations.

Section 10-2-5 Lien for Assessment

An assessment shall be forthwith recorded in the office of the county recorder of Yavapai County, Arizona, and from the date of its recording shall be a lien on such lot, tract of land or premises described in the assessment, until paid. Such liens shall be subject to and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The town shall have the right to bring an action to enforce the lien in the superior court of Yavapai County, at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments for such purposes and any number of liens on the same private premises may be enforced in the same action. All assessment liens filed with the county recorder shall bear interest at the highest rate of interest permitted by law. If the lot is unimproved, permit issuance for any improvements will be denied until such charges are paid in full.

Section 10-2-6 Responsibility upon Transfer of Property

The transfer of any and all property interests in any manner, including, but not limited to, the sale, trade, lease, gift or assignment of any real property against which a notice of violation has been issued shall not relieve the party(ies) served unless the legal entity assuming an ownership interest in such property, in writing, assumes responsibility for compliance with the notice of violation and a copy of such writing is presented to the town.

Section 10-2-7 Interference with Enforcement, Abatement

Any person who interferes with, prevents, or attempts to interfere with or prevent an individual employed by the town or other person contracted by the town from investigating an alleged violation of this chapter, or from correcting or abating a violation of this chapter, is guilty of a Class 1 misdemeanor.

Section 10-2-8 Violations–Penalties

In addition to any cost incurred, any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be guilty of a Class I misdemeanor punishable pursuant to Arizona State Statutes. Each occurrence or day the violation shall continue shall be a separate offense, punishable as described herein.

~~**Section 10-2-3 Abatement and Lien**~~

~~If a property owner, lessee or occupant, after receipt of the above notice, does not remove the trash or other material specified herein, or otherwise abate such condition which constitutes a hazard to public health and safety, the Town shall, at the expense of the owner, lessee or occupant, remove or cause the removal or abatement, and the actual cost, plus an additional amount of 5% for inspection, enforcement and other incidental costs in connection therewith, shall become an assessment and lien on the property until paid. Such assessment, from the date of recording in the Office of the Yavapai County Recorder, shall be a lien inferior to the lien for general taxes and all prior recorded mortgages or encumbrances, and the Town shall have the right to bring an action to enforce the lien in Superior Court by judgment of foreclosure and sale of the property.~~

~~The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to its recording.~~

Section 10-2-4-9 Unlawful Dumping (2000-A158)

Definitions. "Littering," either along a public roadway, on private property of another, or on public property or parks, is the casual release of small amounts of trash, garbage, rubbish, or debris. Littering includes both throwing down of material or failure to clean it up from the property by removing it or putting it in provided trash containers in a manner that will not allow it to be blown or discharged from the receptacle. If littering occurs from a moving vehicle, the driver will be presumed to be the offender. "Dumping" is the deposit of household garbage or trash, construction materials, industrial waste, soils or rocks, tree or brush trimming, litter, petroleum products, hazardous materials, or injurious materials on or along any public roadway, public property, or property of another.

Violations and Penalties. Both littering and dumping are declared Class 1 misdemeanors, punishable by fines up to $2,500 and six (6) months in jail, or to the limits as may be amended by State law. The minimum fine for littering as a first offense shall be $500, and for dumping, except for dumping hazardous materials, large appliances, industrial waste, automobile parts, or injurious materials, is $1,000. The fine for a first offense for dumping hazardous materials, large appliances, industrial waste, automobile parts, or injurious materials, or whenever the total quantity of the material dumped, regardless of the type, exceeds ten (10) pounds, is $1,500. Persons convicted of a second or subsequent offense under this ordinance shall be sentenced to a fine that is twice the minimum for a first offense, up to a maximum fine for a Class 1 misdemeanor under State law, and shall be ordered to serve not less than three (3) days in jail. In addition to any fines or jail time imposed, the Court shall order that a person convicted of littering or dumping shall be ordered to pick up and remove trash or litter from public property for a minimum of sixteen (16) hours for a first offense and forty (40) hours for a second or subsequent offense, as well as either clean up the litter or dumping caused by the offender, or reimburse the Town or agency which performed the cleanup for the reasonable cost thereof. The Court shall not order personal cleanup if it would create a hardship for the offender because of physical infirmity or age, and shall schedule times and places of cleanup that would minimize interference with the offender's employment or family responsibilities.

Reward. Any person that provides information leading to the citation of another who has violated any provisions of this ordinance shall be paid a $100 reward as restitution to be assessed in addition to the above penalties upon conviction of the offense.

Posting. Signs shall be posted along major roadways and areas where there has been a history of illegal dumping or littering warning the public of the offense, the minimum fines, and a reward offered for information leading to a citation and conviction.

CHAPTER 11
OFFENSES
Article 11-1
OFFENSES

11-1-1 Dangerous Constructions

11-1-2 Excavations to be Covered
11-1-3 Minors; Curfew
11-1-4 Driving or Parking on Another's Property Unlawful
11-1-5 Noise (1999-A147)
11-1-6 Parks - Alcohol Use
11-1-7 Signs and Banners
11-1-8 Unsafe Buildings or Structures
11-1-9 Weapons
11-1-10 911 Emergency Telephone Number System
11-1-11 Prohibitions on Vehicle Engine Noise (1999-A147)
11-1-12 False Alarms (2006-A332)
11-1-13 Sale of Pseudo-ephedrine Products (2005-A312)

Section 11-1-1 Dangerous Constructions

It is unlawful for any person to maintain or allow any signs, billboards, awnings, and other similar structures over or near streets, sidewalks, public grounds, or places frequented by the public, so situated or constructed as to endanger the public safety.

Section 11-1-2 Excavations to be Covered

A. It is unlawful for any person to make any excavation or dig any hole, drain, or ditch in any highway or thoroughfare in the Town without providing a sufficient light at night and a temporary fence or suitable obstruction around or in front of such excavation at all times.

B. It is unlawful for any person to maintain a well, cellar, pit, or other excavation of more than two feet in depth on any unenclosed lot, without substantial curbing, covering, or protection.

Section 11-1-3 Minors; Curfew; Liability of Parent

A. It shall be unlawful for any juvenile under the age of eighteen (18) years to be, remain, loiter in, about, or upon any place in the Town away from the dwelling house or usual place of abode of said juvenile, between the hours of 10:00 o'clock P.M. and 5:00 o'clock A.M. of the following day; **provided that the provisions of this section do not apply** to said juvenile when:

(a) accompanied by his or her parent, guardian, or other adult person having the care, custody or control of said juvenile, or

(b) the said juvenile is on an emergency errand, or

(c) the said juvenile has been specifically directed to the location or is on reasonable, legitimate and specific business or activity directed or permitted by his parent, guardian or other adult person having the care, custody or supervision of said juvenile. This exception requires that the parent, guardian, or adult have advance knowledge of the whereabouts of the juvenile, and have given consent, and does not apply if the parent, guardian, or adult, when told of the location of the juvenile, does not object.

B. It is unlawful for the parent or guardian of a person under the age of eighteen years to permit such minor to be away from the minor's dwelling house or usual place of abode in violation of Section A once the parent or guardian has been notified of the violation and permits repeated violations.

C. Curfew is extended until 12:30 a.m. on Friday and Saturday.

Section 11-1-4 ~~Motor Vehicles on Private Property~~ Loitering

A. It is unlawful for any person to loiter, drive, or park upon the property during those hours when the person legally entitled to the possession of said property is not present, or if the property is a business, for any purpose other than the normal conduct of trade with that business, or if the property is that of a government agency, for any purpose other than the normal conduct of business with that government agency, without having in his or her possession the written permission of the owner of the property or the person entitled to immediate possession thereof, or the authorized agent of either.

B. The written permission shall specify the period for which permission is granted, and shall set forth the name of the grantee shall be signed by the grantor, shall state grantor's interest in the property and, if the grantor is not the owner thereof, the owner's name.

C. Any person loitering, driving, or parking a vehicle described in this section on property shall, upon request of any peace officer, display the written permission issued under the terms of this article.

D. It is the intent of this section to prevent the unauthorized use of vacant lots, parking lots, or other property, privately or publicly owned areas by persons for unauthorized or illegal purposes which could create a public nuisance or interfere with the comfortable enjoyment of life or property by the entire community or neighborhood or by a considerable number of persons.

E. No person charged with violating this section shall be convicted and such charge against him or her shall be dismissed if he or she subsequently produces in court the aforesaid written permission.

Section 11-1-5 Noise

A. It is hereby declared to be public nuisance, and it is unlawful for any person, to play or permit to be played any music or musical instruments whether played by individuals, orchestra, radio phonograph, music box or other mechanical device or means, any shop operations or other activity in such a loud or unusual manner as to be offensive to the senses, or so as to disturb the slumber, peace and quiet, or otherwise interfere with the comfortable enjoyment of life or property of any person and is no less a nuisance because the extent of the annoyance inflicted is unequal.

B. It is unlawful to play, operate or use any device known as a sound truck, loud speaker or sound amplifier, radio or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received permission from the chief of police to operate any vehicle so equipped.

Section 11-1-6 Parks - Alcohol Use (2000-A162) (2009-A367) (2009-A369)

Definitions: "*Public Recreation Area*" shall include a Town park, district or regional parks, riverfront parks, or areas so designated by the Town Council of the Town Hall complex, such as the adjoining sports fields, parking lots, or gymnasium, or other Town property.

Prohibition on Alcohol Use. It is unlawful for any person to consume, possess, give, or sell any alcoholic beverage within the boundaries of any public recreation area OR ON TOWN-OWNED PROPERTY within the Town limits, or in a public thoroughfare, except that persons may sell, purchase, or consume beer and/or wine by permit from the Town. THE COUNCIL MAY APPROVE NO MORE THAN SIX (6) ALCOHOL PERMITS ON TOWN PROPERTY IN A FISCAL YEAR. at the following events only: Fort Verde Days (beer only), CORN FESTIVAL ~~Crawdad Festival~~ (beer only), and Pecan, Wine & Antique Festival (wine only). ~~The permits will specify the area and other conditions of use.~~ A special event license from the Arizona Department of Liquor Control is required and procedures are outlined in the Town of Camp Verde Procedures and Operations Guide, Special Event Permitting Procedures and Handbook. THE PERMIT WILL SPECIFY THE AREA and other conditions of use.

A) Proof of alcohol training from Arizona Department of Liquor Control is required as a condition of the permit.

B) Signs will be posting stating that no one appearing to be intoxicated will be served
C) "LAST CALL" promotions are strictly prohibited.

Permit Procedures. The Town Manager will establish permit procedures under this ordinance, except that the Town Council may by motion or resolution determine which events sponsored by the Town will have beer sold under a Town special event license.

Violations and Penalties. Violation of this [section] ordinance is declared to be a Class 1 misdemeanor, punishable by fines up to $2,500 and 6 months in jail or to the limits as may be amended by State law.

Posting. Signs shall be posted in all public recreation areas warning the public of the provisions of this ordinance.

Section 11-1-7 Signs and Banners

It is unlawful for any person to place any banner or sign upon any Town property, streetlight pole, traffic signal pole, or utility pole within the Town without first obtaining authorization from the manager or his or her designee.

Section 11-1-8 Unsafe Buildings or Structures

It is unlawful for any person to maintain or allow any building or structure so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.

Section 11-1-9 Discharge of Air or Spring Weapons

It is unlawful for any person to recklessly discharge any spring or air gun within the Town.

Section 11-1-10 911 Emergency Telephone Number System

A. Definitions. In this section, unless the context otherwise requires:

1. "Emergency" means any situation in which human life or property is in jeopardy and the prompt summoning of aid is essential.

2. "911" means the Town 911 emergency telephone number system.

B. Prohibition. It is unlawful for any person to intentionally and willfully dial the 911 emergency telephone number and falsely report a nonexistent emergency or to dial the 911 emergency telephone numbers with the intention to harass, annoy, or otherwise interfere with the intended operation of the 911 emergency telephone number system.

Section 11-1-11 Prohibition on Engine Braking. (1999-A147)

No vehicle, commercial or personal, shall use engine braking, compression braking, or `jake brakes', within the Town limits, if the operation causes unreasonable noise. Use of engine braking in a residential area shall be presumed to be a public nuisance.

1. **Exceptions:** This shall not apply to traffic on Interstate 17, or any time use of engine braking is necessary in a safety emergency.

2. **Violations:** The driver or operator of a vehicle may be cited under this ordinance. Violations of any provision herein are a Class 3 Misdemeanor on a first offense for the vehicle or driver, and Class 2 Misdemeanor for any subsequent offense.

Section 11-1-12 False Alarms (2006-A332)

A. It shall be unlawful to allow or cause a false alarm within the Town.

B. In this article, unless the content otherwise requires:
   1. "Alarm" means any mechanical or electrical device or assembly of equipment designed or arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the police are expected to respond, or designed or arranged to signal the occurrence of a fire or excessive smoke requiring urgent attention and to which a fire department is expected to respond.
   2. "Alarm Company" means any firm, person, partnership, corporation, or entity which has servicing, maintenance, or monitoring duties or responsibilities under the terms of any agreement or arrangement with any alarm user within the corporate limits of the town.
   3. "Alarm user" means any person, firm, corporation, or entity of any kind in control of any building, premises, structure or facility in which or upon which an alarm is maintained.
   4. "False alarm" means an alarm signal to which police or fire department personnel respond with any emergency personnel or equipment when a situation requiring a response by the police or fire department does not in fact exist, and which signal is caused by the inadvertence, negligence, or intentional act or omission of an alarm company or alarm user or a malfunction of the alarm.

C. The following shall not be considered false alarms:

1. Alarms caused by the testing, repair, or malfunction of telephone equipment or lines.
2. Alarms caused by an act of God, including earthquakes, floods, windstorms, thunder or lightning.
3. Alarms caused by an attempted illegal entry of which there is visible evidence.
4. Alarms caused by the testing, repair or malfunction of electrical utility equipment or lines.

D. Any violation of section 11-1-12 shall have the following penalties:

1. A civil sanction in an amount of not more than $250.00 may be assessed against an alarm user for each false alarm which occurs in any building, premises, structure, or facility owned or controlled by the alarm user;
2. A civil sanction in an amount of not more than $250.00 may be assessed against the responsible alarm company for each false alarm which occurs in the event that a false alarm was occasioned due to the manner of installation of the alarm by the responsible alarm company;

A civil sanction in an amount of not more than $250.00 may be assessed against the responsible alarm company for each false alarm which is occasioned by the failure of the responsible alarm company to properly service, maintain or monitor any alarm within the town.

Article 11-1-13 Sale of Pseudo-Ephedrine Products is added to **Chapter 11, Offenses** as follows: (2005-A312)

SALE OF PSEUDO-EPHEDRINE PRODUCTS

1. Definitions: For purposes of this chapter, the following shall have the following meanings:
   a. "Pharmacist" means a person licensed by the state in the art, practice, or profession of preparing, preserving, compounding, and dispensing medical drugs.

b. "Licensed Pharmacy Technician" is a person licensed by the state to assist a pharmacist.

c. "Pseudo-ephedrine" is a drug commonly used in decongestants and can be illegally processed to make methamphetamine Ephedrine, norpseudoephedrine, and phenylpropanolamine shall be included in this definition as pseudo-ephedrine products.

d. "Proper Identification" shall mean a recognized government issued photo identification of purchaser including, but not limited to, a driver's license, identification card or passport.

2. Security of Pseudo-Ephedrine Products. Any establishment that pseudo-ephedrine products in a tablet form must hold such products in an area that is not accessible to the public and where such products are continually monitored to prevent theft or unauthorized or uncontrolled purchases

3. Sale by Pharmacist or Licensed Pharmacy Technician. It shall be required that any compound, mixture or preparation that contains detectable quantities of pseudo-ephedrine in a tablet form be sold by a pharmacist or licensed pharmacy technician.

4. Quantity that May be Sold. It shall be prohibited for a retailer selling more than a total of 9 grams in tablet form of ephedrine, pseudo-ephedrine, norpseudoephedrine or phenylpropanolamine to a person within a thirty (30) day period. Provided however, this limit shall not apply to any quantity of such tablet of ephedrine, pseudo-ephedrine, nonpseudoephedxine or phenylpropanolarnine dispensed pursuant to a valid prescription.

5. Purchaser identification Requirements. It shall be required that any person purchasing pseudo-ephedrine products in a tablet form present proper identification and sign a log that shows the date of the transaction, the name of the purchaser, and the amount of the compound requested.

6. Confidentiality of Identification Information. The purchaser log will be retained by retailer for a period of six (6) months, unless otherwise directed by law enforcement, and will be considered a confidential document that will only be available to the pharmacist, licensed pharmacy technician, law enforcement, or by order of a court.

7. Requirement to Report Suspicious Sale. The retailer and pharmacy employees will be required to report to the police department by telephone any attempt by a purchaser to purchase larger quantities than allowable by this Ordinance or any other suspicious activity or purchases that may be related to the manufacture or possession of illegal drugs.

ARTICLE 11-2
FIREWORKS

SECTION 11-2-1 DEFINITIONS

SECTION 11-2-2 CONSUMER FIREWORKS PROHIBITED; EXCEPTIONS

SECTION 11-2-3 SALE OF FIREWORKS

SECTION 11-2-4 POSTING OF SIGNS BY PERSONS ENGAGED IN THE SALE OF FIREWORKS; CIVIL PENTALTY

SECTION 11-2-5 AUTHORITY TO ENFORCE VIOLATIONS OF THIS ARTICLE; MEANS OF ENFORCEMENT

SECTION 11-2-6 LIABILITY FOR EMERGENCY RESPONSES RELATED TO USE OF FIREWORKS; DEFINITIONS

SECTION 11-2-7 PENALTY

SECTION 11-2-1 DEFINITIONS

THE FOLLOWING WORDS, TERMS AND PHRASES, WHEN USED IN THIS ARTICLE, HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION, EXCEPT WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING. ALL STATUTORY REFERENCES ARE TO THE STATUTES AS THEY MAY BE AMENDED:

A. **CONSUMER FIREWORKS:** THOSE FIREWORKS DEFINED BY ARIZONA REVISED STATUTES SECTION 36-1601.

B. **DISPLAY FIREWORKS:** THOSE FIREWORKS DEFINED BY ARIZONA REVISED STATUTES SECTION 36-1601.

C. **FIREWORKS:** ANY COMBUSTIBLE OR EXPLOSIVE COMPOSITION, SUBSTANCE OR COMBINATION OF SUBSTANCES, OR ANY ARTICLE PREPARED FOR THE PURPOSE OF PRODUCING A VISIBLE OR AUDIBLE EFFECT BY COMBUSTION, EXPLOSION, DEFLAGRATION OR DETONATION, THAT IS A CONSUMER FIREWORK, DISPLAY FIREWORK OR PERMISSIBLE CONSUMER FIREWORK AS DEFINED BY ARIZONA REVISED STATUTES SECTION 36-1601.

D. **NOVELTY ITEMS:** FEDERALLY DEREGULATED NOVELTY ITEMS THAT ARE KNOWN AS SNAPPERS, SNAP CAPS, PARTY POPPERS, GLOW WORKS, SNAKES, TOY SMOKE DEVICES, SPARKLERS, AND CERTAIN TOYS AS DEFINED IN ARIZONA REVISED STATUTES SECTION 36-1601.

E. **PERMISSIBLE CONSUMER FIREWORKS:** THOSE FIREWORKS AS DEFINED BY ARIZONA REVISED STATUTES SECTION 36-1601, THAT MAY BE SOLD WITHIN THE TOWN OF CAMP VERDE EVEN WHERE THE USE OF THOSE ITEMS HAS BEEN PROHIBITED.

F. **SUPERVISED PUBLIC DISPLAY:** A MONITORED PERFORMANCE OF DISPLAY FIREWORKS OPEN TO THE PUBLIC AND AUTHORIZED BY PERMIT BY THE CAMP VERDE FIRE DEPARTMENT.

SECTION 11-2-2 CONSUMER FIREWORKS PROHIBITED; EXCEPTIONS

A. THE USE, DISCHARGE, OR IGNITION OF CONSUMER FIREWORKS WITHIN THE TOWN LIMITS OF THE TOWN OF CAMP VERDE IS PROHIBITED.

B. NOTHING IN THIS SECTION OR ARTICLE SHALL BE CONSTRUED TO PROHIBIT THE USE, DISCHARGE OR IGNITION OF NOVELTY ITEMS OR THE OCCURRENCE OF A SUPERVISED PUBLIC DISPLAY OF FIREWORKS.

C. PERMITS MAY BE GRANTED BY THE CAMP VERDE FIRE DEPARTMENT FOR CONDUCTING A PROPERLY SUPERVISED PUBLIC DISPLAY OF FIREWORKS. EVERY SUCH PUBLIC DISPLAY OF FIREWORKS SHALL BE OF SUCH CHARACTER AND SO LOCATED, DISCHARGED OR FIRED, ONLY AFTER PROPER INSPECTON AND IN A MANNER THAT DOES NOT ENDANGER PERSONS, ANIMALS, OR PROPERTY. A PERMIT SHALL NOT BE ISSUED, AND MAY BE REVOKED, DURING TIME PERIODS OF HIGH FIRE DANGER WARNINGS. THE FIRE DEPARTMENT HAS AUTHORITY TO IMPOSE CONDITIONS ON ANY PERMITS GRANTED.

D. FAILURE TO COMPLY WITH ANY PERMIT REQUIREMENTS ISSUED BY THE FIRE DEPARTMENT IS A CRIMINAL OFFENSE CONSTITUTING A CLASS TWO MISDEMEANOR.

E. FIREWORKS MAY NOT BE COMBINED, ALTERED OR MANIPULATED IN ANY WAY OUTSIDE OF THE INTENDED USE THAT, IN THE OPINION OF THE FIRE DEPARTMENT, INCREASES THE POTENTIAL FOR FIRE DAMAGE OR PERSONAL INJURY.

SECTION 11-2-3 SALE OF FIREWORKS

A. NO PERSON SHALL SELL OR PERMIT OR AUTHORIZE THE SALE OF PERMISSIBLE CONSUMER FIREWORKS TO A PERSON WHO IS UNDER SIXTEEN YEARS OF AGE.

B. NO PERSON SHALL SELL OR PERMIT OR AUTHORIZE THE SALE OF PERMISSIBLE CONSUMER FIREWORKS IN CONFLICT WITH STATE LAW.

C. NO PERSON SHALL FURNISH PERMISSIBLE CONSUMER FIREWORKS TO A PERSON WHO IS UNDER SIXTEEN YEARS OF AGE.

D. NO PERSON WHO IS UNDER SIXTEEN YEARS OF AGE SHALL POSSESS PERMISSIBLE CONSUMER FIREWORKS.

E. PERMITS AND FEES SHALL BE REQUIRED FOR THE CONSTRUCTION, ERECTION, OR OPERATION OF A BUSINESS THAT SELLS CONSUMER FIREWORKS.

SECTION 11-2-4 POSTING OF SIGNS BY PERSONS ENGAGED IN THE SALE OF FIREWORKS; CIVIL PENALTY

A. PRIOR TO THE SALE OF PERMISSIBLE CONSUMER FIREWORKS, EVERY PERSON ENGAGED IN SUCH SALES SHALL PROMINENTLY DISPLAY SIGNS INDICATING THE FOLLOWING:
   1. THE USE OF FIREWORKS, EXCEPT NOVELTY ITEMS, AS DEFINED BY TOWN OF CAMP VERDE CODE, INCLUDING PERMISSIBLE CONSUMER FIREWORKS, IS PROHIBITED.
   2. CONSUMER FIREWORKS AUTHORIZED FOR SALE UNDER STATE LAW MAY NOT BE SOLD TO PERSONS UNDER THE AGE OF 16.

B. SIGNS REQUIRED UNDER THIS SECTION SHALL BE PLACED AT EACH CASH REGISTER AND IN EACH AREA WHERE CONSUMER FIREWORKS ARE DISPLAYCED FOR SALE.

C. THE COMMUNITY DEVELOPMENT DEPARTMENT SHALL DEVELOP REGULATIONS CONCERNING THE SIZE AND COLOR OF THE REQUIRED SIGNS.

D. ANY PERSON ENGAGED IN THE SALE OF CONSUMER FIREWORKS SHALL PROVIDE A WRITTEN NOTICE TO EACH INDIVIDUAL WHO PURCHASES CONSUMER FIREWORKS. SUCH NOTICE SHALL INFORM THE PURCHASER THAT THE USE, DISCHARGE, OR IGNITION OF CONSUMER FIREWORKS WITHIN THE TOWN OF CAMP VERDE IS PROHIBITED. THE NOTICE SHALL ALSO INFORM THE PURCHASER OF THE KEY REQUIREMENTS AND PROHIBITIONS CONTAINED IN THIS ORDINANCE. THE COMMUNITY DEVELOPMENT DEPARTMENT SHALL DEVELOP REGULATIONS CONCERNING THE SIZE AND CONTENT OF THE REQUIRED NOTICE AND DEVELOP A MODEL NOTICE.

E. ANY PERSON ENGAGED IN THE SALE OF CONSUMER FIREWORKS SHALL REQUIRE EACH PURCHASER OF CONSUMER FIREWORKS TO SIGN A REGISTRY INDICATING THE NAME, ADDRESS AND AGE OF THE PURCHASER.

F. FAILURE TO COMPLY WITH SUBPARTS A, B, D AND E OF THIS SECTION IS A CRIMINAL OFFENSE CONSTITUTING A CLASS TWO MISDEMEANOR.

SECTION 11-2-5 AUTHORITY TO ENFOCE VIOLATIONS OF THIS ARTICLE; MEANS OF ENFORCEMENT

A. A MARSHAL'S OFFICE DEPUTY, OR THE TOWN ATTORNEY MAY ISSUE CRIMINAL COMPLAINTS TO ENFORCE THIS ARTICLE.

B. ANY PERSON AUTHORIZED PURSUANT TO THIS SECTION TO ISSUE A CIVIL COMPLAINT MAY ALSO ISSUE A NOTICE OF VIOLATION SPECIFYING ACTIONS TO BE TAKEN AND THE TIME IN WHICH THEY ARE TO BE TAKEN TO AVOID ISSUANCE OF A CIVIL OR CRIMINAL COMPLAINT.

C. THE TOWN BUILDING OFFICIAL MAY ISSUE FIRE CODE OR PERMIT VIOLATIONS TO ENFORCE THIS ARTICLE.

SECTION 11-2-6 LIABILITY FOR EMERGENCY RESPONSES RELATED TO THE USE OF FIREWORKS; DEFINITIONS

A. A PERSON WHO USES, DISCHARGES OR IGNITES PERMISSIBLE CONSUMER FIREWORKS, OR ANYTHING THAT IS DESIGNED OR INTENDED TO RISE INTO THE AIR AND EXPLODE OR TO DETONATE IN THE AIR OR TO FLY ABOVE THE GROUND, IS LIABLE FOR THE EXPENSES OF ANY EMERGENCY RESPONSE THAT IS REQUIRED BY SUCH USE, DISCHARGE OR IGNITION. THE FACT THAT A PERSON IS CONVICTED OR FOUND RESPONSIBLE FOR A VIOLATION(S) OF THIS ARTICLE IS PRIMA FACIE EVIDENCE OF LIABILITY UNDER THIS SECTION.

B. THE EXPENSES OF AN EMERGENCY RESPONSE ARE A CHARGE AGAINST THE PERSON LIABLE FOR THOSE EXPENSES PURSUANT TO SUBPART A OF THIS SECTION. THE CHARGE CONSTITUTES A DEBT OF THAT PERSON AND MAY BE COLLECTED PROPORTIONATELY BY THE PUBLIC AGENCIES, FOR-PROFIT ENTITIES OR NOT-FOR-PROFIT ENTITIES THAT INCURRED THE EXPENSES. THE PERSON'S LIABILITY FOR THE EXPENSE OF AN EMERGENCY RESPONSE SHALL BE THE AMOUNT SET FORTH IN EXISTING TOWN ORDINANCES FOR A SINGLE INCIDENT. THE LIABILITY IMPOSED UNDER THIS SECTION IS IN ADDITION TO AND NOT IN LIMITATION OF ANY OTHER LIABILITY THAT MAY BE IMPOSED.

C. FOR THE PURPOSES OF THIS SECTION:

1. "EXPENSES OF AN EMERGENCY RESPONSE" MEANS REASONABLE COSTS DIRECTLY INCURRED BY PUBLIC AGENCIES, FOR-PROFIT ENTITIES OR NOT-FOR-PROFICT ENTITIES THAT MAKE AN APPROPRIATE EMERGENCY RESPONSE TO AN INCIDENT.
2. "REASONABLE COSTS" INCLUDES THE COSTS OF PROVIDING POLICE, FIRE FIGHTING, RESCUE AND EMERGENCY MEDICAL SERVICES AT THE SCENE OF AN INCIDENT AND THE SALARIES OF THE PERSONS WHO RESPOND TO THE INCIDENT.

SECTION 11-2-7 PENALTY

THE PENALTY FOR VIOLATING ANY PROHIBITION OR REQUIREMENT IMPOSED BY THE ARTICLE IS A CLASS TWO MISDEMEANOR UNLESS ANOTHER PENALTY IS SPECIFICALLY PROVIDED FOR.

CHAPTER 12
TRAFFIC
Article 12-1
ADMINISTRATION

12-1-1 Duty of Marshal's Office
12-1-2 Records of Traffic Violations
12-1-3 Marshal's Office to Investigate Accidents
12-1-4 Traffic Accident Studies

Section 12-1-1 Duty of Marshal's Office

A. It shall be the duty of the Marshal's Office to provide for the enforcement of the street traffic regulations of the town and all of the state vehicle laws applicable to street traffic in the town, to make arrests for traffic violations, to investigate accidents, to assist in developing ways and means to improve traffic conditions, and to carry out all duties specially imposed upon the Marshal's Office by this chapter.

B. Any peace officer or duly authorized agent of the town may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of this chapter and to serve a copy of the traffic complaint for any alleged civil or criminal violation of this chapter.

Section 12-1-2 Records of Traffic Violations

A. The Marshal's Office shall keep a record of all violations of the traffic laws of the town or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

B. All forms for records of violations and notices shall be serially numbered. For each month and year, a written record shall be maintained complete for at least the most recent five-year period.

Section 12-1-3 Marshal's Office to Investigate Accidents

It shall be the duty of the Marshal's Office to investigate traffic accidents and to arrest and assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

Section 12-1-4 Traffic Accident Studies

Whenever the accidents at any particular location become numerous, the Marshal's Office shall conduct studies of such accidents and determine remedial measures.

Article 12-2
TRAFFIC CONTROL
(2004-A276)

12-2-1 Directing Traffic
12-2-2 Obedience to Traffic Regulations
12-2-3 Use of Coasters, Roller Skates, Skateboards, and Similar Devices Restricted (2004-A276)
12-2-4 Traffic Control Devices
12-2-5 Authority to Designate Crosswalks, Establish Safety Zones and Mark Traffic Lanes
12-2-6 Authority to Place and Obedience to Turning Markers
12-2-7 Authority to Place and Obedience to Restricted Turn Signs

12-2-8 One-Way Streets and Alleys
12-2-9 Regulation of Traffic at Intersections
12-2-10 Drivers to Obey Signs
12-2-11 Processions
12-2-12 Regulation of Motorized Play Vehicles and Motorized Skateboards

Section 12-2-1 Directing Traffic

A. The Marshal's Office is hereby authorized to direct all traffic by voice, hand, or signal.

B. Officers of the fire department, when at the scene of a fire, may direct or assist the Marshal's Office in directing traffic thereat or in the immediate vicinity.

Section 12-2-2 Obedience to Traffic Regulations

It is a civil traffic violation for any person to do any act forbidden by or to fail to perform any act required by this chapter. It is a Class 2 misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of the Marshal's Office or any of its duly designated, qualified and acting law enforcement agents.

Section 12-2-3 Use of Coasters, Roller Skates, Skateboards, and Similar Devices Restricted (2004-A276)

A. It is a civil traffic violation for any person upon roller skates, coaster, skateboard, go-cart, or riding any coaster, toy vehicle, or similar device to go upon any roadway, WITHOUT A RESPONSIBLE ADULT PRESENT WHILE A CHILD IS USING SUCH DEVICES, except while crossing a street on a crosswalk, and, when crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. THE DEVICES SHALL IN NO WAY IMPEDE THE FLOW OF TRAFFIC OR PLACE THE CHILD IN DANGER.

B. No person shall ride upon, in or by means of roller skates, coaster, skateboard, toy vehicle, go-cart, or any similar coasting or skating device, any sidewalk included in the following prohibited areas of operation:

1. Main Street- From the Western Montezuma Castle Highway Intersection with Highway 260/Main Street to the Highway 260 bypass intersection with Main Street.

2. On any public property, except those areas designated for use of these devices.

3. On any private property without the permission of the owner.

C. Any person riding such a coasting or skating device upon a sidewalk in a residential area shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing pedestrian.

Section 12-2-4 Traffic Control Devices

A. The town shall place and maintain traffic control devices, signs, and signals when and as required under the traffic regulations of the town to make effective the provisions of said regulations, and may place and maintain such additional traffic control devices as necessary to regulate traffic under the traffic laws of the town or under state law or to guide or warn traffic.

B. The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the traffic regulations of the town unless otherwise directed by the town

marshal or member of the police department, subject to the exceptions granted in this chapter or by state law.

Section 12-2-5 Authority to Designate Crosswalks, Establish Safety Zones and Mark Traffic Lanes

The Town Manager or his designee is hereby authorized:

A. To designate by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where, in his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

B. To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

C. To mark lanes for traffic on street pavement at such places as he may deem advisable, consistent with the traffic laws of the town and the state.

D. The Council may adopt further rules and regulations from time to time, as they deem necessary for the safety and efficient use of the town roads by the public.

Section 12-2-6 Authority to Place and Obedience to Turning Markers

A. The town manager or his designee is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law.

B. When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

Section 12-2-7 Authority to Place and Obedience to Restricted Turn Signs

A. The town manager or his designee is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn and shall have proper signs placed at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or such signs may be removed when such turns are permitted.

B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

Section 12-2-8 One-Way Streets and Alleys

A. The Council shall by resolution designate any streets or alleys which are to be limited to one-way traffic.

B. When any resolution of the Council designates any one-way street or alley, the town shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Section 12-2-9 Regulation of Traffic at Intersections

A. The Council shall by resolution designate through streets, intersections where stops are required, and intersections where vehicles shall yield the right of way.

B. When any resolution of the Council shall designate any through street or intersection where vehicles are to stop or yield the right of way, the town manager or his designee shall erect and maintain the appropriate signs at every location where a vehicle must stop or yield the right of way.

C. Whenever any laws of the town designate and describe a through street, it shall be the duty of the town to place and maintain a stop sign on each and every street intersecting such through street or intersecting that portion thereof described and designated as such by the laws of the town.

Section 12-2-10 Drivers to Obey Signs

Whenever traffic signs are erected as provided in this chapter, every driver of a vehicle shall obey such signs unless directed to proceed by the town marshal, a member of the Marshal's Office, or a traffic control signal. No driver shall drive upon or through any private property such as an oil station, vacant lot, or similar property to avoid obedience to any regulation included in this chapter.

Section 12-2-11 Processions

A. No procession or parade, except funeral processions, shall be held without first securing a permit from the Town ~~Marshal,~~Marshal and all such requests for permits shall state the time, place of formation, proposed line of ~~march~~March, destination, and other such regulations as the town marshal may set forth therein.

B. A funeral procession composed of a procession of vehicles shall be identified by such methods as may be determined and designated by the town marshal.

C. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously a part of the procession.

D. Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

Section 12-2-12 Regulation of Motorized Play Vehicles and Motorized Skateboards (2004-A278)

A. DEFINITIONS

1. Motorized Skateboard: A self-propelled device that has a motor, a deck on which a person may ride, and at least two (2) tandem wheels in contact with the ground and which is not otherwise defined under Arizona Law (ARS 28), as a "motor vehicle", "motor driven cycle," or "motorized wheelchair."

2. Motorized Play Vehicle: A coaster, scooter, any other alternatively fueled device (excluding battery operated toy carts designed for children under the age of eight (8) years to ride in or on) or other motorized vehicle that is self-propelled by a motor or engine and which is not otherwise defined under Arizona Law (ARS 28), as a "motor vehicle," "motor-driven cycle," or "motorized wheelchair".

B. GENERAL OPERATING RESTRICTIONS

1. No person under the age of 14 may operate a motorized play vehicle or motorized skateboard within the town limits of Camp Verde, except when authorized on private property.

C. APPLICABILITY OF TRAFFIC LAWS:

Traffic laws such as those regulating red lights, stop signs, crosswalks, speeding, yielding, and movements on the roadway also apply to motorized vehicles and motorized skateboards.

Motorized play vehicles and motorized skateboards may be operated on a designated bicycle path or lane, but motorized play vehicle and motorized skateboard operators shall yield at all times to other users. The Town of Camp Verde also prohibits the following:

1. Carrying passengers when in operation or motion.

2. Attaching a motorized play vehicle or motorized skateboard in any manner to any other vehicle or person.

3. Carrying any package or bundle that prevents the operator from keeping his/her hands on the steering mechanism.

4. Structurally or mechanically altering the original manufacturer's design.

5. Transporting extra fuel in a separate container or altering the fuel reservoir.

6. Riding motorized play vehicle or motorized skateboard two abreast on a roadway.

Motorized play vehicle and motorized skateboard operators are required to ride as close as practical to the right-hand curb or edge of the roadway except when passing other vehicles, preparing for left turns, or when reasonably necessary to avoid hazardous conditions.

Required safety equipment:

1. A brake that enables the operator to make a braked wheel(s) skid on dry pavement.

2. A protective helmet (if under the age of 18) which meets the minimum standards of testing and safety inspection by the bicycle industry.

3. Footwear that completely covers the feet and toes and includes a sole.

4. Protective glasses, goggles, or a transparent shield.

D. PROHIBITED AREAS OF OPERATION:

No person shall ride upon, in or by means of any motorized play vehicle or motorized skateboard, the following prohibited areas of operation:

1. On any sidewalk in the Town or Town Parks.

2. On any street, roadway, or highway with a posted speed limit of greater than 25 mph.

3. On any public property not held open to public vehicle use.

4. On any private property without the written permission of the owner.

5. On a public right-of-way, including streets, roadways and alleyways, except during daylight hours.

E. PENALTIES:

Violation of the Camp Verde Town Code is a civil traffic violation and will be prosecuted and punished in the same manner by law as other civil traffic violations. Parents are ultimately responsible for the actions and safety of their children. No parent, guardian, or custodian of a child under 18 years of age shall authorize or knowingly permit the child to violate this section.

ARTICLE 12-3
PARKING

12-3-1 Method of Parking
12-3-2 Blocking Traffic
12-3-3 Parking Adjacent to Schools
12-3-4 Authority to Erect Signs Restricting Parking
12-3-5 Parking Vehicles on Sidewalks
12-3-6 Handicapped Parking (2006-A332)

Section 12-3-1 Method of Parking

A. Except as otherwise provided by resolution of the Council, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right hand wheels of such vehicle parallel to and within eighteen inches of the right hand curb.

B. Except as otherwise provided, where there is no adjacent curb, vehicles should be parked off main traveled portions of the roadway facing in direction of travel.

C. It is a civil traffic violation for anyone to leave any type of vehicle unattended without first having secured such vehicle to prevent it from rolling or moving, so as to constitute a hazard.

Section 12-3-2 Blocking Traffic

A. It is a civil traffic violation for any person to stop, stand, or park any vehicle upon a street in the town in such a manner or under such conditions as to leave available less than twenty feet of the width of the roadway for the free movement of vehicular traffic, except that a person may stop temporarily, in the actual loading or unloading of passengers, or when necessary, in the observance of traffic signs or signals of a police officer.

B. It is a civil traffic violation for any person to park a vehicle within an alley or entrance to a private driveway except for the loading or unloading of materials, and such loading or unloading of materials can only be done when it can be accomplished without blocking the alley to the free movement of vehicular traffic.

Section 12-3-3 Parking Adjacent to Schools

When signs are erected indicating no parking on that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place for one hour before school opens until one hour after school closes on any school day.

Section 12-3-4 Authority to Erect Signs Restricting Parking

The town manager, upon approval by the Council, may cause to be placed signs requiring parking at an angle to the curb, notifying drivers that parking is prohibited, or restricting parking in any way that may be necessary. No parking restrictions shall become effective until such restricted parking area is specifically designated by resolution of the Council, and signs have been erected as authorized by this section. It is a civil traffic violation for any person to stop or stand a vehicle in disobedience to such parking restrictions.

Section 12-3-5 Parking Vehicles on Sidewalks

It is a civil traffic violation for any person to park any vehicle, whether in usable condition or not, or for an owner to permit his vehicle to be parked upon any sidewalk in the town.

Section 12-3-6 Handicapped Parking (2006-A332) (2009-A365)

A. Except as provided in subsection C of this section, a person shall not stop, stand, or park a motor vehicle within any specially designated and marked parking space provided in accordance with this section for physically disabled persons unless the motor vehicle is transporting a person who has been issued a valid placard or international symbol of access special plates and either:

1. The motor vehicle displays the valid permanently disabled or temporarily disabled removable windshield placard.
2. The motor vehicle displays international symbol of access plates that are currently registered to the vehicle.

B. If a law enforcement officer or a parking enforcement specialist finds a motor vehicle in violation of this ordinance, the person shall issue a complaint to the operator or other person in charge of the motor vehicle, or, if neither is present, to the registered owner of the vehicle for a civil traffic violation. The minimum civil sanction, if the court finds the party responsible, shall be fifty dollars ($50.00), plus the penalty assessments prescribed by statute.

C. Any person who is chauffeuring a person with a physical disability without a placard or international symbol of access special plates may park momentarily in a parking space provided pursuant to this article for the purpose of loading or unloading the person with a physical disability, and a complaint shall not be issued to the driver for the momentary parking.

D. The posting of the handicapped parking spaces shall be designated by owners or persons having control of a parking lot or parking area for business customers. Each such parking space shall be prominently outlined with paint and posted with a permanent sign located not less than three feet or more than six feet above the grade and of a color and design approved by the Department of Transportation bearing the internationally accepted wheelchair symbol and the caption, "Reserved Parking." The designation of such parking spaces as provided herein or as required by the Town of Camp Verde shall authorize law enforcement officers and other duly authorized agents to enforce the provisions of this section and related state statutes and shall constitute a waiver of any objection by the owner or person in possession of such property to the enforcement of this section and related state statutes, and such owner shall be deemed to have consented to the access of such property.

E. The Town Marshal/Police Chief will have the authority to institute a Volunteer Handicapped Parking Enforcement Specialist Program. The Marshal/Chief may authorize special volunteers to issue citations only to persons who violate this section of this chapter or A.R.S. §28-884.

Section 12-3-7 Unarmed Police Aides

Unarmed police aides may be employed by the Marshal's Office and shall be empowered to commence an action or proceeding before a court or judge for any violation of Town ordinances or this code regulating the standing or parking of vehicles. The authority of the unarmed police aide shall be strictly limited to the enforcement of the ordinances and codes regulating the standing or parking of vehicles and such aides are not granted any other powers or benefits to which peace officers of the Town are entitled.

CHAPTER 13
PARKS AND RECREATION
LIBRARY
Article 13-1
PARKS AND RECREATION CODE

13-1-1 General Provisions

13-1-2 Fees (2010-A373)
13-1-3 Rules and Regulations
13-1-4 Interpretation of Rules
13-1-5 Penalty

Section 13-1-1 General Provisions

A. **Exclusions**

The developing trails system for the town is excluded from this article.

B. **Hours of operation.**

1. All municipal parks, playgrounds, recreational areas or facilities shall be open for the use of the general public during the hours posted.

2. Use or occupancy of any public park outside of its posted hours of operation may be considered criminal trespass.

C. Authority to Close Parks, Playgrounds.

1. The town manager or designated representative(s) are hereby authorized to close any municipal park, playground, recreational area or facility to all persons not properly authorized to be there, when an emergency exists that demands such closure for the protection of the public peace, health, safety, welfare, morals, or at the direction of the Council.

2. In the event the town manager or designated representative(s) directs the closure of any municipal park, playground, recreational area or facility, the date and time of such emergency closure shall be posted upon the property affected.

3. It is unlawful for any person, not properly authorized, to enter or fail to vacate any park, playground, recreational area, or facility when notice of emergency closure has been given.

Section 13-1-2 Fees (2010-A373)

The Council ~~shall establish~~shall establish and set by resolution, the amount of charges for all activities sponsored by the parks and recreation department or for use of park property or facilities of the Town. There shall be no fees assessed for the use of Town-owned facilities, grounds, or equipment when used by a charitable, religious, or civic organization. Section 9-1-5 establishes the authority with the Town Clerk to waive fees for these organizations based on Council policy. Fees are determined by Council Resolution on an annual basis.

Section 13-1-3 Rules and Regulations

The Council may adopt rules, regulations, and fee schedules for use of Town parks, recreation areas, and facilities by resolution.

Section 13-1-4 Interpretation of Rules

A. The Town MANAGER~~Council~~ shall interpret these rules and regulations and may act in any case not specifically covered herein.

B. Any request not contemplated by the provisions of this article or any refusal of a permit request may be appealed to the town manager, which may at his discretion decide such appeal or refer it to the Council.

Section 13-1-5 Penalty

Violations of this article shall be a class 3 misdemeanor.

Article 13-2
LIBRARY POLICIES AND PROCEDURES

The Council may adopt rules, regulations, and fee schedules for use of Town library by resolution.

A. That certain document known as Camp Verde Public Library Policies and Procedures, three copies of which are on file in the office of the town clerk, which document is ~~was~~ made a public record by Resolution ~~2009-794 93-223~~, is hereby referred to, adopted and made a part hereof as if fully set out in this article.

B. Violation of subsection A of this section including any regulations adopted by reference shall be a petty offense upon a first offense and upon a subsequent offense a class 3 misdemeanor. Repeat offenders may also be denied any library privileges.

CHAPTER 14
EMPLOYMENT

Section 14-1 CRIMINAL RECORD CHECKS FOR PROSPECTIVE TOWN EMPLOYEES:

1. Fingerprinting of Applicants. All applicants for employment with the Town of Camp Verde must submit a full set of fingerprints on forms provided by the Marshal's Office for obtaining a state and federal criminal records check.

2. Use of Department of Public Safety. The Arizona Department of Public Safety is hereby authorized to exchange the fingerprint data with the Federal Bureau of Investigation pursuant to ARS 41-1750, as may be amended, and Public Law 92-544

3. Conditional Acceptance of Employment. Applicants may submit their employment application forms and fingerprint cards for processing up to 10 days before selection by the Town of a candidate. Any employment by the Town is subject to results of the criminal records check, and, if an applicant has been notified of his or her selection and has temporarily assumed a position with the Town, such position may be vacated at the option of the Town depending on the criminal history results.

CHAPTER 15
MANNER OF ELECTIONS
Article 15-1
CALL AND NOTICE OF ELECTION
(2002-A212) (2002-A222)

This article shall comply with and be automatically updated to current applicable Arizona Revised Statutes to include ARS §9-821.01 City and Town Elections, §39-204 Publication of Notice, §16-409 Mail Ballot Elections, and §16-558.01 Mailing of Ballots and .02 Replacement Ballots and other relevant sections as they may apply.

Section 15-1-1 Call of Election

The Town Clerk shall cause to be published a `Call of Election' approximately 100 days prior to the election date in order to inform the public about the election and to alert candidates to filing dates. [Nothing on the ballot shall be indicative of the source of the candidacy or the support of the candidate.]

Section 15-1-2 Notice of Election

The Town Clerk shall cause to be published ~~once per week for two consecutive weeks~~ IN A LOCAL NEWSPAPER a Notice of Election approximately 30 days prior to the election date. The publication shall comply with ARS §39-204. APPLICABLE ELECTION INFORMATION SHALL ALSO BE POSTED ON THE TOWN'S WEBSITE.

Article 15-2
ELECTION RESULTS
(2009-A364)

Section 15-2-1 Primary Election Option

A candidate is declared elected to office in the Primary Election if that candidate received a majority of all votes cast as set forth in ARS §9-821.01. USING THIS PROCEDURE, A VOTE CAST IS THE SAME AS A BALLOT. IT IS THE NUMBER OF BALLOTS, NOT THE NUMBER OF CHOICES EXERCISED ON EACH BALLOT THAT DETERMINES THE MAJORITY OF THE TOTAL VOTES CAST.

Section 15-2-2 Minimum Number of Votes Required for Election to Office

The minimum number of votes a candidate for MAYOR OR Council Member must receive to be elected to office under this provision is more than half of the total number of valid votes (BALLOTS) cast at the primary election for all offices.

Section 15-2-3 General Election

If there are offices not filled in the Primary Election, a General Election will be held. The Primary is then considered as an election for nominating candidates for the ensuing General Election. Candidates are qualified for inclusion on the General Election ballot in order of the vote total they received at the Primary Election. No more than twice the number of candidates for which there are vacancies on the Council may be placed on the General Election ballot.

Section 15-2-4 Candidates Receiving Equal Number of Votes

If two or more candidates receive an equal number of votes for the same office and a higher number than any other candidate, whether it is after a canvass or recount, the result shall be determined by lot in the presence of the candidates. The Town Clerk must give five (5) ~~days notice~~days' notice of the time and place of determining the election by lot to the candidates.

Section 15-2-5 Assuming Office (2009-A364)

Candidates receiving the necessary number of votes to be elected in the Primary Election will be sworn into office in the same manner and within the same time period as candidates elected during the General Election, except as provided in Section 2-1-4, Vacancies in Council. If a General Election is unnecessary because all offices are filled at the Primary Election, candidates are not sworn in until after the date that the General Election would have been held.

Article 15-3
MAIL BALLOT PROCEDURES
(2003-A251)

Section 15-3-1 Adoption of Mail Ballot Procedures

Pursuant to ARS §16-409.B, as may be amended, the Town Clerk shall conduct all municipal elections by using mail ballots and the specific procedures as outlined in ARS §16-558.01/.02, as may be amended. The Clerk shall send by first class mail all official ballots with printed instructions and a return envelope bearing a printed ballot affidavit as required by ARS §16-547, as may be amended, to each qualified elector in the Town between 33 and 15 days prior to the Primary and General Elections. The Town will provide return postage.

Section 15-3-2. County Elections Agreement

The Town shall enter into an intergovernmental agreement with Yavapai County Elections Department and Recorder for conducting the Mail Ballot election, for electronically scanning and matching the voter signatures and counting of the ballots.

Section 15-3-3. Legislative Report

The Town Clerk shall tabulate and collect information after both elections and, prior to January 1, submit to the Legislature the report required in ARS 16-409.B, as may be amended, including changes in voter turnout, relative costs of mail ballot elections compared to traditional elections, suggestions for improvements or refinements in the mail ballot program, frequency and severity of mail ballot irregularities, voter satisfaction with the election process, and the number of undeliverable ballots.

Article 15-4
INITIATIVES AND REFERENDUM
(2002-A213) (2002-A223)

15-4-1 Power Reserved; Time of Election
15-4-2 Number of Signatures
15-4-3 Time of Filing
15-4-4 Sample Ballots and Publicity Pamphlets

This article shall comply with and be automatically updated to current applicable Arizona Revised Statutes to include ARS §19-124, §19-141 and other relevant sections as they may apply.

Section 15-4-1. Power Reserved; Time of Election

There is reserved to the qualified electors of the Town the power of the initiative and the referendum as prescribed by the State Constitution. Any initiative or referendum matter may be voted on at the next ensuing primary or general election, or at a special election called by the Mayor and Council for such purpose.

Section 15-4-2. Number of Signatures

The basis upon which the number of qualified electors of the Town required to file a referendum petition shall be as determined by state law.

Section 15-4-3. Time of Filing

A. Initiative petitions shall be filed at least one hundred twenty (120) days prior to the election at which they are to be voted upon.

B. Referendum petitions shall be filed within thirty (30) days of the adoption of the ordinance or resolution to be referred. If the Town Clerk is unable to provide petitioners with a copy of the ordinance or resolution at the time of the application for an official number or on the same business day of the application, the thirty-day period shall be calculated from the date such ordinance or resolution is available.

Section 15-4-4. Sample Ballots and Publicity Pamphlets (2002-A223)

The following procedures relating to sample ballots and publicity pamphlets are hereby adopted for conducting elections at which an initiative or referendum is to be voted upon:

A. A publicity pamphlet, containing the entire text of the official ballot shall be mailed by the Town Clerk to each household within the Town in which a registered voter resides, not less than ten (10) days prior to the election to which the sample ballot pertains.

B. The pamphlet shall contain the proposition as it will appear on the ballot together with a summary of each proposition. Each summary shall be followed by any arguments supporting the proposition followed by any arguments opposing the proposition.

C. Arguments supporting and opposing the propositions appearing on the ballot shall be filed with the Office of the Town Clerk not less than ninety (90) days prior to the election at which the propositions are to be voted upon. Arguments supporting or opposing propositions appearing on the ballot shall meet the following requirements:

1. Arguments must relate to the propositions proposed by the initiative or referred by referendum which will appear on the ballot.

2. Arguments must identify the proposition to which they refer and indicate whether the argument is in support of or in opposition to the proposition.

3. Arguments may not exceed three hundred words in length.

4. Arguments must be signed by the person submitting them AND NOTARIZED PURSUANT TO ARS §19-124. Arguments submitted by organizations shall be signed on behalf of the organization by two (2) executive officers of the organization authorized to take such action, or if a political committee, by the Chairman or Treasurer. All persons signing documents shall indicate their residence or post office address and a telephone number.

5. No person or organization shall submit more than one argument for each proposition to be voted upon.

6. Each argument shall be accompanied by a deposit at the time of filing in an amount determined by the Town Clerk to offset proportional costs of printing. Any unused portion of the deposit will be returned to the filer. This requirement shall not be waived on any account. If the person filing an argument requests that the argument appear in connection with more than one proposition, a deposit shall be made for each placement requested.