**Town of Camp Verde**
**Town Code**
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# 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 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

**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.
**And, Or.** "And" may be read "or," and "or" may be read "and," if the sense requires it.
**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.
**Council.** When the word "Council" is used, it shall mean the Town Council of the Town of Camp Verde.
**County.** When the word "county" is used, it shall mean Yavapai County, Arizona unless the context clearly indicates otherwise.
**Day.** "Day" is the period of time between any midnight and the midnight following.
**Daytime, Nighttime.** "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

**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 indicates otherwise.
**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.
**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.
**Month.** "Month" means a calendar month.
**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".
**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.
**Person.** The word "person" includes a corporation, company, partnership, association or society as well as a natural person.
**Personal Property.** The term "personal property" includes every species of property, except real property as defined in this section.
**Preceding, Following.** The words "preceding" and "following" mean next before and next after, respectively.
**Property.** The term "property" includes lands, tenements and hereditament and personal property.
**Real Property.** The term "real property" includes lands, tenements and hereditament.
**Shall, May.** "Shall" is mandatory and "may" is permissive.
**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.
**State.** Whenever "state" is referenced, it shall mean the State of Arizona unless the context clearly requires otherwise.
**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.
**Tenses.** The present tense includes the past and future tenses, and the future includes the present.
**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.
**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.
**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.
**Week.** A week consists of seven consecutive days.
**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.
**Year.** "Year" means a calendar year unless otherwise provided.

# ARTICLE 1-4

## REFERENCE TO CHAPTERS, ARTICLES, OR SECTIONS:

### 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 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)

- 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.
- The term of office of the Mayor shall be two years.
- 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) (2016-A415)

Members of the Council shall assume the duties of office after the official canvas is certified and approved, following the date of the general election at which the Council members were elected. 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) (2012-A381)

If a vacancy occurs more than thirty days before the nomination petition deadline for the next regularly scheduled Town Council election, the Town Council shall, within sixty days of the vacancy, fill the appointment until the next regularly scheduled Town Council election. If the vacancy occurs thirty days or less prior to the nomination petition deadline for the next regularly scheduled Town Council election, the Town Council shall fill the vacancy for the unexpired term of the office being filled. 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) (2016-A415)

The Council shall select a Vice Mayor, after the official canvas is certified and approved following the date of the General Election, 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 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, 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/HOURS OF OPERATION (2003-A262) (2005-A311) (2005-A314) (2008-A355) (2012-A385)

**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.

**Hours of Operation/Meeting Dates and Times.**

At the first meeting in January, or as soon as practicable, Council shall set by resolution, the hours of operation for all Town Offices, including observed holidays, and setting next meeting dates and times for Council, Commissions, and Committees meetings for the coming year. This action does not preclude Council from making adjustments as needed during the year.

## SECTION 2-3-2 SPECIAL MEETINGS AND TIMES AND PLACES OF SPECIAL MEETINGS

(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 Town 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.

**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 local grocery 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 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 Notices), the Town Manager or Mayor may request that a meeting 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 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 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 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 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. 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 shall have 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.

# ADMINISTRATION

## ARTICLE 3-1

## OFFICERS IN GENERAL

### SECTION 3-1-1 RESIDENCY (2013-A390)

Residency within Town limits for department heads or other personnel may be required for certain positions as reflected in the advertising for the position.To satisfy the residency requirements, persons are required to establish residency within the Town of Camp Verde Town limits or the 86322 zip code area within 120 days of the date of hire. There are no exceptions to this requirement. The residency requirements for the Town Manager is set forth in Section 3-2-1 of the Town Code, and residency requirement for the Town Marshal is set forth in Section 3-2-4 of the Town Code.

### 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. In the temporary absence of the Town Manager, the Town Manager shall appoint a temporary replacement pursuant to Section 3-2-1.1. In the temporary absence of an officer other than the Town Manager the Town Manager may appoint a temporary replacement.

### SECTION 3-2-1 TOWN MANAGER (2000-A160) (2001-A211) (2008-A355)(2013-A391)

**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. Prior to January 2014, the Town Manager shall be a resident of the Town, unless such requirement is waived by the Council. After January 2014, The Town Manager is required to establish residency within the Town limits of the Town of Camp Verde or the 86322 Zip Code area within 120 days of the date of hire. There are no exceptions to this requirement.

**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 Law (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 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 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.

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 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.

## SECTION 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 by 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. 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.

## SECTION 3-2-4 TOWN MARSHAL (2013-A392)

**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. Prior to January 2014, the Town Marshal shall be a resident of the Town, unless such requirement is waived by the Council. After January 2014, the Town Marshal is required to establish residency within the Town of Camp Verde Town limits or the 86322 Zip Code area within 120 days of the date of hire. There are no exceptions to this requirement.

**B.** 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 their designee(s) advise of Town policy and violations, help to determine enforcement priorities, and train and supervise the inspectors.

## 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. 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.

## ARTICLE 3-3 (RESERVED FOR FUTURE USE)

# ARTICLE 3-4

## FINANCIAL POLICIES

### 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 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 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 and Board of Adjustments. 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 to three (3) year terms that begin on January 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 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 two (2) working days for Council and ten (10) working days for commissions of approval. In addition, the affected department shall maintain copies for public review.

   c. Disbursal. Within three (3) working days of a meeting, the draft minutes shall be posted to the Town's webpage. Within two (2) working days following the approval, the final copy of the minutes shall be posted to the Town's webpage. 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.. 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 Town Of Camp Verde Policies And Operations Guide and shall include the minimum:

1. Motion. A member of the board or commission 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 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 commissions 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 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 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 (2014-A397)

### ANIMAL CONTROL AND LICENSING

6-1-0 Definitions
6-1-1 Animal Control Officer
6-1-2 Dogs at Large
6-1-3 Dogs and Cats
6-1-4 Waste Removal Required
6-1-5 Licensing of Dogs
6-1-6 Excessive Noise Caused By Animals or Birds
6-1-7 Stray Animals
6-1-8 Protection of Animals By Town of Camp Verde
6-1-9 Biting Animals
6-1-10 Sale or Giveaway of Animals Prohibited
6-1-11 Care Requirements
6-1-12 Penalty

### SECTION 6-1-0 DEFINITIONS (2015-A412)

The following words, terms and phrases, when used in Article 6 shall have the meanings ascribed to them below, except where the context clearly indicates a different meaning:

A. "Abandon" means the act of placing an animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and without adequate food, water, ventilation or shelter, for a period in excess of twenty-four (24) hours, regardless of where such animal may be found or kept.
B. "Animal" means a mammal, bird, reptile or amphibian.
C. "Animal Shelter" means any facility designated by the Town for the purpose of housing and caring for animals held under the authority of this chapter.
D. "At Large" means off the premises of the owner, not under the control of the owner or other persons acting for the owner by physical restraint on a leash.
E. "Bite" means any actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.
F. "Cat" means the domestic cat, felis catus.
G. "Citation" means a written notice issued to a person by an officer stating that the officer has probable cause to believe that the person has committed an infraction of this chapter and that the court will hear the charges.
H. "Collar" means a band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.
I. "Cruel Mistreatment" means to torture or otherwise inflict unnecessary serious physical injury on an animal in a manner that causes protracted suffering to the animal.
J. "Cruel neglect" means to fail to provide an animal with necessary food, water or shelter.

K. "Dog" means any domesticated member of the canis familiaris family.
L. "Domestic" refers to a house hold pet of a tame nature.
M. "Domesticated" means bred or trained to need and accept the care from human beings, ususally creating a dependency, losing its ability to live in the wild.
N. "Feral" means any animal whether it was born in the wild or reverted to a wild nature due to abandonment or lack of domestication.
O. "Handler" means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.
P. "Impound" means any establishment used by the Town for the confinement, maintenance, safekeeping and control of dogs that come into the custody of the Town.
Q. "Keep or Keeping" means to have the animal in one's possession or control, and includes the actions of holding, guarding, supporting, having custody of, caring for, or maintaining an animal on one's premises.
R. "Leash" means a line made of rope, chain or other suitable material, not less than one-quarter inch in diameter and that provides effective control over a dog.
S. "Livestock" means all animals of the equine, bovine, ~~ratite~~ or swine class (including potbellied type pigs). This includes goats, sheep, mules, horses, hogs, cattle, ~~ostriches~~, and other grazing animals.
T. "Motor vehicle" includes, without limitation, an automobile, a pickup truck, or any self-propelled vehicle or a trailer that is drawn by a self-propelled vehicle.
U. "Nuisance" means that which causes offence, annoyance, trouble or injury.
V. "Owner" means any person, partnership, corporation or other legal entity owning, harboring, or keeping any animal, or in the case of a person under the age of 18 years of age, that person's parent or legal guardian, for more than six (6) days. Without limiting the generality of the preceding sentence, this definition shall apply to any veterinary clinic or boarding kennel.
W. "Poultry" means any domesticated bird, whether live or dead, including, but not limited to, chickens, turkeys, ducks, geese, guineas, ratites, and squabs.
X. "Ratite" means ostriches, emus, rheas and cassowaries.
Y. "Scratch" means that the skin has been penetrated by an animal's claws, horn, or other appendage.
Z. "Spayed or neutered" means renders permanently incapable of reproduction by a licensed veterinarian.
AA. "Vaccination" means the inoculation of an animal against rabies in accordance with state law.
BB. "Veterinarian" means a person trained and authorized to treat animals medically who is duly licensed and registered.
CC. "Wild Animal" means any non-domesticated animal, including but not limited to wolf-hybrids.

## 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. Animal Control Officers and certified peace officers may issue citations to the owner, or other person acting for the owner, when a dog is permitted at large. The procedure for the issuance of a notice to appear shall be as provided for peace officers in A.R.S. 13-3903 except that Animal Control Officer shall not make an arrest before issuing the notice. The issuance of citations pursuant to this Ordinance shall be subject to the provisions of A.R.S. 13-3899.

C. 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 (2015-A412)

A. Every person owning or having charge, care, custody or control of a dog of any age shall keep such Dog exclusively upon the owner's property and shall have the dog restrained by a sufficient fence, leash, or both; provided, however, that a dog may be on such owner's premises and not restrained by fence or leash as long as it is under the immediate control of a competent person through voice or physical command.

B. Tethers on an owner's premises must follow the following guidelines:

1. The tether shall be attached to a properly fitted collar or harness. The use of a prong collar is prohibited.

2. The tether shall not extend over an object or edge in such a way that could result in strangulation of, or injury to, the animal. The length of the tether must be a minimum of six feet and allow entry and egress from shelter, access to drinking water, and freedom to move about and avoid becoming entangled with objects.

3. The weight or gauge of any tether or chain shall not be more than necessary to establish direct control. Logging chains and vehicle tow chains are expressly prohibited. No person shall add any weight to an animal collar, harness, chain or tether.

4. No animals shall be tethered and left unattended on a vacant or abandoned property.

C. 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.

D. 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.

E. Any dog, which is running at large, may be apprehended and impounded by the ACO. The ACO shall

have the right to enter upon private property in order to apprehend any dog that has been running at large, provided the ACO is in reasonable pursuit of the dog.

F. Dogs may be at large as an exception to this section as follows:

1. While in a properly vented motor vehicle, but as soon as the dog leaves the motor vehicle, it is considered to be at large unless permitted below in this subsection.
2. While participating in field trials, obedience classes, or kennel club events where such trials, classes, or events have been approved by the Town.
3. While being used or trained for legal hunting or control of livestock.
4. While assisting a peace officer engaged in law enforcement duties.
5. Guide dogs while assisting blind, deaf or physically handicapped persons, or any documented service dog 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.

G. For the purpose of this Ordinance, Cats are classified as 'Free-Roaming" animals and are not subject to the provisions of licensing, or leash laws.

## SECTION 6-1-3 DOGS AND CATS

A. No person shall keep, harbor, shelter, care for, house or otherwise maintain at any one time on any residential lot more than six (6) dogs or cats or any combination of dogs and cats age six (6) months or older.

B. The exception to this is any dog or cat currently residing in the Town limits that is currently licensed and/or vaccinated as described in Section 6-1-5 at the time of the adoption of this section. Once any dog(s) or cat(s) has been removed from the Town for more than thirty days it will no longer be allowed this exception. Also once a dog(s) or cat(s) has passed away the dog(s) or cat(s) may not be replaced with another that would place the number of dogs or cats or any combination of dogs and cats on the property greater than six (6).

C. Further exception to this is any licensed retail animal business or animal breeder with in the Town of Camp Verde.

## SECTION 6-1- 4 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 6-1-5 LICENSING OF DOGS (2015-A412)

**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.** Any dog over the age of four months on or off the premises of the owner and not under control of the owner or other responsible persons acting for the owner, or any dog not in a suitable enclosure which actually confines the dog, shall wear a collar or harness to which is attached a valid dog license tag. Dogs used for control of livestock or while being used or trained for hunting or dogs while being exhibited or trained at a kennel club event and such dogs while being transported to such events need not wear a collar or harness with a valid license provided that they are properly vaccinated, licensed and controlled.

**C.** For any dog four months of age or older that is kept, harbored or maintained within the Town limits, if the license is not obtained by the owner during the month of January of each year, or within thirty (30) days of the first possession of any dog or of its becoming four (4) months old, or within thirty (30) days from the arrival of the dog in the town, whichever occurs first, the license payment shall be deemed delinquent and a penalty may be added to the license fee.

**D.** 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.

**E**. An exception to the licensing fees under this section shall be service animals or dogs used for search and rescue as described in ARS 9-500.32

## SECTION 6-1-6 EXCESSIVE NOISE CAUSED BY ANIMALS OR BIRDS

A. 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.

B. No person shall keep or harbor an animal which barks, howls, meows, squawks, or makes other aggravating noises in violation of this section. It shall be a violation of this section if the barks, howls, meows, squawks, or other aggravating noises that are made continually occur and are audible beyond the property line of the premises on which the animal is located If:

1. It occurs for more than five (5) minutes between the hours of 10:00 p.m. and 8:00 a.m.; or
2. It occurs for more than fifteen (15) minutes between the hours of 8:a.m. and 10:00 p.m.; or
3. For a shorter duration during the period cited above, but on more than five (5) occasions within a given ten (10) day period if attested to by complaints from two or more separate properties.

C. It shall be a defense to such violation if the owner of an animal proves by a preponderance of the evidence that the animal was barking, howling, meowing, squawking, or making other aggravating noises because it was being provoked by a person or otherwise being incited to make noise.

## SECTION 6-1-7 STRAY ANIMALS (2015-A412)

A. 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.

B. Feeding of Feral Animals
   1. It is unlawful to intentionally or knowingly feed or keep any feral animal within the town limits as feral animals constitute health and environmental risks to domesticated animals, wildlife, and persons.

   2. Exceptions are as follows:
      a. The person accepts legal responsibility for the feral animal and ensures compliance with all provisions of this chapter; and
      b. DOGS AND CATS THAT AREspayed orneutered ; and
      c. DOGS AND CATS THAR ARE vaccinated against rabies.

C. Removal of Feral Animals

   1. It will be the responsibility of the COMPLAINING property owner, occupant, or tenant to humanely remove a feral animal OBJECTED TO BY THE PROPERTY OWNER, occupant or tenant.

   2. All costs for the removal of the feral animal(s) will be the responsibility of the complaining property owner, occupant, or tenant.

   3. In accordance with ARS 13-2910.A.1, a person(s) may not:
      a. Intentionally, knowingly or recklessly subject any animal under the person's custody or control to cruel neglect or abandonment (relocation).
      b. Intentionally, knowingly or recklessly kill any animal under the custody or control of another person without either legal privilege or consent of the owner.

## SECTION 6-1-8 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 6-1-9 BITING ANIMALS

The procedures set forth in ARS 11-1014 shall be followed for biting animals. Domesticated wolves and offspring of domestic animals bred with wild animals or domesticated wolves shall be considered wild animals pursuant to the provisions of ARS 11-1014(d)

## SECTION 6-1-10 SALE OF GIVEAWAY OF ANIMAL PROHIBITED

A. It is unlawful for any business or store to allow any person(s) to sell or give away any animal adjacent to any business or store in the Town without the property owner or business owner's permission.

B. It is unlawful for any person(s) to give away or sale any animal adjacent to any business, store or on the side of any public roadway in the Town without the property owner or business owner's permission.

## SECTION 6-1-11 CARE REQUIREMENTS

A. Every owner of a dog or cat in the Town must have it vaccinated against rabies by a veterinarian licensed to practice veterinary medicine under the laws of the state, and no more frequently than the effective period of the approved vaccine used. Vaccination is excused only if a licensed veterinarian certifies in writing that the vaccination would be injurious to the dog or cats health. In such case, the dog or cat shall be confined to an enclosed building or kennel until the dog or cat can be safely vaccinated.

B. Any dog restrained on an owner's premises as required by Section 6-1-2 shall be cared and provided for. Care of a dog shall include, but not be limited to, a clean, safe shelter that provides protection from the weather at all times, veterinary care, sufficient heat and ventilation, wholesome food and water, and exercise consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

C. The owner or caretaker of any dog shall provide clean water at all times in a stable container that is sized appropriately for the dog's size and breed.

D. Owners and caretakers of any dog shall provide all health related grooming, cleaning and parasite control required to insure that the dog is maintained in a humane state and able to carry out normal activities.

E. The owner or caretaker of any sick or injured dog shall seek veterinary care as needed to prevent suffering.

F. The owner or caretaker of any dog kept or left outside the home for any length of time must provide shelter and protection from the elements.

1. Shelter must be constructed of solid wood or other weather resistant material with the exception of metal and glass.
2. Shall be sufficient in size for the dog being sheltered, so that the dog may enter and have room to stand and turn around inside.
3. Shelter must be seasonally equipped with ventilation to provide movement of air during the heat to help cool down the dog. Dry, clean bedding, such as blankets or wood chips, must be provided during the cold to help the pet retain heat.

G. The owner or caretaker of any dog contained in an outdoor kennel or pen must allow adequate space for exercise. A minimum sized enclosure for any dog is seventy five (75) square feet.

## SECTION 6-1-12 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 petty offense on the first offense, and of a Class 2 misdemeanor on the second offense and a Class 1 misdemeanor on any subsequent offense, whether or not the subsequent offense involves the same animal, punishable as may be established by law.

B. The court may order any person who violates this article to pay all expenses related to the impounding of the animal, including shelter, food, handling, transport, and veterinarian care.

C. The court may also order any person who violates this article to pay restitution to any victim or victims whose person or property or animal was injured or killed or damaged.

D. The court may also order any person who violates this article to pay all related court fees or cost or penalties.

E. 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 2012 INTERNATIONAL CODE COUNCIL CODES, (ICC) AND RELATED PUBLIC CODES

(2004-A274) (2006-A332) (2007-A341) (2009-A361) (2009-A359) (2014-A401)

*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. *2012 International Code Council Codes, Published by the International Code Council Incorporated, (ICC), 2012 Edition.*
2. *2012 International Building Code, Including Appendix J – Grading, Published by the International Code Council Incorporated, (ICC), 2012 Edition.*
3. *2012 International Energy Conservation Code, Published by the International Code Council Incorporated, (ICC), 2012 Edition*
4. *2012 Existing Building Code, Published by the International Code Council Incorporated, (ICC), 2012 Edition.*
5. *2012 International Fire Code, Including Appendix B – Fire Flow Requirements, Appendix C – Fire Hydrant Locations and Distribution, and Appendix D – Fire Apparatus Access Roads, Published by the International Code Council Incorporated, (ICC), 2012 Edition.*
6. *2012 International Fuel Gas Code, Including Appendix A – Sizing And Capacities Of Gas Piping, Appendix B – Sizing Of Venting Systems Serving Appliances Equipped With Draft Hoods, Category 1 Appliances and Appliances Listed For Use with Type B Vents, Appendix C – Exit Terminals Of Mechanical Draft and Direct-Vent Venting Systems, and Appendix D – Recommended Procedure For Safety Inspection of An Existing Appliance Installation, Published by the International Code Council*

*Incorporated, (ICC), 2012 Edition.*

7. *2012 International Mechanical Code, Including Appendix A – Chimney Connector Pass-Throughs, Published by the International Code Council Incorporated, (ICC), 2012 Edition.*
8. *2011 National Electrical Code, Published by the National Fire Protection Association, 2011 Edition.*
9. *2012 International Plumbing Code, Including Appendix F – Structural Safety, Published by the International Code Council Incorporated, (ICC), 2012 Edition.*
10. *2012 International Residential Code For One- And Two-Family Dwellings, Including Appendix M – Home Day Care – R-3 Occupancy, Appendix N – Venting Methods, and Appendix Q – ICC International Residential Code Electrical Provisions/National Electrical Code Cross Reference, Published by the International Code Council Incorporated, (ICC), 2012 Edition.*
11. *2012 International Swimming Pool and Spa Code, Published by the International Code Council Incorporated, (ICC), 2012.*
12. *Town of Camp Verde Administrative Building Code*
13. *And Amendments*

The effective date of the ordinance shall be September 5, 2014 after which all new construction 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, 2012 EDITION, ADOPTED BY REFERENCE

**The International Building Code (IBC), 2012 Edition,** including **APPENDIX J - GRADING** 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 SCOPE AND ADMINISTRATION** is hereby 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 202 DEFINITIONS** is hereby amended by addition of the following new words and terms:

**DIRECTED CARE SERVICE.** Care of residents, including personal care services, who are incapable of recognizing dangers, summoning assistance, expressing need or making basic care decisions.

**SUPERVISORY CARE SERVICE.** General supervision, including daily awareness of resident functioning and continuing needs.

**RESIDENTIAL CARE/ASSISTED LIVING HOME.** A building or part thereof housing a maximum of 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides supervisory, personal or directed services. This classification shall include, but not be limited to the following:

- Alcohol and Drug Abuse Centers
- Assisted Living Homes
- Congregate Care Facilities
- Convalescent Facilities
- Group Homes
- Halfway Houses
- Social Rehabilitation Facilities

**SECTION 202 DEFINITIONS** is hereby amended by revision of specific words and terms to read as follows:

**PERSONAL CARE SERVICE.** The care of persons who do not require medical care. Personal care involves assistance with activities of daily living and includes responsibility for the safety of the persons while inside a building.

**SECTION 305.2 DAY CARE FACILTIES** is amended by addition of Exception 1 to read as follows:

**Exceptions:**

1. A "child care group home" complying with the requirements ARS §36-897 and providing child care for less than twenty-four (24) hours per day for not less than five (5) children but no more than ten (10) children through the age of twelve (12) years shall be classified as Group R-3 provided that all child care rooms are located on the level of exit discharge and each child care room has an exit door directly to the exterior.

**SECTION 308.2 DEFINITIONS** is hereby amended by addition of the following new words and terms as defined in Chapter 2:

DIRECTED CARE SERVICE.
SUPERVISORY CARE SERVICE.

**SECTION 308.3 INSTITUTIONAL GROUP I-1** is hereby deleted in its entirety and revised to read as follows:

**308.3 Institutional Group I-1.** This occupancy shall include buildings, structures or parts thereof housing more than 10 persons on a 24-hour basis, who because of age, mental disability or other reasons, live in a residential environment that provides supervisory care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not limited to the following:

- Alcohol and Drug Centers
- Assisted Living Facilities

- Congregate Care Facilities
- Convalescent Facilities
- Group Homes
- Halfway Houses
- Residential Board and Custodial Care Facilities
- Social Rehabilitation Facilities

**SECTION 308.3.2 SIX TO SIXTEEN PERSONS RECEIVING CARE** is hereby deleted in its entirety and revised to read as follows:

**308.3.2 Six to Ten persons receiving care.** A facility such as the above, housing not fewer than six and not more than 10 persons receiving such care, shall be classified as a Group R-4 Condition 1 or shall comply with the International Residential Code in accordance with Section 101.2 where the building is in compliance with Section 425 of this code.

**SECTION 308.4 INSTITUTIONAL GROUP I-2** is hereby deleted in its entirety and revised to read as follows:

**308.4 Institutional Group I-2.** This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing, custodial, personal, or directed care on a 24-hour basis of more than five persons who are incapable of self-preservation by responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to the following:

- Foster Care Facilities
- Detoxification Facilities
- Hospitals
- Nursing Homes
- Psychiatric Hospitals

**SECTION 308.4 INSTITUTIONAL GROUP I-2** is amended by addition of SECTION 308.4.2 to read as follows:

**308.4.2 Ten or more persons receiving care.** This occupancy shall also include buildings and structures used for assisted living homes providing supervisory, personal, or directed care on a 24-hour basis of more than 10 persons who are incapable of self-preservation by responding to an emergency situation without physical assistance from staff. A facility such as the above with ten or fewer persons shall be classified as R-4 Condition 2.

**SECTION 310.2 DEFINITIONS** is hereby amended by addition of the following new words and terms as defined in Chapter 2:

- RESIDENTIAL CARE/ASSISTED LIVING HOME

**SECTION 310.6 RESIDENTIAL GROUP R-4** is hereby deleted in its entirety and revised to read as follows:

**310.6 Residential Group R-4.** This occupancy shall include buildings, structures or portions thereof arranged for occupancy as residential care/assisted living homes including not more than 10 occupants, excluding staff. R-4 occupancies shall meet the requirements for construction as defined in Group R-3 except as otherwise provided for in this code and Section 425 or shall comply with the International Residential Code in accordance with Section 102.2 where the building is in compliance with Section 425 of this code.

**SECTION 310.6 RESIDENTIAL GROUP R-4** is amended by addition of SECTION 310.6.1 to read as follows:

**310.6.1 Condition 1.** This occupancy condition shall include facilities licensed to provide supervisory care services, in which occupants are capable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 1 facilities housing more than 10 persons shall be classified as a Group I-1.

**SECTION 310.6 RESIDENTIAL GROUP** R-4 is amended by addition of SECTION 310.6.2 to read as follows:

**310.6.2 Condition 2.** This occupancy condition shall include facilities licensed to provide personal or directed care services, in which occupants are incapable of self-preservation by responding to an emergency without physical assistance from staff. Condition 2 facilities housing more than 10 persons shall be classified as Group I-2.

**CHAPTER 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY** is amended by

addition of SECTION 425 RESIDENTIAL CARE/ASSISTED LIVING HOME to read as follows:

**SECTION 425 RESIDENTIAL CARE/ASSISTED LIVING HOME**

A building or part thereof housing a maximum of 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides supervisory, personal, or directed services. This classification shall include, but not be limited to, the following:

- Residential Board and Care Facilities
- Assisted Living Homes
- Halfway Homes
- Group Homes
- Congregate Care Facilities
- Social Rehabilitation Facilities
- Alcohol and Drug Abuse Centers
- Convalescent Facilities

**425.1 Applicability.** The provisions of this section shall apply to a building or part thereof housing not more than 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides licensed care services. Except as specifically required by this code, R-4 occupancies shall meet all applicable provisions of Group R-3.

**425.2 General.** Buildings or portions of buildings classified as R-4 occupancies shall meet all the applicable provisions of Group R-3, may be constructed of any materials allowed by this code, shall not exceed two stories in height nor be located above the second story in any building, and not exceed 2,000 square feet above the first story except as provided in Section 506.

**425.3 Special Provisions.** R-4 occupancies having more than 2,000 square feet of floor area above the first floor shall be of not less than one-hour fire-resistive construction throughout.

**425.3.1 Mixed Uses.** R-4 occupancies shall be separated for other uses as provided in Table 508.4.

**425.4 Access and Means of Egress Facilities.**

**425.4.1 Accessibility.** R-4 occupancies shall be provided with at least one accessible route as per Chapter 11 as amended by the Town of Camp Verde. Sleeping rooms and associated toilet rooms shall also be accessible as per Chapter 11 as amended by the Town of Camp Verde.

**Exception:** Existing buildings shall comply with Section 3411 of this code. Bathing and toilet facilities need not be made accessible, but shall be provided with grab bars in accordance with ICC/ANSI A 117.1

**425.4.2 Exits.**

**425.4.2.1 Number of Exits.** Every story, basement, or portion thereof shall have not less than two exits.

**Exception:** Basements and stories above the first floor containing no sleeping rooms may have one means of egress as provided in Chapter 10 of this code.

**425.4.2.2 Distance to Exits.** The maximum travel distance shall comply with Section 1016, except the maximum travel distance from the center point of any sleeping from/to an exit shall not exceed 75 feet.

**425.4.2.3 Emergency Exit Illumination.** In the event of a power failure, exit illumination shall be automatically provided from an emergency system powered by storage batteries or an onsite generator set installed in accordance with the 2011 NEC.

**425.4.2.4 Emergency Escape and Rescue.** R-4 occupancies shall comply with the requirements of Section 1029.

**425.5 Smoke Detectors and Sprinkler Systems.**

**425.5.1 Smoke Alarms.** All habitable rooms and hallways in R-4 occupancies shall be provided with smoke alarms installed in accordance with Section 907.2.10 and 907.2.11.

**425.5.2 Sprinkler Systems.** R-4 occupancies shall be provided with a sprinkler system installed in accordance with Section 903.2.8. Sprinkler systems installed under this section shall be installed throughout, including attached garages, and in Condition 2 facilities shall include attics and concealed spaces of or containing combustible materials. Such systems may not contain unsupervised valves between the domestic water riser control valve and the sprinklers. In R-4 Condition 2 occupancies, such

systems shall contain water-flow switches electrically supervised by an approved supervising station, and shall sound an audible signal at a constantly attended location.

SECTION 705.6 STRUCTURAL STABILITY is hereby deleted in its entirety.

**SECTION 714.4.1.1 THROUGH PENETRATIONS EXCEPTION 2** is hereby deleted in its entirety.

**SECTION 903.2.8 GROUP R** is hereby deleted in its entirety.

**SECTION 1008.1.2 DOOR SWING EXCEPTION 4** is hereby deleted in its entirety and revised to read as follows:

4. Doors within or serving a single dwelling unit in Group R-2, R-3 as applicable in Section 101.2, and R-4.

**SECTION 1101.2 DESIGN** is hereby deleted in its entirety and revised to read as follows:

**1101.2 Design.** Buildings and facilities shall be designed and constructed to be accessible in accordance with the following:

1. The 2010 standards for State and local governments, which consist of Title II regulations at 28 CFR 35.15. and 2004 ADAAG at 36 CFR part 1191, Appendices B and D;
2. The 2010 standards for public accommodations and commercial facilities, which consist of the Title III regulations at 28 CFR 366 Subpart D, and the 2004 ADAAG at 36 CFR part 1191, Appendices B and D;
3. This code;
4. ICC A117.1-09.

**SECTION 1509.7.2 FIRE CLASSIFICATION** is hereby deleted in its entirety.

**TABLE 1607.1 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS, $L_0$, AND MINIMUM CONCENTRATED LIVE LOADS[G]** is hereby amended to read as follows:

**25. Residential**

**One- and two-family dwellings**

| | |
|---|---|
| **Uninhabitable attics with storage** | **40** |
| **Habitable attics and sleeping areas** | **40** |

**SECTION 3109 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES** is hereby deleted in its entirety.

**SECTION 3109.3 PUBLIC SWIMMING POOLS** is hereby amended to read as follows:

**3109.3 Public swimming pools.** Public swimming pools shall be completely enclosed by a fence not less than 5 feet (5') in height or a screen enclosure. Openings in the fence shall not permit the passage of a 4-inch-diameter (102 mm) sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates.

**SECTION 3109.4.1 BARRIERS HEIGHT AND CLEARANCES** is hereby amended to read as follows**:**

**3109.4.1 Barrier height and clearances.** The top of the barrier shall be not less than sixty inches (60") above grade measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between grade and the bottom of the barrier shall be not greater than 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the vertical clearance between the top of the pool structure and the bottom of the barrier shall be not greater than 4 inches (102 mm).

**SECTION 3109.4.1.7 GATES** is hereby amended to read as follows:

**3109.4.1.7 Gates.** Access doors or gates shall comply with the requirements of Sections 3109.4.1.1 through 3109.4.1.6 and shall be equipped to accommodate a locking device. Pedestrian access doors or gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Doors or gates other than pedestrian access doors or gates shall have a self-latching device. Release mechanisms shall be in accordance with Sections 1008.1.9 and 1109.13. Where the release mechanism of the self-latching device is located less than fifty-four inches (54") from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least five inches (5") below the top of the gate, and the gate and barrier shall have openings not greater than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

**SECTION 3109.4.1.8 DWELLING WALL AS A BARRIER** is hereby amended by the addition of number 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 (54") 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 (4"), or a latching device located not less than fifty-four inches (54") above the floor.

**SECTION 3401.3 COMPLIANCE** is hereby amended by deletion of International Energy Conservation Code, International Fire Code, and International Private Sewage Disposal Code.

**3412.2 Applicability.** Structures existing prior to September 5, 2014, in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

**APPENDIX J:**

**SECTION J103 PERMITS REQUIRED** is hereby amended to read as follows:

**J103.1 Permits required.** Except as exempted in the Section J103.2, no grading shall be performed without first having obtained a *permit* therefor from the *building official or town engineer.* A grading *permit* does not include the construction of retaining walls or other structures.

**SECTION J105.2 SPECIAL INSPECTIONS is hereby amended to read as follows:**

**J105.2 Special inspections.** The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the *building official or town engineer.*

**SECTION J108.3 SLOPE PROTECTION** is hereby amended to read as follows:

**J108.3 Slope protection.** Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the *building official or town engineer*, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure J108.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

**SECTION J109.3 INTERCEPTOR DRAINS** is hereby amended to read as follows:

**J109.3 Interceptor drains.** Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet (12 192mm), measured horizontally. They shall have a minimum depth of 1 foot (305 mm) and a minimum width of 3 feet (915 mm). The slope shall be approved by the *building official or town engineer,* but shall not be less than 50 horizontal to 1 vertical (2 percent). The drain shall be paved with concrete not less than 3 inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the building official or town engineer.

## INTERNATIONAL ENERGY CONSERVATION CODE, 2012 EDITION, ADOPTED BY REFERENCE

**The International Energy Conservation Code (IECC), 2012 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.

**CHAPTER 1 [CE] AND CHAPTER 1 [RE] SCOPE AND ADMINISTRATION** is hereby 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.

**TABLE C301.1 and TABLE R301.1** is hereby amended to read climate zone 2B for the Town of Camp Verde.

**SECTION C402.4.1.2.3 BUILDING TEST** is hereby deleted in its entirety.

**SECTION R402.4.1.2 TESTING** is hereby deleted in its entirety.
**SECTION R403.2.2 SEALING (MANDATORY)** is hereby amended to read as follows:
**R403.2.2 Sealing (Mandatory).** Ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with either the International Mechanical Code (IMC) or International Residential Code (IRC) as applicable.
**Exceptions:**

1. Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.
2. Where a duct connection is made that is partially inaccessible, three screws or rivets shall be equally spaced on the exposed portion of the joint so as to prevent a hinge effect.
3. Continuously welded and locking-type longitudinal joints and seams in ducts operating at static pressures less than 2 inches of water column (500 Pa) pressure classification shall not require additional closure systems.

**SECTION R403.4.1 CIRCULATING HOT WATER SYSTEMS (MANDATORY)** is hereby deleted in its entirety.
**SECTION R404.1 LIGHTING EQUIPMENT (MANDATORY)** is hereby deleted in its entirety.

## INTERNATIONAL EXISTING BUILDING CODE, 2012 EDITION, ADOPTED BY REFERENCE

**The International Existing Building Code (IEBC), 2012 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.
**CHAPTER 1 SCOPE AND ADMINISTRATION** is hereby 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.

## INTERNATIONAL FIRE CODE, 2012 EDITION, ADOPTED BY REFERENCE

**The International Fire Code (IFC), 2012 Edition** including **APPENDIX B - FIRE-FLOW REQUIREMENTS, APPENDIX C - FIRE HYDRANT LOCATIONS AND DISTRIBUTION, AND APPENDIX D - FIRE APPARATUS ACCESS ROADS** 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 SCOPE AND ADMINISTRATION:**
**SECTION 101 SCOPE AND GENERAL REQUIREMENTS:**
**SECTION 1.1.1 TITLE** is hereby amended to read as follows:

> **[A] 101.1 Title.** These regulations shall be known as the Fire Code of the Town of Camp Verde, Arizona, hereinafter referred to as "this code." All references to *Fire Code Official* in the adopted International Fire Code (IFC) will be deemed to mean the appointed Building Official of the Town of Camp Verde or his designee, which from time to time in accordance with the Intergovernmental Agreements (IGA's) with the Town of Camp Verde Fire District, a separate entity from the Town, will be the Camp Verde Fire District appointed Fire Marshal.

**SECTION 103 DEPARTMENT OF FIRE PREVENTION** is hereby 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 104 GENERAL AUTHORITY AND RESPONSIBILITIES** is hereby 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.
**SECTIONS 105.1.1 GENERAL** through **105.5 REVOCATION** are hereby deleted in their entirety and replaced with the requirements of the Town of Camp Verde Administrative Building Code as adopted and from time to time amended.
**SECTION 105.6 REQUIRED OPERATION PERMITS** is hereby amended to read as follows:

> **[A] 105.6 Required operational permits.** The *building official* or *fire code official* is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.46

**SECTION 106 INSPECTIONS** is hereby 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 108 BOARD OF APPEALS** is hereby 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 109 VIOLATIONS** is hereby 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 110 UNSAFE BUILDINGS** is hereby 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 111 STOP WORK ORDER** is hereby 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 112 SERVICE UTILITES** is hereby 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 113 FEES** is hereby 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 903.2.8 GROUP R** is hereby deleted in its entirety.
**SECTION 1008.1.2 DOOR SWING EXCEPTION 4** is hereby deleted in its entirety and revised to read as follows**:**

> **4. Doors within or serving a single dwelling unit in Group R-2, R-3 as applicable in Section 101.2, and R-4.**

## INTERNATIONAL FUEL GAS CODE, 2012 EDITION, ADOPTED BY REFERENCE

**The International Fuel Gas Code (IFC), 2012 Edition**, including **APPENDIX A – SIZING AND CAPACITIES OF GAS PIPING, APPENDIX B – SIZING OF VENTING SYSTEMS SERVING APPLIANCES EQUIPPED WITH DRAFT HOODS, CATEGORY I APPLIANCES AND APPLIANCES LISTED FOR USE WITH TYPE B VENTS, APPENDIX C – EXIT TERMINALS OF MECHANICAL DRAFT AND DIRECT-VENT VENTING SYSTEMS, AND APPENDIX D – RECOMMENDED PROCEDURE FOR SAFETY INSPECTION OF AN EXISTING APPLIANCE INSTALLATION,** 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 SCOPE AND ADMINISTRATION** is hereby 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 404.12 MINIMUM BURIAL DEPTH** is hereby deleted in its entirety and revised to read as follows:

> **404.12 Minimum burial depth.** Underground *piping* systems shall be installed a minimum depth of 18 inches (457 mm) below grade, except as provided for in Section 404.12.1. 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 of 6 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 ACCESS TO SHUTOFF VALVES** is hereby amended to read as follows:

> **409.1.3 Access to shutoff valves.** Shutoff valves shall be located in places so as to provide *access* for operation and shall be installed so as to be protected from damage. All buildings shall be provided with a shutoff valve located at the building on the downstream side of the gas meter.

## INTERNATIONAL MECHANICAL CODE, 2012 EDITION, ADOPTED BY REFERENCE

**The International Mechanical Code (IMC), 2012 Edition,** including **APPENDIX A – CHIMNEY CONNECTOR PASS-THROUGHS** 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 SCOPE AND ADMINISTRATION** is hereby 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.

## INTERNATIONAL PLUMBING CODE, 2012 EDITION, ADOPTED BY REFERENCE

**The International Plumbing Code (IPC), 2012 Edition**, including **APPENDIX F – STRUCTURAL SAFETY**, 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.

**CHAPTED 1 SCOPE AND ADMINISTRATION** is hereby 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 305.4.1 SEWER DEPTH** is hereby amended to read as follows:

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

**TABLE 403.1 MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES** is hereby amended to read as follows:

a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any faction of the number of persons indicated. The number of occupants shall be determined by the *International Building Code.*
b. Toilet facilities for employees shall be separate from facilities for inmates or care recipients.
c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient sleeping unit and with provisions for privacy.
d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.
e. The minimum number of required drinking fountains shall comply with Table 403.1 and Chapter 11 of the *International Building Code.*
f. Drinking fountains are not required for an occupant load of fifteen (15) or fewer.
g. For business and mercantile occupancies with an occupant load of fifteen (15) or fever, service sinks shall not be required.
h. Water coolers or bottle 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 PIPING** is hereby amended to read as follows:

**504.6 Requirements for discharge piping.** The discharge of piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge to the floor, to an indirect waste receptor or to the outdoors. Where discharging to the outdoors, discharging piping shall be no less the 6 inches (152 mm) and no greater than 24 inches (610 mm) from grade.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Not terminate more than 6 inches (152 mm) above the floor or waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 605.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.

**TABLE 604.4 MAXIMUM FLOW RATES AND CONSUMPTION FOR PLUMBING FIXTURES AND FIXTURE FITTINGS** is hereby amended to read as follows:

| PLUMBING FIXTURE OR FIXTURE FITTING | MAXIMUM FLOW RATE OR QUANTITY[b] |
|---|---|
| Lavatory, private | 2.2 gpm at 60 psi |
| Lavatory, public (metering) | 0.25 gallon per metering cycle |

| | |
|---|---|
| Lavatory, public (other than metering) | 0.5 gpm at 60 psi |
| Shower head[a] | 2.5 gpm at 80 psi |
| Sink faucet | 2.2 gpm at 60 psi |
| Urinal | 1.0 pint per flushing cycle |
| Water closet | 1.6 gallons per flushing cycle |

**SECTION 715.1 SEWAGE BACKFLOW** is hereby amended to read as follows:

**715.1 Sanitary drainage, backflow valves, sewage backflow.** An approved backwater valve shall protect all structures connected to a public sewer system.

**SECTION 903.1 ROOF EXTENSION** is hereby amended to read as follows:

**903.1 Roof extension.** Open vent pipes that extend through a roof shall be terminated not less than 12 inches (305 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall terminate no less than 7 feet (2134 mm) above the roof.

## NATIONAL ELECTRICAL CODE, 2011 EDITION, ADOPTED BY REFERENCE

**The National Electrical Code (NEC), 2011 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.

**SECTION 90.4 ENFORCEMENT** is hereby amended to read as follows:

**90.4 Enforcement.** This *Code* is intended to be suitable for mandatory application by governmental bodies that exercise legal jurisdiction over electrical installations, including signaling and communications systems, and for use by insurance inspectors. The authority having jurisdiction for enforcement of the *Code* has the responsibility for making interpretations of the rules, for deciding on the approval of equipment and materials, and for granting the special permission contemplated in a number of the rules.
By special permission, the authority having jurisdiction may waive specific requirements in this *Code* or permit alternative methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

This *Code* may require new products, constructions, or materials that may not yet be available at the time the *Code* is adopted. In such event, the authority having jurisdiction may permit the use of the products, construction, or materials that comply with the most recent previous edition of this *Code* adopted by the jurisdiction.

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 and as may be amended from time to time, shall apply.

**SECTION 210.8 GROUND-FAULT CIRCUIT-INTERRUPTER PROTECTION FOR PERSONNEL (A) DWELLING UNITS** is hereby amended to read as follows:

**210.8 Ground-Fault Circuit-Interrupter Protection for Personnel.** Ground-fault circuit-interruption for personnel shall be provided as required in 210.8(A) through (C). The ground-fault circuit-interrupter shall be installed in a readily accessible location.
Informational Note: See 215.9 for ground-fault circuit-interrupter protection for personnel on feeders.

(A) Dwelling Units. All 125-volt, single-phase, 15- and 20- ampere receptacles installed in the locations specified in 210.8(A)(1) through (8) shall have ground-fault circuit-interrupter protection for personnel.
  (1) Bathrooms
  (2) Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use
  (3) Outdoors

*Exception to (3): Receptacles that are not readily accessible and are supplied by a branch circuit dedicated to electric*

*snow-melting, deicing, or pipeline and vessel heating equipment shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.*

(4) Crawl spaces – at or below grade level

(5) Unfinished basements – for purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like. Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

*Exception to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection*.

Informational Note: See 760.41(B) and 760.121(B) for power supply requirements for fire alarm systems.

(6) Kitchens – where the receptacles are installed to serve the countertop surfaces

(7) Sinks – located in convenience areas other than kitchens where receptacles are installed within 1.8 m (6 ft) of the outside edge of any sink, washbasin, tub or shower.

(8) Boathouses

## INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, ADOPTED BY REFERENCE

**The International Residential Code For One- And Two-Family Dwellings (IRC), 2012 Edition,** including **APPENDIX M – HOME DAY CARE – R-3 OCCUPANCY, APPENDIX N – VENTING METHODS, AND APPENDIX Q – ICC INTERNATIONAL RESIDENTIAL CODE ELECTRICAL PROVISIONS/NATIONAL ELECTRICAL CODE CROSS REFERENCE,** 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.

**TABLE R301.2 (1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA** is hereby amended to read as follows:

| GROUND SNOW LOAD | WIND DESIGN | | SEISMIC DESIGN CATEGORY | SUBJECT TO DAMAGE FROM | | | WINTER DESIGN TEMP | ICE BARRIER UNDERLAYMENT REQUIRED | FLOOD HAZARDS | AIR FREEZING INDEX | MEAN ANNUAL TEMP |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | SPEED (mph) | TOPOGRAPHIC EFFECTS | | WEATHERING | FROST LINE DEPTH | TERMITE | | | | | |
| 20 LBS | 90 MPH EXPOSURE C | N/A | C | MODERATE | 12 INCHES (305 MM) | MODERATE TO HEAVY | 20 DEGREES | NO | REFER TO FLOOD PLAIN UNIT | 194 | 53 DEGREES |

**TABLE R301.5 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS (IN POUNDS PER SQUARE FOOT)** is hereby amended to read as follows:

**TABLE R301.5 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS (in pounds per square foot)**

| USE | LIVE LOAD |
|---|---|
| Uninhabitable attics without storage | 10 |
| Uninhabitable attics with limited storage | 40 |
| Habitable attics and attics served with fixed stairs | 40 |
| Balconies (exterior) and decks | 40 |
| Fire escapes | 40 |
| Guardrails and handrails | 200 |
| Guardrail in-fill components | 50 |
| Passenger vehicle garages | 50 |

| | |
|---|---|
| Rooms other than sleeping room | 40 |
| Sleeping Rooms | 40 |
| Stairs | 40 cccc |

**TABLE R302.1(1) EXTERIOR WALLS** is hereby amended to read as follows:

**TABLE R302.1(1) EXTERIOR WALLS**

| EXTERIOR WALL ELEMENT | | MINIMUM FIRE-RESISTANCE RATING | MINIMUM FIRE SEPARATION DISTANCE |
|---|---|---|---|
| Walls | Fire-resistance rated | 2 hours fire resistance rating | < 5 feet |
| | Not fire-resistance rated | 0 hours | ≥ 5 feet |
| Projections | Fire-resistance rated | 1 hour on the underside | ≥ 2 feet to < 5 feet |
| | Not fire-resistance rated | 0 hours | ≥ 5 feet |
| Openings in walls | Not allowed | N/A | < 3 feet |
| | 25% maximum of wall area | 0 hours | 3 feet |
| | Unlimited | 0 hours | 5 feet |
| Penetrations | All | 2 hours fire resistance rating | < 5 feet |
| | | None required | ≥5 feet |

**SECTION R302.5.1 OPENING PROTECTION** is hereby amended to read as follows:

**R302.5.1 Opening protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honey-comb-core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors, equipped with a self-closing and self-latching device.

**TABLE R302.6 DWELLING/GARAGE SEPARATION** is hereby amended to read as follows:

| SEPARATION | MATERIAL |
|---|---|
| From the residence and attics | Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side |
| From all habitable rooms above the garage | Not less than 5/8-inch Type X gypsum board or equivalent |
| Structure(s) supporting floor/ceiling assemblies used for separation required by this section | Not less than 5/8-inch Type X gypsum board or equivalent |
| Garages located less than 3 feet from a dwelling unit on the same lot | Not less than 5/8-inch Type X gypsum board or equivalent applied to the interior side of exterior walls that are within this area |

**SECTION 308.4.6 GLAZING ADJACENT STAIRS AND RAMPS** is hereby amended to read as follows:

**R308.4.6 Glazing adjacent stairs and ramps.** Glazing where the bottom exposed edge of the glazing is less than 60 inches (1524 mm) above the plane of the adjacent walking surface of stairways, landings between flights of stairs and ramps shall be considered a hazardous location.

**SECTION 308.4.7 GLAZING ADJACENT TO THE BOTTOM OF STAIR LANDING** is hereby amended to read as follows:

**R308.4.7 Glazing adjacent to the bottom stair landing.** Glazing adjacent to the landing at the bottom of a stairway where the glazing is less than 60 inches (1524 mm) above the landing and within 60 inches (1524 mm) horizontally of the bottom tread shall be considered a hazardous location.

**SECTION R309.1.1 – OPENING PROTECTION** is hereby amended by the addition of section R309.1.1 and is hereby amended to read as follows:

**R309.1.1 Opening protection.** Doors providing protection shall be maintained self-closing and self-latching.

**SECTION R309.5 FIRE SPRINKLERS** is hereby amended to read as follows:

**R309.5 Fire sprinklers.** In homes with livable space greater than 5,000 square feet private garages shall be protected by fire sprinklers where the garage wall has been designed based on Table R302.1 (2), Footnote a. Sprinklers in garages shall be connected to an automatic sprinkler system that complies with Section P2904. Garage sprinklers shall be residential sprinklers or quick-response sprinklers, designed to provide a density of 0.05 gpm/ft2. Garage doors shall not be considered obstructions with respect to sprinkler placement.

**SECTION R310.1 EMERGENCY ESCAPE AND RESCUE REQUIRED** is hereby amended to read as follows:

**R310.1 Emergency escape and rescue required.** Basements, habitable attics and every sleeping room shall have at least one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) measured from the finished floor to the bottom of the sill. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

**SECTION R311.3.1 FLOOR ELEVATIONS AT THE REQUIRED EGRESS DOORS** is hereby amended to read as follows:

**R311.3.1 Floor elevations at the required egress doors.** Landings or finished floors at the required egress door shall not be more than 1 ½ inches (38 mm) lower than the top of the threshold.

Exception: The landing or floor on the exterior side shall not be more than 8 inches (203 mm) below the top of the threshold provided the door does not swing over the landing or floor.

Where exterior landings or floors serving the required egress door are not at grade, they shall be provided with access to grade by means of a ramp in accordance with Section R311.8 or a stairway in accordance with Section R311.7.

**SECTION R311.3.2 FLOOR ELEVATIONS FOR OTHER EXTERIOR DOORS** is hereby amended to read as follows:

**R311.3.2 Floor elevations for other exterior doors.** Doors other than the required egress door shall be provided with landings or floors not more than 8 inches (203 mm) below the top of the threshold.

Exception: A landing is not required where a stairway of two or fewer risers is located on the exterior side of the door, provided the door does not swing over the stairway.

**SECTION R311.5 CONSTRUCTION** is hereby amended by addition of SECTION R311.5.2 to read as follow:

**R311.5.2** Enclosed accessible space under stairs shall have walls, under stair surface and any soffits protected on the enclosed side with 5/8-inch Type X gypsum wallboard.

**SECTION R311.7.5.1 RISERS** is hereby amended to read as follows:

**R311.7.5.1 Risers.** The maximum riser height shall be 8 inches (203 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 4-inch-diameter (102 mm) sphere.

**SECTION R311.7.8.2 CONTINUITY** is hereby amended to read as follows:

**R311.7.8.2 Continuity.** Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 2 inches (50 mm) between the wall and the handrails.

Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at the turn.
2. The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.

**SECTION R311.8.3.3 CONTINUITY** is hereby amended to read as follows:

**R311.8.3.3. Continuity.** Handrails where required on ramps shall be continuous for the full length of the ramp. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 2 inches (50 mm) between the wall and the handrails.

**SECTION R313.2 ONE- AND TWO-FAMILY DWELLINGS AUTOMATIC FIRE SYSTEMS** is hereby amended to read as follows:

**R313.2 One- and two-family dwellings automatic fire systems.** An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings when either of the two conditions listed below exist.

1. When such buildings have more than 5,000 square feet of livable area.
2. When operational procedures include provisions that more than one person not capable of self-preservation, that is unrelated to the person in control of the property may occupy a residential unit for more than ten consecutive days.

Exception:

An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.

**SECTION R320.1 SCOPE** is hereby amended to read as follows:

**R320.1 Scope.** Where disabled, unrelated persons occupy a residential unit, the building and bedroom entry, main level living area and at least one bathroom to be used by such persons shall comply with the provisions of Chapter 11 of the International Building code. Where there are four or more dwelling units or sleeping units in a single structure, the provisions of Chapter 11 of the International Building Code for Group R-3 shall apply.

**SECTION 403.1.1 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 404.1.1(1) PLAIN MASONRY FOUNDATION WALLS** and all references to said table are hereby deleted in its entirety and revised to read as follows:

**TABLE 404.1.1(1) PLAIN MASONRY FOUNDATION WALLS.** Plain masonry foundation walls shall be constructed as set forth in tables 404.1.1(2), (3) and (4) for the most restrictive design soil class and shall also comply with the provisions of sections R606, R607 and R608. Bond beam and vertical steel to be tied every 200 bar diameter or 10 feet.

**TABLE 404.1.1(2) 8-INCH MASONRY FOUNDATION WALLS WITH REINFORCING WHERE d > 5 INCHES** is hereby amended with the addition of subsection F to read as follows:

**F.** One #4 (#13) bar placed horizontally for stem walls less than 24 inches, two #4 (#13) or one #5 bar placed horizontally at the top of the wall for walls 24 inches to 48 inches. Bond beam and vertical steel to be tied every 200 bar diameter or 10 feet.

**TABLE 404.1.1(3) 10-INCH MASONRY FOUNDATION WALLS WITH REINFORCING WHERE D > 6.75 INCHES** is hereby amended with the addition of subsection F to read as follows:

**F.** One #4 (#13) bar placed horizontally for stem walls less than 24 inches, two #4 (#13) or one #5 bar

placed horizontally at the top of the wall for walls 24 inches to 48 inches. Bond beam and vertical steel to be tied every 200 bar diameter or 10 feet.

**TABLE 404.1.1(4) 12-INCH MASONRY FOUNDATION WALLS WITH REINFORCING WHERE d > 8.75 INCHES** is hereby amended with the addition of subsection F to read as follows:

**F.** One #4 (#13) bar placed horizontally for stem walls less than 24 inches, two #4 (#13) or one #5 bar placed horizontally at the top of the wall for walls 24 inches to 48 inches. Bond beam and vertical steel to be tied every 200 bar diameter or 10 feet.

**SECTION R404.1.8 RUBBLE STONE MASONRY** is hereby deleted in its entirety.

**SECTION R606.9.1 HORIZONTAL LATERAL SUPPORT** is hereby deleted in its entirety and amended to read as follows:

**R606.9.1 Minimum reinforcement requirements for masonry elements.** Masonry elements shall be reinforced by at least one #4 rebar, in both the horizontal and vertical directions at no further than 4 feet on center. Additionally, a single #4 rebar is required within 6 inches (152 mm) of the top of masonry walls, placed horizontally and also within 18 inches (457 mm) vertically placed at the end of the wall and at openings.

**TABLE N1101.10 and TABLE R301.1** is hereby amended to read climate zone 2B for the Town of Camp Verde.

**SECTION N1102.4.1.2 (R402.4.1.2) TESTING** is hereby deleted in its entirety.

**SECTION N1103.4.1 (R403.4.1) CIRCULATING HOT WATER SYSTEMS (MANDATORY)** is hereby deleted in its entirety.

**SECTION N1104.1 (R404.1) LIGHTING EQUIPMENT (MANDATORY)** is hereby deleted in its entirety.

**SECTION G2447.2 (623.2) PROHIBITED LOCATION** is hereby amended to read as follows:

**G2447.2 (623.2) Commercial appliances.** Cooking appliances designed, tested, listed and labeled for use in commercial occupancies shall be installed within dwelling units or within any area where domestic cooking operations occur according to the International Building Code (IBC), International Fire Code (IFC), and in accordance with the manufacturer's installation instructions.

**SECTION 2503.5.1 ROUGH PLUMBING** is hereby amended to read as follows:

**2503.5.1 Rough plumbing.** DVW systems shall be tested on completion of the rough piping installation by water or by air with no evidence of leakage. Either test shall be applied to the drainage system in its entirety or in sections after rough piping has been installed as follows:

1. Water test. Each section shall be filled with water to a point not less than 10 feet (3048 mm) above the highest fitting connection in that section, or to the highest point in the completed system. Water shall be held in the section under test for a period of 15 minutes. The system shall prove leak free by visual inspection.
2. Air test. The portion under test shall be maintained at a gage pressure of 5 pounds per square inch (psi) (34 kPa) or 10 inches of mercury column (34 kPa). This pressure shall be held without introduction of additional air for a period of 15 minutes.

**SECTION P2603.5 FREEZING** is amended by the revision of the last sentence to read as follows:

**P2603.5 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 P2904.1.1 REQUIRED SPRINKLER LOCATIONS** is hereby amended to read as follows:

**P2904.1.1 Required sprinkler locations.** Sprinklers shall be installed to protect all areas of a dwelling unit as specified in amended section R313.2 and in townhouses.

## INTERNATIONAL SWIMMING POOL AND SPA CODE, 2012 EDITION, ADOPTED BY REFERENCE

**The International Swimming Pool and Spa Code (ISPSC), 2012 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. **CHAPTER 1 SCOPE AND ADMINISTRATION** is hereby 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 305.2.1 BARRIER HEIGHT AND CLEARANCES** is hereby amended to read as follows:

**305.2.1 Barrier height and clearances.** Barrier heights and clearances shall be in accordance with all of the following:

1. The top of the barrier shall be not less than 60 inches (1613 mm) above grade where measured on the side of the barrier that faces away from the aquatic vessel. Such height shall exist around the entire perimeter of the vessel and for a distance of 3 feet (914 mm) where measured horizontally from the required barrier.
2. The vertical clearance between grade and the bottom of the barrier shall not exceed 2 inches (51 mm) for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the barrier that faces away from the vessel.
3. The vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the required barrier shall not exceed the 4 inches (102 mm) where measured on the side of the required barrier that faces away from the vessel.
4. Where the top of the vessel structure is above grade, the barrier shall be installed on grade or shall be mounted on top of the vessel structure. Where the barrier is mounted on the top of the vessel, the vertical clearance between the top of the vessel and the bottom of the barrier shall not exceed 4 inches (102 mm).

**SECTION 305.3.3 LATCHES** is hereby amended to read as follows:

**305.3.3 Latches.** Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism shall be located on the vessel side of the gate at least 5 inches (127 mm) below the top of the gate, and the gate and barrier shall not have openings greater than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

**SECTION 305.4 STRUCTURE WALL AS A BARRIER** is hereby amended to read as follows:

**305.4 Structure wall as a barrier.** Where a wall of a dwelling or structure serves as part of the barrier, doors and operable windows with a sill height of less than 48 inches (1219 mm) that provide direct access to the aquatic vessel through the wall, shall be equipped with one or more of the following:

1. An alarm that produces an audible warning when the door or its screen or window, is opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017. In dwellings or structures not required to be Accessible units, Type A units or Type B units, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings or structures

required to be Accessible units, Type A units or Type B units, the deactivation switch shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the threshold of the door.

1. A safety cover that is listed and labeled in accordance with ASTM F 1346.
2. An approved means of protection, such as self-closing doors with self-latching devices, provided that the degree of protection afforded is not less than the protection afforded by Items 1 or 2.
3. Emergency escape and rescue windows for sleeping rooms which face within a swimming pool enclosure shall be equipped with a latching device located 54" (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 the 4" (102 mm), or a latching device located not less than 54" (1372 mm) above the floor.

# Article 7-2

## ADMINISTRATIVE BUILDING CODE (2009-A361) (2014-A401)

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.

**7-2-101.2.1 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 (IBC).
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 of the 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. Private development on Federal land shall not be exempted.
7. Any construction or improvement outside the Town boundaries, or beyond the jurisdictional authority of the Town of Camp Verde.

8. Items pursuant to ARS §11-865, the provisions of this article shall not be construed to apply to:
   a. Construction or operation incidental to construction and repair to irrigation and drainage ditches or appurtenances thereto, of regularly constituted districts or reclamation districts, or to farming, dairying, agriculture, viticulture, horticulture or stock or poultry raising, or clearing or other work upon land in rural areas for fire prevention purposes.
   b. Devices used in manufacturing, processing or fabricating normally considered as involved in industry and construction, 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.

**7-2-101.3 Intent.** The purpose of the technical codes is to establish the minimum requirements to safeguard the public health, safety and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, 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 International Building Code (IBC).** The provisions of the International Building Code (IBC) and amendments thereto shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. Provisions in the appendices shall not apply unless specifically adopted.

**7-2-101.4.1.1 Exceptions:**

1. 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 (IRC).
2. Existing buildings undergoing repair, alteration or additions and change of occupancy shall be permitted to comply with the International Existing Building Code (IEBC).
3. The provisions of the International Fuel Gas Code (IFGC) shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in the International Building Code (IBC). 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.
4. The provisions of the International Mechanical Code (IMC) 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.
5. The provisions of the International Plumbing Code (IPC) shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system all aspects of a medical gas system.
6. The provisions of the International Fire Code (IFC) shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.
7. The provisions of the International Energy Conservation Code (IECC) shall apply to all matters governing the design and construction of buildings for energy efficiency.

**7-2-101.4.2 International Energy Conservation Code (IECC)**. The provisions of the International Energy Conservation Code (IECC) shall apply to commercial and residential buildings and the buildings sites and associated systems and equipment. This code shall regulate the design and 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 for the effective use and conservation of energy over the useful life of each building. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this objective. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

**7-2-101.4.3 International Existing Building Code (IEBC)**. The provisions of the International Existing Building Code (IEBC) shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings, regardless of occupancy. Provisions in the appendices shall not apply unless specifically adopted.

**7-2-101.4.3.1 Exceptions:**

1. Buildings not previously occupied. A building or portion of a building that has not been previously occupied, or for which a Certificate of Occupancy has not been issued or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the Technical Codes and provisions of the International Building Code (IBC) or International Residential Code (IRC), as applicable, for new construction or with any current permit for such occupancy.
2. Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Fire Code (IFC), or the International Property Maintenance Code (IPMC), or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

**7-2-101.4.4 International Fire Code (IFC).** This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding: the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; conditions hazardous to life, property or public welfare in the occupancy of structures or premises; fire hazards in the structure or on the premises from occupancy or operation; matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems; and conditions affecting the safety of fire fighters and emergency responders during emergency operations. Provisions in the appendices shall not apply unless specifically adopted.

**7-2-101.4.5 International Fuel Gas Code (IFGC).** The provisions of the International Fuel Gas Code (IFGC) shall apply to the installation of fuel-gas piping systems from the point of delivery, fuel gas appliances, gaseous hydrogen systems 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. Provisions in the appendices shall not apply unless specifically adopted.

**7-2-101.4.5.1 Exceptions:**

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code (IRC).
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 (IEBC).
3. Gaseous hydrogen systems shall be regulated by Chapter 7 of the 2012 International Fuel Gas Code (IFGC).
4. These regulations cover piping systems for natural gas with an operating pressure of 125 pounds per square inch gauge (psig) (862 kPa gauge) or less, and for LP-gas with an operating pressure of 20 psig (140 kPa gauge) or less, except as provided in the International Fuel Gas Code (IFGC) Section 402.6. Coverage shall extend from the point of delivery to the outlet of the appliance shutoff valves. Piping system requirements shall include design, materials, components, fabrication, assembly, installation,

testing, inspection, operation and maintenance.

5. Requirements for gas appliances and related accessories shall include installation, combustion and ventilation air and venting and connections to piping systems.
6. Systems, appliances and equipment outside the scope. This code shall not apply to the following: portable LP-gas appliances and equipment of all types that is not connected to a fixed fuel piping system; installation of farm appliances and equipment such as brooders, dehydrators, dryers and irrigation equipment; raw material (feedstock) applications except for piping to special atmosphere generators; oxygen-fuel gas cutting and welding systems; industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen and nitrogen; petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants , refinery tank farms and natural gas processing plants; integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by, or used in, chemical reactions; LP-gas installations at utility gas plants; Liquefied natural gas (LNG) installations; fuel gas piping in power and atomic energy plants; proprietary items of equipment, apparatus or instruments such as gas-generating sets, compressors and calorimeters; LP-gas equipment for vaporization, gas mixing and gas manufacturing; temporary LP-gas systems for railroad switch heating; installation of hydrogen gas, LP-gas and compressed natural gas (CNG) systems on vehicles; except as provided in the 2012 International Fuel Gas Code (IFG) Section 401.1.1, gas piping, meters, gas pressure regulators and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-gas; building design and construction, except as specified herein; piping systems for mixtures of gas and air within the flammable range with an operating pressure greater than 10 psig (69 kPa gauge); portable fuel cell appliances that are neither connected to a fixed piping system nor interconnected to a power grid.
7. The requirements for the design, installation, maintenance, alteration and inspection of mechanical systems operating with fuels other than fuel gas shall be regulated by the International Mechanical Code (IMC).

**7-2-101.4.6 International Mechanical Code (IMC).** The provisions of the International Mechanical Code (IMC) shall regulate the design, installation, maintenance, alterations, repairs and replacement of mechanical systems, and inspection 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 that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code (IFGC). Provisions in the appendices shall not apply unless specifically adopted.

**7-2-101.4.6.1 Exceptions:**

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code (IRC).

**7-2-101.4.7 National Electrical Code (NEC).** The provisions of the National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. The National Electrical Code (NEC) shall cover the installation of electrical conductors, equipment, and raceways; signaling and communications conductors, equipment, and raceways; and optical fiber cables and raceways for the following: public and private premises, including buildings, structures, mobile homes, recreational vehicles, and floating buildings; yards, lots, parking lots, carnivals, and industrial substations; installations of conductors and equipment that connect to the supply of electricity; installations used by the electric utility, such as office buildings, warehouses, garages, machine shops, and recreational buildings, that are not an integral part of a generating plant, substation, or control center.

**7-2-101.4.7.1 Exceptions:**

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall

comply with the International Residential Code (IRC).

2. This code does not cover the following: installation in ships, watercraft other than floating buildings, railway rolling stock, aircraft, or automotive vehicles other than mobile homes and recreational vehicles; installations underground in mines and self-propelled mobile surface mining machinery and its attendant electrical trailing cable; installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communications purposes; installations of communications equipment under the exclusive control of communications utilities located outdoors or in building spaces used exclusively for such installations; installations under the exclusive control of an electric utility where such installations: consists of service drops or service laterals, and associated metering, or are on property owned or leased by the electric utility for the purpose of communications, metering, generation, control, transformation, transmission, or distribution of electric energy or are located in legally established easements or rights-of-way, or are located by other written agreements either designated by or recognized by public service commissions, utility commissions, or other regulatory agencies having jurisdiction for such installations. These written agreements shall be limited to installations for the purpose of communications, metering, generation, control, transformation, transmission, or distribution of electric energy where legally established easements or rights-of-way cannot be obtained. These installations shall be limited to Federal Lands, Native American Reservations through the U.S. Department of the Interior Bureau of Indian Affairs, military bases, lands controlled by port authorities and state agencies and departments and lands owned by railroads.
3. The authority having jurisdiction for enforcing this code may grant exception for the installation of conductors and equipment that are not under the exclusive control of the electric utilities and are used to connect the electric utility supply system to the service conductors of the premises served, provided such installations are outside a building or structure, or terminate inside nearest the point of entrance of the service conductors.

**7-2-101.4.8 International Plumbing Code (IPC).** The provisions of the International Plumbing Code (IPC) shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system within the Town. This code shall also regulate all aspects of nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel-gas-fired water heaters and water heater venting systems shall be regulated by the International Fuel Gas Code (IFGC). Provisions in the appendices shall not apply unless specifically adopted.

**7-2-101.4.8.1 Exceptions:**

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code (IRC).
2. 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 (IEBC).
3. 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 (IEBC).

**7-2-101.4.9 International Residential Code For One- And Two-Family Dwellings (IRC).** The provisions of the International Residential Code (IRC) 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. Provisions in the appendices shall not apply unless specifically adopted.

**7-2-101.4.9.1 Exceptions:**

1. Existing buildings undergoing repair, alteration or additions and change of occupancy shall be permitted

to comply with the International Existing Building Code (IEBC).

2. Live/work units complying with the requirements of Section 419 of the International Building Code (IBC) shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the International Building Code (IBC) when constructed under the International Residential Code (IRC) shall conform to Section P2904.
3. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code (IRC) when equipped with a fire sprinkler system in accordance with Section P2904.

**7-2 101.4.10 2012 International Swimming Pool and Spa Code (ISPSC).** The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic vessels. Provisions in the appendices shall not apply unless specifically adopted.

**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.

- Addition – an extension or increase in floor area or height of a building or structure.
- Administrative Building Code – the Town of Camp Verde, Arizona Administrative Building Code as set forth within Ordinance 2014-A401, as adopted by this Jurisdiction.
- Alter or Alteration – Any construction or renovation to an existing structure other than repair or addition.
- Approved – Acceptable to the Building Official or Authority Having Jurisdiction.
- Approved Agency – an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the Building Official.
- Bedroom – a separated room intended for sleeping that may or may not contain a closet in residential use.
- Building – any structure used or intended for supporting or sheltering any use or occupancy.
- Building Code – the International Building Code (IBC) as published by the International Code Council, as adopted by this jurisdiction.
- Building, Existing – any building erected prior to the adoption of this Chapter, or one for which a legal building permit and certificate of occupancy has been issued.
- 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.
- Carport – a structure used for parking of automobiles or other vehicles and completely open on at least two sides.
- Condominium – a unit (residential or commercial) in a multi-unit structure or building that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.
- Commercial Projects – any building or structure covered under the International Building Code (IBC) and not defined as town houses greater than a duplex.
- Electrical Code – the National Electrical Code (NEC) published by the National Fire Protection Association, as adopted by this Jurisdiction.
- Existing Building Code – the International Existing Building Code (IEBC), published by the International

Code Council, as adopted by this Jurisdiction.

- Fuel Gas Code – the International Fuel Gas Code (IFGC), published by the International Code Council, as adopted by this Jurisdiction.
- Grading – any excavating, filling, or combination thereof for earthwork construction as covered within the grading ordinances as adopted by this Jurisdiction.
- Jurisdiction – the Town of Camp Verde, Arizona.
- Kitchen – an area with a sink and provisions for food preparation, food storage and cooking.
- Mechanical Code – the International Mechanical Code (IMC), published by the International Code Council, as adopted by this Jurisdiction.
- Occupancy – any person, agent, firm or corporation having a legal or equitable interest in the property.
- Owner – the person, agent, firm or corporation with legal or equitable interest in a property.
- Permit – the official document or certificate issued by the Building Official authorizing performance of a specified, legal activity.
- Person – an individual, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.
- Plumbing Code – the International Plumbing Code (IPC), published by the International Code Council, as adopted by this Jurisdiction.
- Repair – the reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.
- Residential Code for One- and Two-Family Dwellings – the International Residential Code for One and Two-Family Dwellings, published by the International Code Council, as adopted by this Jurisdiction.
- Shall – the term, as used in this Chapter and the technical codes, is construed as mandatory.
- Structure – that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
- Technical Codes – those codes adopted by this Jurisdiction containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and building service equipment as herein defined.
- Townhouses – a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides. Such are not more than three stories above grade plane in height with a separate means of egress to each unit.
- Trailer (Park Model) – a park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty (320) square feet and not more than four hundred (400) square feet when it is set up, and manufactured to comply with ANSI A119.5 standards, except that it does not included recreation vehicles, travel trailers, campers or fifth wheel trailers.
- Valuation or Value – the total estimated cost to replace, repair, build, or erect any building and its building service equipment in kind, based on current construction costs.
- Yurt/Tent – a canvas structure erected for more than fourteen (14) days or that is rented, is required to meet all life safety requirements.

## 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 September 5, 2014, 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 September 20, 2009.
**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 any 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 such 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.

**7-2-102.5.1 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 Code Council Codes shall be deemed and interpreted to mean the specific Town of Camp Verde codes as listed herein:

1. International Building Code (IBC)
2. International Energy Conservation Code (IECC)
3. International Existing Building Code (IEBC)
4. International Fire Code (IFC)
5. International Fuel Gas Code (IFGC)
6. International Mechanical Code (IMC)
7. National Electrical Code (NEC)
8. International Plumbing Code (IPC)
9. International Residential Code (IRC)
10. International Swimming Pool and Spa Code (ISPSC)

**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 7-2-101.4.3, for additional options governing additions, alterations and repairs. Additions, alterations or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

**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.

**7-2-102.12.1 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 (IEBC).

## 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 subject to the approval of the appointing authority.

**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 which is contrary to or in violation of this Chapter or the technical codes which makes 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 chapter or technical codes shall be defended by a legal representative of the jurisdiction 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 materials, 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 these 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 the Building Division.

**7-2-103.12.1 Flood hazard areas.** The Building Official shall not grant modifications to any provision required in flood hazard areas as established by the International Building Code (IBC) Section 1612.3 unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or

topography of the site render the elevation standards of International Building Code (IBC) Section 1612 inappropriate.

2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

**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 discontinued. 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 authorize disconnection of 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 or when such utility connection has been made without the approval required by Section 7-2-103.16.1 or 7-2-103.16.2. The Building Official shall notify the serving utility, and wherever possible 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 or as soon as practical thereafter.

**7-2-103.16.1 Connection of service utilities.** No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this Chapter or the technical codes for which a permit is required, until released by the Building Official.

**7-2-103.16.2 Temporary connection.** The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

**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 Notice to disconnect condemned building service equipment.** 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 Condemned building service equipment violation.** 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.

**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.

**7-2-104.1.1 Exceptions:**

1. Federal developments on Federal owned land.
2. Any construction or improvement outside the Town boundaries, or beyond the jurisdictional authority of the Town of Camp Verde.
3. Annual permit holder.
4. Pursuant to ARS §11-865: Construction or operation incidental to construction and repair to irrigation and drainage ditches or appurtenances thereto, of regularly constituted districts or reclamation districts, or to farming, dairying, agriculture, viticulture, horticulture or stock or poultry raising, or clearing or other work upon land in rural areas for fire prevention purposes.
5. Pursuant to ARS §11-865: 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 Annual permits.** 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.

**7-2-104.2.1 Qualified Tradesperson.** An individual that holds one or more licenses from a nationally recognized agency in the trade that work is to be performed.

**7-2-104.2.2 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.

**7-2-104.3 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.

**7-2-104.3.1 International Building Code (IBC) permits.** A building permit shall not be required for the following:

1. One-story detached accessory structures ancillary to commercial buildings used as tool and storage sheds, and similar uses, provided the floor area does not exceed 120 square feet (11 $m^2$).
2. Fences not over 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches

(610 mm) deep, are not greater than 5,000 gallons (18925 L) and are installed entirely above ground. (Note: a permit is required for the required pool barriers.)

10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall projecting not more than 54 inches (1372 mm) from the exterior wall, no closer than 3 feet from a property line, and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

**7-2-104.3.2 International Energy Conservation Code (IECC) permits.** Except as specified in the International Energy Conservation Code (IECC), this code shall not be used to require the removal, alteration or abandonment of, nor prevent the continued use and maintenance of, an existing building or building system lawfully in existence at the time of adoption of this code. Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, are exempt from this code. Additions, alterations, renovations or repairs to an existing building, building system or portion thereof shall conform to the provisions of this code as they relate to new construction without requiring the unaltered portion(s) of the existing building or building system to comply with this code. Additions, alterations, renovations or repairs shall not create an unsafe or hazardous condition or overload existing building systems. An addition shall be deemed to comply with the code if the addition alone complies or the existing building and addition comply with this code as a single building.

**7-2-104.3.2.1 Exceptions:**

**The** following work need not comply provided the energy use of the building is not increased:

1. Storm windows installed over existing fenestration.
2. Glass only replacements in an existing sash and frame.
3. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation.
4. Construction where the existing roof, wall or floor cavity is not exposed.
5. Reroofing for roofs where neither the sheathing nor the insulation is exposed. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.
6. Replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided, however, than an existing vestibule that separates a conditioned space from the exterior shall not be removed.
7. Alterations that replace less than 50 percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power.
8. Alterations that replace only the bulb and ballast within the existing luminaires in a space provided that the alteration does not increase the installed interior lighting power.
9. Spaces undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy shall comply with this code. Where the use in a space changes from one use in International Energy Conservation Code (IECC) Table C405.5.2(1) or (2) to another use in Table C405.5.2(1) or (2), the installed lighting wattage shall comply with Section C405.5.

**7-2-104.3.3 International Fuel Gas Code (IFGC) permits.** A fuel gas permit shall not be required for the following:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

**7-2-104.3.4 International Mechanical Code (IMC) permits**. A mechanical permit shall not be required for the following:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the International Mechanical Code (IMC).
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**7-2-104.3.5 National Electrical Code (NEC) permits.** An electrical permit shall not be required for the following:

1. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. 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.
3. Listed cord-and-plug connected temporary decorative lighting.
4. A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
5. Low-energy power, control and signal circuits of Class II and Class III as defined in the National Electrical Code (NEC) not installed 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.
6. 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 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 metered power outlet.
7. Reinstallation of attachment plug receptacles but not the outlets therefor.
8. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
9. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
10. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

**7-2-104.3.6 International Plumbing Code (IPC) permits.** A plumbing permit shall not be required for the following:

1. Stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. 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.

**7-2 104.3.7 International Residential Code (IRC) Permits.** Permits shall not be required for the following.

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 $m^2$).
2. Fences not over 7 feet (2134 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks, supported directly upon grade in the capacity does not exceed 5,000 gallons (18927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment accessory to detached one- and two-family dwellings.
9. Window awnings in Group R-3 and U occupancies, supported by an exterior wall projecting not more than 54 inches (1372 mm) from the exterior wall, no closer than 3 feet from a property line, and do not requiring additional support.
10. Decks not exceeding 200 square feet (18.58 m2) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by the International Residential Code (IRC) Section R311.4.
11. Re-roofing or replacement of roof covering materials on one- and two-family dwelling units, provided the replacement roof covering material is a like for like exchange, no sheathing is replaced, and the replacement roofing material does not increase the loads imposed along the roof structural frame.

**7-2-104.4 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 to the Building Official.

**7-2-104.5 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.

**7-2-104.6 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.

**7-2-104.7 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.** To obtain a permit, an applicant shall first file an application in writing on a form

furnished by the Building Division of the Community Development Department for that purpose. Such application, as a minimum, shall contain the following:

1. Identify and describe the work to be covered by the permit for which the application is made.
2. Describe 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.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in this section.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such 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, related documents, and amendments thereto 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, stating the reasons therefor. 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 therefor as soon as practicable, subject only to the payment of appropriate fees.

**7-104.10 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned and expired 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant a one-time extension of time for an additional period not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

**7-104.10.1 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 fifty percent (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, other data, or in the actual 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 7-2-106.6. 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.

**7-2-104.13.1.2 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 7-2-106.6. 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.

**7-2-104.13.2.1 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 7-2-104.12, 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 inspection card shall be conspicuously posted on site.

## Section 7-2-105 Construction Documents

**7-2-105.1 Submittal documents.** Submittal documents consisting of construction documents, plans, specifications, engineering calculations, diagrams, soil investigation, geotechnical reports, special inspections and structural observation programs and other data, as required by the Building Official, shall be submitted with each application for permit in two or more sets. The construction documents shall be prepared by a registered design professional

where 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.

**7-2-105.1.1 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.

**7-2-105.1.2 Information on construction documents.** Construction documents shall be in accordance with this section. 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, rules and regulations as determined by the Building Official.

**7-2-105.1.3 Screening.** Submittal construction documents, permit application, and other data may be subject to screening by the Building Official for completeness and code compliance prior to being accepted for permit review. Incomplete application submittals or application submittals containing readily apparent code violations shall be returned to the applicant without being accepted unless otherwise directed by the Building Official.

**7-2-105.1.4 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.

**7-2-105.1.5 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, the established street grades and proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; 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.

**7-2-105.1.5.1 Design flood elevations.** Where design flood elevations are not specified, they shall be established in accordance with International Building Code (IBC) Section 1612.3.1.

**7-2-105.1.6 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 including the path of the exit discharge to the public way in compliance with the provisions of the technical codes. In other than occupancies in Groups R-2, R-3, and I-1 as applicable in Section 7-2-101.4.9, 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.

**7-2-105.1.7 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 or a duly authorized representative. 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 7-2-104.10.

**7-2-105.2.3 Phased approval.** The Building Official is authorized to issue a permit for the construction of foundations, or other part~~s~~ of a building or structure before the construction documents for the whole building or structure have been submitted, provided that 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 building operation and without assurance that a permit for the entire structure will be granted.

> **7-2-105.2.3.1 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 high.

**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 Building Official shall be notified in writing by the owner 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.

> **7-2-105.3.1 Special Inspections and structural observations.** Where application is made for construction as described in the International Building Code (IBC) Section 1704, the owner or the registered design professional in responsible charge acting as the owner's agent shall employ one or more approved agencies to perform inspections during construction on the types of work listed under International Building Code (IBC) Section 1705. Prior to the commencement of structural observations or special inspections, the Building Official shall be notified in writing by the owner or design professional in responsible charge with the name of the individual or firms who are to perform structural observations and special inspections and describe the stages of construction where the structural observations and special inspections are to occur.

**7-2-105.3.2 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official within a specified period, before completion of the project, and before a Certificate of Occupancy is issued. Deferral of any 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, who 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 deferred submittal documents have been approved by the Building Official.

**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.

**7-2-106.2 Site identification.** 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.

**7-2-106.3 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.

**7-2-106.4 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.

**7-2-106.5 Special Inspections**. When special inspection is required by the International Building Code (IBC) Sections 1704 and 1705 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 International Building Code (IBC) Sections 1704 and 1705 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.

**7-2-106.5.1 Special Inspector.** In accordance with the International Building Code (IBC) Sections 1704 and 1705 and Section 7-2-106.5 of the building code, special inspections 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:

**7-2-106.5.1.1 Notification.** Prior to a permit being issued by the Building Official, the owner or his authorized agent shall notify the Building Division of the Community Development Department in writing on the form provided, the name of the engineer or registered design professional in responsible charge who will carry out the required special inspection(s). The responsible engineer or registered design professional of record shall notify the Building Division of any changes of "Special Inspection(s)" prior to the inspections being conducted.

**7-2-106.5.1.2 Certificate of Responsibility.** The engineer or registered design professional in responsible charge of the special inspection(s) shall so certify to the Building Division in writing on the form provided prior to the issuance of the building permit, and shall notify the Building Division immediately if terminated prior to completion of the work, for which special inspection(s) is required.

**7-2-106.5.1.3 Qualifications.** No person(s) shall be assigned to carry out the duties of special inspector(s) unless thoroughly qualified by knowledge and experience to render full, complete and competent inspection. Special inspector(s) shall provide written documentation to the Building Official demonstrating his or her competence and relevant experience or training. Experience or training shall be considered relevant when the documented experience or training is related in complexity to the same type of special inspection activities for projects of similar complexity and material qualities. These qualifications are in addition to qualifications specified in other sections of this code. The registered design professional in responsible charge and engineers of record involved in the design of the project are permitted to act as the approved agency and their personnel are permitted to act as the special inspector for the work designed by them, provided they qualify as special inspectors. 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 the International Building Code (IBC) Sections 1704 and 1705.

**7-2-106.5.1.4 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 International Building Code (IBC) Sections 1704 and 1705. Special inspectors shall keep records of inspections. The special inspector shall submit inspection reports to the Building Division, and the registered design professional in responsible charge stating approval of the work as it progresses, but not less than every two weeks. Reports shall indicate that work inspected was or was not completed in conformance to approved construction documents. Discrepancies shall be brought to the immediate attention of the contractor for correction. The

special inspector(s) shall notify the Building Division and the registered design professional in responsible charge immediately upon detection of all discrepancies involved in the special inspection(s) that have not been corrected in accordance with the approved construction documents and specifications prior to proceeding with the work. A final report documenting required special inspections and correction of any discrepancies noted in the inspections shall be submitted at a point in time agreed upon prior to the start of work by the applicant and the Building Official.

**7-2-106.6 Required inspections.** The Building Official, upon notification, shall make the inspections set forth in this Section.

**7-2-106.6.1 Footing and foundation inspections.** 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.

**7-2-106.6.2 Underground building service equipment inspections.** Underground plumbing, gas, mechanical, or electrical systems shall be inspected after trenches or ditches are excavated for approved materials, proper burial depth, slope, and installation 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. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the site.

**7-2-106.6.3 Concrete slab and under-floor inspections.** 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.

**7-2-106.6.4 Sewer or water service (building or private) inspections.** Sewer or water service lines, that provide(s) 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.

**7-2-106.6.5 Floodplain or lowest floor elevation inspections.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in the International Building Code (IBC) Section 1612.5 and International Residential Code (IRC) Section R322 shall be submitted to the Building Official. The elevation certification shall be prepared and sealed by a registered design professional.

**7-2-106.6.6 Concrete or masonry walls or columns inspections.** 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.

**7-2-106.6.7 Exterior strap and shear inspections.** 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.

**7-2-106.6.8 Rough building service equipment inspections.** Rough plumbing, gas, mechanical, or electrical systems shall be inspected for approved materials or proper slope after the roof, framing, fire-blocking and bracing are in place and components to be concealed are complete, and prior to the installation of

wall or ceiling membranes. 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.

7-2-106.6.9 Frame inspections. Framing inspections shall be made after the roof deck or sheathing, all framing, fire-blocking, draft stopping and bracing are in place, and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts building service equipment has been approved, after the roof is loaded with roof covering material and the building has been dried-in.

**7-2-106.6.10 Energy efficiency inspections.** Energy efficiency inspections shall be made to determine compliance with the International Building Code (IBC) Chapter 13 and the International Energy Conservation Code (IECC) and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency. 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.

**7-2-106.6.11 Moisture barrier inspections. 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.

**7-2-106.6.12 Lath and gypsum board inspections.** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

**7-2-106.6.12.1 Exception:** Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

**7-2-106.6.13 Fire- and smoke-resistant penetrations inspections.** Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions 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.

**7-2-106.6.14 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.

**7-2-106.6.15 Special inspections.** Special inspections and structural observations shall be as required in Section 1704 and 1705 of the International Building Code (IBC) in accordance with Section 7-2-106.5 of this Chapter. Special inspections are in addition to, not in lieu of, the inspections conducted by the Building Official.

**7-2-106.6.16 Final inspections.** The final inspection shall be made after all work shown on the construction documents or as required by the permit is completed.

**7-2-106.6.16.1 Flood hazard or elevation documentation.** If located in a flood hazard area, documentation of the elevation of the lowest floor as required in the International Building Code (IBC) Section 1612.5 and International Residential Code (IRC) Section R322.1.10 shall be submitted to the Building Official prior to the final inspection.

**7-2-106.6.16.2 Building service equipment.** Building service equipment regulated by this Chapter or 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. An approved inspection agency shall be objective, competent and independent from the contractor responsible for the work being inspected. The agency shall also disclose possible conflicts of interest so that objectivity can be confirmed. An approved inspection agency shall also have adequate equipment to perform required tests and shall employ experienced personnel educated in conducting, supervising and evaluating tests and/or inspections.

**7-2-106.8 Inspection requests.** It shall be the duty of the holder of the building permit or their duly 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 inspections 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 his or her authorized agent wherein the same fails to comply with this Chapter or the technical codes. Any portions that do not comply shall be corrected and such portion 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:

1. When the inspection record card is not posted or otherwise available on the work site.
2. When the approved plans are not readily available to the inspector.
3. For failure to provide access on the date for which inspection is requested.
4. For deviating from approved plans thereby requiring the approval of the Building Official.
5. 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.

**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.

> **7-2-107.1.1 Exception:** Certificates of Occupancy are not required for work exempt from permits under Section 7-2-104.3.

**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, and shall issue a Certificate of Occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. 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.
6. The name and signature of the Building Official or designee.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of the International Building Code (IBC) Chapter 3.
9. The type of construction as defined in the International Building Code (IBC) Chapter 6.
10. The area of each occupancy within the building for which the permit was issued.
11. The design occupant load of each occupancy for which the permit was issued.
12. Indicate if an automatic sprinkler system is provided in the building or structure, and indicate whether the sprinkler system is required.
13. 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, in writing, suspend or revoke a Certificate of Occupancy, Letter of Compliance or Temporary Certificate of Occupancy issued under the provisions of this Chapter wherever the 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 or Temporary 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 existing building service equipment that are or hereafter become structurally unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which 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, or that involve illegal or improper occupancy as specified in this Chapter, technical codes or any other effective ordinance, are for the purpose of this section unsafe buildings, and shall be deemed an unsafe condition. Unsafe conditions and structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided in this Chapter. A vacant structure that is not secured against entry shall be deemed an unsafe condition. 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 Record.** The Building Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**7-2-108.2.1 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.

**7-2-108.2.2 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 known 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 Building Division 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.

**7-2-108.3.1 Posting of building safety assessment placards during emergency conditions.** The Building Official and his or her authorized representatives shall cause to be posted the appropriate building safety assessment placard at each entry point to a building or structure upon completion of a visual, non-destructive safety assessment in the event emergency conditions exist. The following are verbal descriptions of the official placards to be used to designate the condition for continued occupancy of buildings or structures:

1. **INSPECTED – LAWFUL OCCUPANCY PERMITTED** by order of the Building Division of the Community Development Department, of the Town of Camp Verde is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.
2. **CAUTION: RESTRICTED USE** by order of the Building Division of the Community Development Department, of the Town of Camp Verde is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.
3. **UNSAFE – DO NOT ENTER OR OCCUPY** by order of the Building Division of the Community Development Department, of the Town of Camp Verde is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the Building Official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

The name of the jurisdiction, its address, and phone number shall be permanently affixed to each building safety assessment placard. Once a building safety assessment placard has been attached to a building or structure, the placard shall not be removed, altered or covered until done so by an authorized representative of the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

**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 by the Building Official is permitted to be restored to a safe condition. To the extent that 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, the technical codes, and the International Building Code (IBC) Chapter 34.

## 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 with promptly, or within the time frame specified in the notice of violation, 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 violates any of the provisions of this Chapter and the technical codes or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this Chapter 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 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. The Board shall not 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 Code. 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 Code 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 four (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 donditions 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 may appeal the decision if: the decision conflicts with the intent of the codes in this Chapter; the decision incorrectly interprets a code in this Chapter; the requirements in this Chapter do not apply; or a person seeks to propose an alternate material or method of construction pursuant to Section 7-2-110.7. The person may also request a hearing before the Board. Appeals shall be filed with the Community Development Director on a form provided therefore.
2. 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.
3. 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.
4. 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 decision regarding 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 sixty five (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 7-2-111.1 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 one (1) subsequent re-submittal for the same project. If more than two 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.

**7-2-111.5 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 fees 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 (A2006-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 THE 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.

## 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.

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.
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.
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.
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 7-7-5 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 reasonably 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

# Article 7-9

## STORM WATER PROTECTION

(2005-A310)

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** (BMP's) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMP's 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 (BMP's) 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. BMP's 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 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 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. BMP's 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 Public Works Department. The Public Works Director/Engineer 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 Engineer 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 Engineer to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. In appropriate situations the Engineer 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 Engineer may 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 Engineer 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 Engineer 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 Engineer 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 Engineer 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 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

(**2011-A378** Placing a moratorium on and Suspending the Collection of all Development Fees Effect January 7, 2012)

**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. Whether additional Development Fee funds will be appropriated for the same project(s) in the future;
    g. Whether supplemental non-Development Fee funds have been used for the project(s) and, if so, how much;
    h. The total estimated cost of the project(s) and the portion funded with Development Fees;
    i. Whether each Public Facility project is in the Town's current annual budget or capital improvements program;
    j. The estimated useful life of each project;
    k. The extent to which each Public Facility project is needed to serve new/projected growth; and
    l. Such 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; 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 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, for which they were imposed, calculated and collected.

3. Refunds.

e. 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.

f. 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.

g. 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.

h. 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 |

| | Police | General Government | Library | Parks and Recreation | TOTAL |
|---|---|---|---|---|---|
| 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) 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

## 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 Licensing, Bonding, and Fees
9-1-5 Fees for Charitable, Religious or Civic Organizations (2010-A373)
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### 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 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.

## SECTION 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 (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
j. Activities intended to increase public awareness of public programs.

## SECTION 9-1-3 APPLICATIONS (2004-A280) (2008-A355)

**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 and model, license plate and 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 (2004-A280) (2008-A355)

**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.

## 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.

## 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.

## 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.

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*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 9-1-9 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 (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

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 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 mean 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 theTown 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. 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 (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.

**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.

**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) (2015-A408)

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.

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 Town Code Section 10.2.1. Declaration of Nuisance and Section 11.1.2 Excavations to be Covered. 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 2011-A374, 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 Community Development Department. All Use Permits shall be processed in accordance with this Article and Section 601.C 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. 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 from 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
      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 filing for permanent mining, quarrying, and processing operations, as defined in this Article, shall include the following information:

1. A completed Use Permit Application
2. A site excavation and reclamation plan containing all required data contained in Subsection D of this Section.
3. 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.

**F. Transfer of Use Permit**

Use permits for mining, quarrying, extracting and processing operations are not transferable unless, prior to the transfer of the use permit the current holder of the use permit provides the Town of Camp Verde, Community Development Department:

1. Notice of the pending transfer;

2. A copy of a recordable document pursuant to which the person or entity acquiring the use permit agrees to be bound by all terms, conditions and obligations of the use permit; and

3. A copy of the purchase agreement conveying the property that is the subject of the use permit to the person or entity acquiring the use permit.

If the Town of Camp Verde Community Development Department determines that these conditions have been satisfied, the Town of Camp Verde Community Development Department shall notify the person or entity acquiring the use permit that the use permit may be transferred effective the date that the party or entity acquiring the use permit records: (I) the deed conveying the property that is the subject of the use permit to the person or entity acquiring the use permit and (II) the document pursuant to which the person or entity acquiring the use permit agrees to be bound by all terms, conditions and obligations of the use permit.

## 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 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 602.B 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 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.** “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.
**C.** "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.
**D.** "Plant trimmings" means shrubs or tree growth of more than four feet in length and more than one-half inch in diameter.
**E.** "Refuse" means all garbage and trash.
**F.** "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.
**G.** "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 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
10-2-9 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 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; and 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.

The 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 Ssection 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 10-2-9 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) (2014-A399)
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 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 (2014-A399)

**It is hereby declared to be a public nuisance to allow unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interests shall be systematically enforced per the following criteria:**

**A) Definitions.**

**The following words, terms and phrases, when used in this Section 11-1-5, shall have the meanings ascribed to them in this Section 11-1-5, except where the context clearly indicates a different meaning:**

***"A" band level* means the total sound level of all noise as measured with a sound level meter using A-weighting network. The unit is the dB(A).**

***Ambient noise* means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far. For the purpose of this Section 11-1-5, ambient noise level is the level obtained when the noise level is averaged over a period of fifteen (15) minutes without inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made. Averaging may be done by instrumental analysis in accordance with American National Standard S. 13-1971, or may be done manually as follows:**

1) **Observe a sound level meter for five (5) seconds and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications.**

2) **Repeat the observations as many times as necessary to ensure that observations are made at the beginning and the end of the fifteen (15) minute averaging period and that there are at least as many additional observations as there are decibels between the highest high indication and the lowest low indication.**

3) **Calculate the arithmetical average of the observed central tendency indications.**

***Decibel* means a sound pressure that is twenty (20) times the logarithm to the base 10 of the ratio of the pressure of sound to the reference pressure, 2 $10^{-5}$ Newton/meter$^2$.**

***Emergency work*** **means work made necessary to restore property to a safe condition following a public calamity or work required to protect the health, safety or welfare of persons or property or work by private or public utilities when restoring utility service.**

***Frequency.*** **"Frequency" of a function periodic in time shall mean the reciprocal of the primitive period. The unit is the hertz and shall be specified.**

***Impulse noise*** **means a noise of short duration, usually less than one second, with an abrupt onset and rapid decay.**

***Microbar*** **means a unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.**

***Motor vehicles*** **means any self-propelled vehicle operated within the Town, including but not limited to licensed or unlicensed vehicles, automobiles, mini bikes, go-carts and motorcycles.**

***Period.*** **"Period" of a periodic quantity shall mean the smallest increment of time for which the function repeats itself.**

***Periodic quantity*** **means oscillating quantity, the values of which recur for equal increments of time.**

***Pure tone noise*** **means any noise which is distinctly audible as a single pitch (frequency) or set of pitches as determined by the enforcement officer.**

***Sound level.*** **"Sound level" (noise level), in decibels (dB) is the sound measured with the A weighting and slow response by a sound level meter.**

***Sound level meter means an instrument including a microphone, an amplifier, an output*** **meter, and frequency weighting networks for the measurement of sound levels which satisfies the pertinent requirements in American Standard Specifications for Sound Level Meters S1.4-1971 or the most recent revision thereof.**

**B) Violations and Penalties.**
**Violation of this Section 11-1-5 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.**

**C) Exemptions.**

**The following uses and activities shall be exempt from noise level regulations:**

**(1) Air-conditioning equipment when it is functioning in accord with manufacturer's specifications and is in proper operating condition provided that no unit may cause the noise level measured inside any sleeping or living room inside any dwelling unit to exceed forty-five (45) dB(A) between the hours of 10:00 p.m. and 7:00 a.m., nor fifty- five (55) dB(A) between the**

**hours of 7:00 a.m. and 10:00 p.m.;**

**(2) Lawn maintenance equipment when it is functioning in accord with manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition;**

**(3) Non-amplified noises resulting from the activities such as those planned by school, governmental or community groups;**

**(4) Noises of safety signals, warning devices and emergency pressure relief valves;**

**(5) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;**

**(6) Noises resulting from emergency work as defined in this Section 11-1-5.**

**(7) All noises coming from the normal operations of railroad trains;**

**(8) Noises of church chimes; and**

**(9) Power plant equipment during normal operation provided that no plant equipment may cause the noise level measured inside any sleeping or living room inside any residential dwelling unit to exceed forty-five (45) dB(A) between the hours of 10:00 p.m. and 7:00 a.m., nor fifty-five (55) dB(A) between the hours of 7:00 a.m. and 10:00 p.m.**

**D) Measurement criteria.**

**For the purpose of enforcement of the provisions of this Section 11-1-5, noise level shall be measured on the A-weighted scale with a sound level meter satisfying at least the applicable requirement for Type 1 sound-level meters as defined in American National Standard S 1.4-1971 or the most recent revisions thereof. The meter shall be set for slow response speed, except that for impulse noises or rapidly varying sound levels, fast response speed may be used. Prior to measurement, the meter shall be verified, and adjusted to ± 0.3 decibel by means of an acoustical calibrator.**

**E) Allowable noise levels.**

**a) It is unlawful for any person to create any noise which would cause the noise level measured at either the property line or the area of the property affected by the noise emission to exceed the following community noise standards:**

***Noise Standard***

| ZONE | TIME | dB(A) |
|---|---|---|
| Residential | 10:00 p.m. – 7:00 a.m. | 45 |
| | 7:00 a.m. – 10:00 p.m. | 55 |
| Commercial | 10:00 p.m. – 7:00 a.m. | 55 |
| | 7:00 a.m. – 10:00 p.m. | 65 |
| Industrial | 10:00 p.m. – 7:00 a.m. | 60 |
| | 7:00 a.m. – 10:00 p.m. | 70 |

**b) If the measurement location is on a boundary between two (2) zoning districts, the lower noise standard shall apply. Zoning districts will be identified using the Town of Camp Verde's Official Zoning as provided on**

**the Yavapai County G.I.S. web site which specifies the current zoning for all private properties within the Town Boundary of Camp Verde. (See attachment "A" Zoning district chart for property zoning types). Web Site Address is (gis.yavapai.us).**

**c) If the ambient noise level in a residential zoned location is measured and found to be forty (40) dB(A) or less between the hours of 10:00 p.m. and 7:00 a.m., then the actual ambient noise level will be the community noise standard.**

**d) If the ambient noise level in any zoning district is measured and found at any time to be in excess of the community noise standards described in subsection (a) of this subsection (E) , then the actual ambient noise level will be the community noise standard.**

**e) A noise level which exceeds the community noise standard by five (5) dB(A) or more, when measured at the affected area, the nearest property line, or, in the case of multiple-family residential buildings, when measured anywhere in one dwelling unit with respect to a noise emanating from another dwelling unit or from common space in the same building, shall be deemed a prima facie violation of this Section 11-1-5.**

**F) Special noise sources.**

**(1) Residential zones.**

**a) It shall be unlawful for any person, other than law enforcement personnel or government agencies acting within the scope of their employment, to install, use or operate within any residential zone of the town, a loudspeaker or sound- amplifying device or equipment in a fixed or movable position, on public property including any public right-of-way, without first entering into a special events agreement with the Town of Camp Verde.**

**(2) The special events agreement process and requirements for the use of a loudspeaker or sound-amplifying device on public property are as follows:**

**a) Each agreement to use or operate a loudspeaker or sound amplifying device or equipment shall submit a complete special events application to the Town, under the currently adopted version of the Special Events Handbook at least ten (10) days prior to the date upon which such loudspeaker or sound amplifying device or equipment is to be used or operated. Such application shall state the specific location, date and hours for the proposed use and the volume of sound proposed to be used, measured by decibels.**

**b) The issuance of the special event agreement shall not be denied to any applicant who complies with the provisions of this Section 11-1-5, except for the reasons specified in this Section 11-1-5 or for failure to remit payment of fees.**

**(3) Based on the Town's Staff findings for a special event, an agreement shall**

**not be entered into for a loudspeaker or sound- amplifying device or equipment as follows:**

**a) In any location within fifty (50) feet of a school, courthouse, place of worship, hospital or similar institution;**
**b) In any location where Town Staff determines that the conditions of vehicular, pedestrian travel or both, would constitute a threat to health, safety or welfare; or, would interfere with pedestrian or motor vehicle travel;**
**c) In any location in which overcrowding, street repair or other physical conditions exist that would deprive the public of safe, comfortable, convenient or peaceful enjoyment of any public property;**
**d) In any vehicle while in transit; or**
**e) Between the hours of 10:00 p.m. and 7:00 a.m.**

**(4) The following activities shall be exempted from the provisions of this Section 11-1-5:**

**a) Warning devices for the protection of public safety, as used for that purpose;**
**b) Activities conducted on public or private school grounds;**
**c) Public health and safety activities conducted by public utilities, transportation, flood control, construction or maintenance operations that are serving the public interest, as otherwise authorized by the Town;**
**d) Any mechanical device, apparatus or equipment used for or in relation to emergency machinery or vehicle work that is otherwise authorized by the Town;**
**e) Testing of emergency signaling devices or systems, conducted during the hours of 8:00 a.m. and 8:00 p.m.;**
**f) Any activity to the extent that such activity is preempted and regulated by state or federal law; and,**
**g) Any outdoor public gathering or celebration involving the use of Town of Camp Verde owned properties that involve but are not limited to any of the following: entertainment, dancing, music, dramatic productions, athletic tournaments, amusements, festivals or carnivals, sale of merchandise, food or alcohol, including sidewalk sales, parades, walks, bicycle rides or runs, any temporary extension of premises of an existing use, or any other activity requiring a special events agreement as defined in item F.a.1-4 of this section 11-1-5.**

**(5) Non-residential zones. It shall be unlawful for any person to create any noise on any street, sidewalk or public place adjacent to any school, institution of**

**learning or church while the same is in use or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital; provided that conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school, church or hospital; or that is detrimental to the health, safety and welfare of the public in a manner including but not limited to, a use or operation that diverts the attention of pedestrians or vehicle operators in public streets, parks and places.**

**G) Construction of buildings and projects.**

**(1)** ***General provisions*****. It shall be unlawful for any person to operate equipment or perform any outside construction or repair work on buildings, structures or projects, or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist or any other construction- type device, except within the time periods specified herein, or if the noise level created thereby is in excess of the applicable community noise standard by five (5) dB(A) at either the nearest property line or the affected area of the property unless written authorization has been obtained beforehand from the town's Building Official or his duly authorized representative.**

**(2)** ***Start/Stop Times*****:**

**a)** ***Concrete*****. From April 15 to October 15 inclusive, concrete may be poured, and concrete mixing trucks may be idled, each day between the hours of 5:00 a.m. and 8:00 p.m. or at such other times pursuant to written authorization. From October 16 to April 14 inclusive, concrete may be poured, and concrete mixing trucks may be idled, each day between the hours of 5:00 a.m. to 8:00 p.m. or at such times pursuant to written authorization.**

**b)** ***All other construction/residential zones in or within five hundred (500) feet*****.**
**From April 15 to October 15 inclusive, all other construction or repair work shall not begin prior to 5:00 a.m. and must stop by 8:00 p.m. each day in or within five hundred (500) feet of a residential zone or at such other times pursuant to written authorization. From October 16 to April 14 inclusive, all other construction or repair work shall not begin prior to 5:00 a.m. and must stop by 8:00 p.m. each day in or within five hundred (500) feet of a residential zone or at such other times pursuant to written authorization.**

**c)** ***Commercial and industrial zones*****. Construction and repair work in commercial and industrial zones not within five hundred (500) feet of a residential zone shall not begin prior to 5:00 a.m. and must stop by 8:00 p.m. or it may be conducted at such other times pursuant to**

**written authorization.**

**(3)** ***Weekends and holidays excluded*. Notwithstanding the foregoing, construction or repair work shall not begin prior to 5:00 a.m. and must stop by 8:00 p.m. and concrete pouring should not begin prior to 5:00 a.m. and must stop by 8:00 p.m. on any Saturday, Sunday or holiday, unless such other times are allowed by written authorization.**

**(4)** ***Written authorization*. Construction and repair work may be conducted at different times and at higher noise levels than otherwise permitted herein if written authorization is obtained beforehand from the Building Official or his authorized representative. In granting such authorization, the Building Official or his authorized representative shall consider if construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population levels or different neighboring activities; if obstruction and interference with traffic, particularly on streets of major importance, would be less objectionable at night than during the daytime; if the kind of work to be performed emits noises at such a low level as to not cause significant disturbance in the vicinity of the work site; if the neighborhood of the proposed work site is primarily residential in character wherein sleep could be disturbed; if great economic hardship would occur if the work was spread over a longer time; if the work will abate or prevent hazard to life or property; if the proposed early morning or night work is in the general public interest, and he shall prescribe such conditions, working times, types of construction equipment to be used and permissible noise emissions as he deems to be required in the public interest. No written authorization shall be required to perform emergency work as defined in this Section 11-1-5.**

**(5)** ***Revocation of written authorization; appeal*. The Building Official or his authorized representative may revoke any written authorization granted hereunder upon complaints based upon substantial evidence that the construction activity causes significant disturbance in the vicinity of the work site. Any person aggrieved by the granting of written authorization or the refusal to grant written authorization by the Building Official or his authorized representative may appeal the decision to the town council who shall hear such appeal at the next regularly scheduled meeting of the Town Council.**

**(6)** ***Stop orders.* Whenever any work on a construction project is in violation of the provisions of this Section 11-1-5, the Community Development Director, Building Official or any law enforcement officer of the Town or, in the case of public works projects, the public works director or his authorized representative, may order the construction project stopped by notice in writing served on any persons responsible for the project, and any such persons shall forthwith stop work on the project until authorized by the**

**Community Development Director, Building Official or the Public Works director to proceed with such work.**

**H) Vehicles.**

**(1) It shall be unlawful for any person within any residential area of the town to repair, rebuild or test any motor vehicle (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance.**

**(2) No person shall operate either a motor vehicle or combination of vehicles at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limit of the category of motor vehicle based on a distance of fifty (50) feet from the center of the lane or travel within the speed limits specified in this subsection (H):**

**a)**

| | Speed limit of 35 mph or less | Speed of more than 35 mph |
|---|---|---|
| Any motor-vehicle with a manufacturer's gross vehicle weight rating of 6,000 pounds or more, any combination of vehicles ,towed by such motor vehicle, and any motor cycle other than a motor driven cycle | 88 dB(A) | 92-dB(A) |

**b)**

| | Speed limit of 35 mph or less | Speed of more than 35 mph |
|---|---|---|
| Any other motor vehicle and any combinations of vehicle's towed by such motor vehicles | 82 dB(A) | 86 dB(A) |

**I) Aircraft.**

**(1) It will be unlawful for any person to operate or cause to be operated any type of aircraft which produces a noise level exceeding 86 dB(A) within the town.**

**(2) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations and air traffic control instruction used pursuant to**

**and within the duly adopted federal air regulations shall be exempt from the provisions of subsection (a) of this subsection (I) as well as the other regulations of this Section 11-1-5. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt from the provisions of subsection (a) of this s u b section (I) as well as the other regulations of this Section 11-1-5.**

**J) Unnecessary noise.**

**(1) Notwithstanding any other provision of this Section 11-1-5, and in addition thereto, it shall be unlawful for any person without justification to make or continue, or cause or permit to be made or continued, any unnecessary, excessive or offensive noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.**

**(2) The factors which will be considered in determining whether a violation of the provisions of this Section 11-1-5 exists will include, but not be limited to, the following:**

**a) The volume of noise;**
**b) The intensity of the noise;**
**c) Whether the nature of the noise is usual or unusual;**
**d) Whether the origin of the noise is natural or unnatural;**
**e) The volume and intensity of the background noise, if any;**
**f) The proximity of the noise to residential sleeping facilities;**
**g) The nature and zoning of the area within which the noise emanates;**
**h) The density of the inhabitation of the area within which the noise emanates;**
**i) The time of the day or night the noise occurs;**
**j) The duration of the noise;**
**k) Whether the noise is recurrent, intermittent or constant;**
**l) Whether the noise is produced by a commercial or noncommercial activity;**
**m) Whether it is a pure tone noise; or**
**n) Whether it is an impulse noise.**

**K) Commencement of action, citation, contents.**

**(1) An action under this Section 11-1-5 shall be commenced by delivering a citation to the occupant of the property where the violation has occurred, the owner of record, or any person responsible for the violation.**

**L) Each day separate violations.**

**(1) Each day that a violation of this Section 11-1-5 is permitted to continue or occur by the defendant shall constitute a separate offense subject to separate citation pursuant to the provisions of this Section 11-1-5.**

**M) Nuisance abatement; additional remedy.**

**(1) In addition to filing a civil citation or criminal complaint, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this Section 11-1-5, which operation or maintenance causes a substantial discomfort or annoyance to reasonable persons of normal sensitivity or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed and is declared to be a nuisance and shall be subject to abatement. The Town may immediately take the minimum action necessary to relieve the substantial nuisance. Prior to entering the property, a Town law enforcement officer shall obtain:**

**a) The consent of a person who owns, leases, rents, occupies, controls, or has the right to control the property; or**
**b) A search warrant from the Town Magistrate court authorizing the Town to enter the Property and to seize relevant property related to such violations of this section 11-1-5.**

**(2) The 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 threat to the comfort, repose, health or peace of residents in the area.**

**Attachment "A"**

**R1L DISTRICT (Residential: single-family limited)**
**R1 DISTRICT (Residential: single-family)**
**R2 DISTRICT (Residential: multiple dwelling units)**
**R-R DISTRICT (Residential-Rural), (Formerly RCU)**
**RS DISTRICT (Residential and Services)**
**C1 DISTRICT (Commercial: neighborhood sales and services)**
**C2 DISTRICT (Commercial: general sales and services)**
**C3 DISTRICT (Commercial: heavy commercial)**
**PM DISTRICT (Performance Industrial)**
**Ml DISTRICT (Industrial: general)**
**M2 DISTRICT (Industrial: heavy)**
**PUD DISTRICT (Planned Unit Development)**

**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 shall determine and approve all events at which beer and wine is to be sold. 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.
D. Insurance is required pursuant to the Town of Camp Verde Special Events Permitting and Procedures Handbook.

**Permit Procedures.** The Town Council will establish permit procedures under this ordinance, and shall by motion or resolution determine which events will have been and/or wine sold under a Town Special event license. Sponsors of all such events where been and/or wine are outlined in the Town of Camp Verde Special Event Permitting and Producres Handbook and provide insurance as required.

**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;
3. 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 sells 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 penalty

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

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 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 ENFORCE 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.

# 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 Marshal's Office, 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 and all such requests for permits shall state the time, place of formation, proposed line of 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 (2011-A379)

The Town Manager, or his designee, is hereby authorized to determine those areas at which drivers shall be required to park at an angle to the curb, notifying drivers that parking is prohibited, or restrict parking in anyway that may be necessary for public safety. 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 AND 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 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 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 made a public record by Resolution, 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.

# Article 13-3(2014-A402)

## TOWN TREES & PARKS

13-3-2 PURPOSE

13-3-3 Tree Advisory Committee-Creation and Composition

13-3-4 Town Tree Plan

13-3-5 Maintenance of Town Trees

13-3-6 Planting, Removing or Cutting Trees on Public Property Prohibited

13-3-7 Posting on Town Trees Prohibited

### SECTION 13-3-1 FINDINGS

Trees benefit the Town of Camp Verde by diminishing particulates and other air pollutants, enhancing the visual image of the community, and minimizing noise pollution. Trees also provide welcome shade to buildings, streets, and public spaces, which moderates high temperatures and cooling costs in the warm and sunny climate of central Arizona.

### SECTION 13-3-2 PURPOSE

This article is intended to promote and protect the public health, safety and general welfare by providing guidelines for the protection, maintenance and management of tree resources within the town.

### SECTION 13-3-3 TREE ADVISORY COMMITTEE-CREATION AND COMPOSITION

A. There is hereby established a Tree Advisory Committee, which shall consist of at least five and up to seven persons appointed by the Town Manager. Committee members shall serve for a staggered term of two years and may be re-appointed by the Manger by recommendation of current Tree Advisory Committee members at the expiration of their terms. The Manager and Committee shall publicly announce Committee vacancies to encourage participation from Camp Verde's diverse community.

B. The Tree Advisory Committee shall appoint a chairperson amongst the current members, who shall preside at meetings and be responsible for the orderly conduct of committee business.

C. The Public Works Director or designee shall be a non-voting member of the Committee.

## SECTION 13-3-4 TOWN TREE PLAN

A. The Committee shall prepare and update for approval and adoption by the Town Council Every two years, a town tree plan that will serve as the guiding document for the care, maintenance and expansion of the town's tree resources and enhancement of the town's open spaces.

B. The plan shall be divided between a five-year plan and a long-term vision and shall include the following elements:

1. Recommended species and specifications of trees, bushes and shrubs to be planted in or removed from town parks and rights of way.

2. Guidelines for the care, preservation, pruning, planting, replanting, removal or disposition of trees in town parks and rights of way.

3. Guidelines for the location, pruning and spacing of trees in parks and rights of way.

4. Public outreach to foster community support for the town tree plan and to encourage voluntary use of the town tree plan.

C. The plan shall further be prepared in accordance with the guidelines and requirements of the National Arbor Day Foundation for the town to be designated a "Tree City USA."

## SECTION 13-3-5 MAINTENANCE OF TOWN TREES

A. The Public Works department shall conserve, maintain and enhance the town's tree resources in accordance with the town tree plan.

B. The Public Works department is authorized and directed to remove, prune or otherwise dispose of trees on town property or rights-of-way that are in an unsafe condition or are otherwise injurious to sewers, sidewalks, electric power lines, gas lines, water lines or other public improvements, or which have become infected with injurious pests or disease.

## SECTION 13-3-6 PLANTING, PRUNING OR REMOVING TREES ON PUBLIC PROPERTY PROHIBITED

No person shall plant, prune, remove, cut above the ground or disturb any tree within any town right-of-way, park or other public place without authorization from the Public Works Department.

## SECTION 13-3-7 POSTING ON TOWN TREES PROHIBITED

It shall be unlawful for any person to nail, affix by stapling or gluing, or in any other manner cause to be attached to a tree located in the town rights-of-way, park or town property, any sign, letter, reflector or number.

# 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

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 (2012-A385)

The Town Clerk shall cause to be published a `Call of Election' approximately 100 days prior to the election date, unless required otherwise pursuant to Arizona Revised Statutes 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 (2012-A385)

The Town Clerk shall cause to be published in a local newspaper a Notice of Election approximately 30 days prior to the election date. The publication shall comply with ARIZONA REVISED STATUTES. 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 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)(2012-A385)

The procedures relating to sample ballots and publicity pamphlets are hereby established for conducting elections at which an initiative or referendum is to be voted upon pursuant to Arizona Revised Statutes, with fees to be set by annual resolution.: