



ORDINANCE NO. 2023-A487

AN ORDINANCE OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ADOPTING BY REFERENCE RESOLUTION 2023-1126, AMENDING CHAPTER 7-BUILDING, ARTICLE 7-7 ENFORCEMENT PROCEDURES FOR VIOLATIONS OF THE TOWN CODE. A RECODIFICATION OF SELECTED PRIOR ORDINANCES OF THE TOWN AND PRESCRIBING PENALTIES FOR VIOLATIONS.

Section 1. **Reference**. Pursuant to A.R.S. Section 9-802 (as amended) the Town hereby adopts for application and enforcement an amendment to the Town of Camp Verde Town Code, dated December 06 2023, which consists of a compilation of selected previously adopted and modified ordinances that are declared a public record pursuant to Resolution 2023-1126 and attached thereto.

Section 2. **Effective Date**: This Ordinance is effective upon the expiration of a thirty (30) day period following the adoption hereof and completion of publication and any posting as required by law.

Section 3. **Repeal**: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section 4. **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 5. **Copies of the Town Code**: At least three (3) copies, or one paper copy and one electronic copy, of the Town of Camp Verde Town Code, Chapter 7-Building, Article 7-7 Enforcement Procedures for Violations of the Town Code recodified dated December 06, 2023, shall be kept on file in the office of the Town Clerk for public access. Additional copies may be purchased by the public at nominal cost for materials and reproduction. Copies placed for public access shall be readily available for public inspection during normal working hours.

Section 6. **Penalty:** Pursuant to A.R.S. Section 9-240. B.29 and A.R.S. Section 13-602, it is hereby declared that any violation of the Town of Camp Verde Town Code, Chapter 7-Building, Article 7-7 dated December 06, 2023, and revisions adopted thereto is a Class 2 misdemeanor, with punishment as provided by law, unless otherwise specified within a particular section of the Code. Each day that a violation continues shall be a separate offense punishable as herein described. For purposes of A.R.S. Section 9-803, the provisions of the Town of Camp Verde Town Code concerning penalty clauses are set forth on Exhibit A to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Camp Verde, Arizona, as follows:

PASSED, ADOPTED AND APPROVED by a majority vote of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, this 06th day of December 2023.

Dee Jenkins 12/8/23
Dee Jenkins, Mayor Date:

Attest:

Virginia Jones 12-12-2023
Virginia Jones, Deputy Town Clerk Date:

Approved As To Form:

Iris
Town Attorney

Exhibits on file at Town Clerk's Office

Exhibit A

Town Code

Chapter 1, Article 1-8, Penalty

And

Chapter 7, Article 7-7

Section 7-7-3 Owner's Responsibility For

Violations By Tenants And/Or

Occupants, Habitual Offender Property

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.

Section 7-7-3 OWNER'S RESPONSIBILITY FOR VIOLATIONS
BY TENANTS AND/OR OCCUPANTS, HABITUAL OFFENDER
PROPERTY

- A. Owner Responsibility. It is the owner's responsibility to provide sufficient control, oversight, monitoring, and management of their property to prevent violations of Code and/or the Planning & Zoning Ordinance and to take all measures necessary to abate or eliminate public nuisances.
- B. Violations by Tenants. No owner of property shall permit any tenant(s) or occupant(s) of said property to commit a violation of the Code and/or Planning & Zoning Ordinance.
- C. Pre-Enforcement Notice. An owner shall be deemed to have permitted the tenant(s) and/or occupant(s) to commit a violation if the owner, or their representative, fails to take action to prevent the tenant(s) and/or occupant(s) from committing violations of this chapter after notice has been provided. Such notice shall be in writing and contain the following:
 - 1. The name of the tenant, if available, the property address and/or location and a description of the violation or violations;
 - 2. A statement that outlines the owner's responsibility and requirement to take all legal remedies available to cause the tenant(s) or occupant(s) to abate the violation and prevent any further occupant violations of the Town Code and/or Planning & Zoning Ordinance.
- D. Habitual Offender Property. Any property which receives three (3) notices of violation and/or orders of compliance for the same or different violations within a Twenty-Four (24) month period shall be designated as a habitual offender property. The owners of habitual offender properties may be charged with a class 1 misdemeanor for violations of this chapter. For purposes of calculating the Twenty-Four (24) month period under this subsection, the dates of the commission of the offenses shall be used. Any person found guilty of a class 1 misdemeanor under this subsection shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than two thousand five hundred dollars (\$2,500.00), exclusive of penalty assessments prescribed by law or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment, as provided by law.
- E. Termination of Habitual Offender Property Designation. The habitual offender property classification may be removed from the property by the Town upon a determination of all of the following:
 - 1. Verification by Town Officials that all deficiencies have been corrected.
 - 2. Payment of all penalties and costs arising from enforcement.
 - 3. Satisfaction of any abatement/remediation agreement terms, as may be applicable.
 - 4. The passage of Twenty-four (24) months without further violation when combined with a change of circumstances to warrant reconsideration including a change of ownership, property management, a specific plan of action to prevent future violations at the property, and/or evidence of appropriate steps through the judicial system to terminate the tenancy of any tenant who engaged in repeated violations of the Town Code and/or the Planning and Zoning Ordinance.