



**MEETING NOTICE
CITY OF PAGE
CITY COUNCIL**

CITY COUNCIL WORK SESSION

CITY HALL, 697 VISTA AVENUE

PAGE, ARIZONA

SEPTEMBER 14, 2016

5:30 P.M.

NOTICE OF PUBLIC MEETING AND AGENDA

Note that this work session involves presentations and discussions among City Staff and Council Members concerning the following agenda items. No legal action will be taken.

CALL TO ORDER

ROLL CALL Mayor Bill Diak

Vice Mayor John Kocjan

Councilor Mike Bryan

Councilor Scott Sadler

Councilor Levi Tappan

Councilor Korey Seyler

Councilor Dennis Warner

Discussion by the City Council pertaining to a draft Code of Ordinances from American Legal, and proposed changes

ADJOURN

FOR YOUR INFORMATION

Next Regular Meeting Wednesday, September 14, 2016, 6:30 p.m.

Note: This meeting is open to the public. All interested persons are welcome to attend. Council Members of the City of Page City Council will attend either in person or by telephonic conference or video communication. Supporting documents and Staff reports, which were furnished to the City Council with this agenda, are available for review at www.cityofpage.org, or the City Clerk's Office.

Persons with disabilities should call Kim Larson, City Clerk, at 645-4220 (TDD 645-4216) for program and services information and accessibility.

If you would like to receive City Council agendas via email, please send your email address to cityclerk@cityofpage.org or call 645-4221.

DISCLAIMER:

Agenda items may be taken out of order. This agenda may be subject to change up to 24 hours prior to meeting.

NOTICE TO PARENTS: *Parents and legal guardians have the right to consent before the City of Page makes a video or voice recording of a minor child A.R.S. §1-602.A.9. City Council Meetings are recorded and may be viewed on Cable One, Channel 4. If you permit your child to participate in the City Council Meeting, a recording will be made. If your child is seated in the audience, your child may be recorded, but you may request that your child be seated in a designated area to avoid recording. Please submit your request to the City Clerk at (928) 645-4221.*

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following places: City Hall Bulletin Board located at 697 Vista Avenue, Page, Arizona, Justice Building Bulletin Board located at 547 Vista Avenue, Page, Arizona, U. S. Post Office Lobby located at 44 Sixth Avenue, Page, Arizona, on the ____ day of September, 2016 at _____ p.m. in accordance with the statement filed by the City of Page City Council with the City Clerk.

CITY OF PAGE

By: _____
CITY CLERK'S OFFICE

MEMORANDUM

DATE: SEPTEMBER 8, 2016

TO: MAYOR & CITY COUNCIL

FROM: CRYSTAL DYCHES, CITY MANAGER

SUBJECT: CODE OF ORDINANCES

Staff has received a draft Code of Ordinances from American Legal (not including the zoning code). In reviewing the code, staff has identified language that we recommend updating. The attached information is for discussion only. If the City Council would like to make changes (beyond changing words or phrases for consistency, fixing grammatical or other similar errors, updating the name of the golf course, etc.) it will require adopting ordinance amendments.

The City Attorney has recommended the following sections be modified by ordinance before adopting the code, should Council wish to make the changes:

- 30.035, 30.054, 30.055
- 32.036, 32.088
- 35.37
- 70.02, 70.05
- 71.02, 71.04, 71.08, 71.11
- 72.01, 72.02, 72.05, 72.07
- 93.03
- 130.22

CITY OF PAGE, ARIZONA
CODE OF ORDINANCES

Manuscript contains:
Local legislation current through Ord. 626-15, passed 10-28-2015

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§ 10.01 TITLE OF CODE.

The ordinances embraced in the following chapters and sections shall constitute and be designated “The Code of the City of Page, Arizona”, and may be so cited. The code may also be cited as “The Page City Code” or “this code”.

§ 10.02 INTERPRETATION.

(A) The rules and the definitions set forth in this chapter shall be observed in the construction of this code and the ordinances of the city, unless the construction would be inconsistent with either the manifest intent of the Council or the context of this code or the ordinances of the city.

(B) Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

(A) *General rule.* All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to the peculiar and appropriate meaning.

(B) *Definitions.* For the purpose of this code of ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACTS BY AGENTS. When an ordinance requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

CITY, MUNICIPAL CORPORATION or MUNICIPALITY. The City of Page, Arizona.

CODE, THIS CODE or THIS CODE OF ORDINANCES. This municipal code as modified by amendment, revision and adoption of new titles, chapters or sections.

COUNCIL. The Council of the City of Page, Arizona.

COUNTY. Coconino County, Arizona.

DAY. The period of time between any midnight and the midnight following.

DAYTIME. The period of time between sunrise and sunset.

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 city unless the context clearly indicates otherwise.

EMERGENCY VEHICLE. Vehicles of the Fire, Police and Public Service Departments and legally authorized ambulances and emergency vehicles of the state, county or any political subdivisions thereof, and vehicles of public service corporations.

EMERGENCY WORK. Any work performed to prevent or alleviate physical trauma or property damage threatened or caused by an emergency, which has or may result in a disruption of service, and which is necessary to protect the health, safety and welfare of persons or property.

IN THE CITY or WITHIN THE CITY. All territory over which the city now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

JOINT AUTHORITY. All words purporting to give a **JOINT AUTHORITY** to three or more city officers or other persons shall be construed as giving the authority to a majority of the officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

LAW. Applicable federal law, the Constitution and statutes of the state, the ordinances of the city and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

MAJORITY. When used in reference to the City Council, means 51% of those members in attendance; provided that, a quorum of the Council is also present.

MANAGER. The City Manager of the City of Page.

MAY. The act referred to is permissive.

MONTH. A calendar month.

MOTOR VEHICLE. Every self-propelled device in, upon or by which any person or property is, or may be, transported upon a public highway, excepting aircraft and devices used exclusively upon stationary rails or tracks.

MUST. The act referred to is mandatory.

NIGHTTIME. The period of time between sunset and sunrise.

OATH. Includes affirmation or declaration.

OWNER. Applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of the building or land.

PERSON. Shall extend and be applied to firms, corporations or voluntary associations, as well as to individuals, unless plainly inapplicable.

PERSONAL PROPERTY. Includes every species of property, except real property as defined in this section.

PRECEDING or **FOLLOWING.** The words **PRECEDING** and **FOLLOWING** mean next before and next after, respectively.

PROPERTY. Real and personal property.

REAL PROPERTY. Lands, tenements and hereditaments.

SHALL. The action referred to is mandatory.

SHALL HAVE BEEN. Includes past and future cases.

SIDEWALK. The portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

SIGNATURE or **SUBSCRIPTION.** Includes a mark when the signer cannot write, ~~the signer=s or subscriber=s name being written near the mark by a witness who writes his or her 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. The State of Arizona.

STREET. Includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the city which have been or may hereafter be dedicated and open to public use or other public property so designated in any law of the state.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have **SUBCHAPTERS**.

TENANT or **OCCUPANT.** When applied to a building or land, shall include any person holding a written or an oral lease or who occupies the whole or part of the 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 Sunday or holiday it shall be excluded; and when such time is expressed in hours, the whole of 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.

WEEK. Consists of seven consecutive days.

WRITING. Includes 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 it is expressly provided otherwise.

WRITTEN. Any representation of words, letters or figures, whether by printing or otherwise.

YEAR. A calendar year, except where otherwise provided.
(1976 Code, § 1-3)

Statutory reference:

Definitions and construction of statutes generally, see A.R.S. § 1-211 through 1-215

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of the city shall be by the following rules, unless the construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.

(A) *And/or.* “Or” may be read “and”, and “and” may be read “or”, if the context requires it.

(B) *Acts by agents.* When this code or an ordinance requires an act to be done which may by law as well be done by an agent as by the principal, the requirement shall be construed to include all acts when done by an authorized agent.

(C) *Gender; singular and plural; tenses.*

(1) Words of the masculine gender include the feminine; words in the singular number include the plural and words in the plural number include the singular.

(2) The present tense includes the past and future tenses and the future includes the present.

(D) *General terms.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§ 10.07 SEVERABILITY.

It is hereby declared to be the intention of the Council that the titles, chapters, subchapters, sections, 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, the unconstitutionality shall not affect any of the remaining provisions of the code.

§ 10.08 REFERENCE TO CHAPTERS AND SECTIONS.

(A) All references to chapters or sections are to the chapters and sections of this code unless otherwise specified.

(B) Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the city exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.10 ERRORS AND OMISSIONS.

(A) If a manifest error is discovered consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published.

(B) No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state/federal laws, shall be the official time within the city for the transaction of all municipal business.

§ 10.12 REASONABLE TIME; CALCULATION OF TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, ***REASONABLE TIME OR NOTICE*** shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) 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 the time is expressed in hours, the whole of Saturday, Sunday or a holiday, from midnight to midnight, shall be excluded.

§ 10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code, except as otherwise provided in § 10.14; however, all rights, duties and obligations created or imposed by the repealed ordinances shall continue and exist in all respects as if this code had not been adopted and enacted.

§ 10.14 ORDINANCES UNAFFECTED.

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 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; and/or

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

§ 10.15 EFFECTIVE DATE OF ORDINANCES.

(A) All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided.

(B) Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.16 REPEAL OR MODIFICATION OF ORDINANCES.

(A) When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision unless it shall be expressly so provided.

(B) 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.

§ 10.17 CONFLICTING PROVISIONS.

If any provision of this code conflicts with any other provision of this code, any other local legislation, or any state or federal law, the provision which is more stringent or restrictive in nature shall apply unless the city is preempted or the context clearly requires or indicates otherwise.

§ 10.18 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to the indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.19 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (A.R.S. § 9-240)

(2) If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information. **Example:**

~~§ 39.01—PUBLIC RECORDS AVAILABLE.~~

~~This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.~~

~~*Statutory reference:*~~

~~*Inspection of public records, see A.R.S. § 39-121-32.05*~~

§ 10.99 GENERAL PENALTY.

~~(A) Any person found responsible for violating any provisions of this code, except as otherwise provided in this code, shall be responsible for a civil code infraction, and upon the finding of responsibility therefor may be punished by a civil sanction not to exceed \$500. Each day that a violation continues shall be a separate offense punishable as herein provided.~~

~~(1) In addition to any monetary civil sanction, the Civil Hearing Officer shall order the defendant to abate the civil code infraction, unless it has been abated by the date of a finding of responsibility therefor.~~

~~(2) The Civil Hearing Officer shall have the authority, within his or her discretion, to suspend the payment of any civil sanction imposed.~~

~~(3) In any case involving a civil code infraction relating to the occupancy or use of land, any monetary civil sanction imposed pursuant to this section upon a defendant who holds an ownership interest in the land shall be recordable as a lien upon the land and shall run with the land. The city, at its sole option, may record a notice of civil sanction and abatement order with the County Recorder and thereby cause compliance by any person(s) or entity thereafter acquiring the property. When the property is brought into compliance by the owner or responsible party, a satisfaction of notice of civil sanction and abatement order shall be filed at the request and expense of the owner or responsible party. It shall be the property owner's responsibility to secure the satisfaction of notice of civil sanction and abatement order from the city.~~

~~(B) Any person found guilty of violating any provision of this code which is classified as a Class 1 misdemeanor, upon conviction thereof, may be punished by a fine not to exceed \$2,500, by imprisonment for a period not to exceed six months, by a term of probation not to exceed three years, or by any combination of the fine, imprisonment and probation.~~

~~(C) Notwithstanding any other provision of this code, any person found to have violated any provision of this code or amendments thereto, which pursuant to this section is classified as a civil code infraction, and who has been twice previously found to have violated the provision within the preceding 24 months, shall, in addition to any penalty prescribed for the civil code infraction, be guilty of a Class 1 misdemeanor and shall be punished by a fine not to exceed \$2,500, by imprisonment for a period not to exceed six months, by a term of probation not to exceed three years, or by any combination of the fine, imprisonment and probation.~~

Statutory reference:

Maximum penalty for civil traffic violations, see A.R.S. § 28-1598

Misdemeanor penalty authorized, see A.R.S. § 9-240(B)(28)(b)

Unless designated as a civil offense or otherwise within this Code, any person found guilty of violating any provision herein shall be guilty of a class 2 misdemeanor and upon conviction thereof shall be punished by a fine and/or imprisonment consistent with the penalty for a class 2 misdemeanor as provided for in Title 13 of the Arizona Revised Statutes. Each day that a violation continues shall be a separate offense punishable as herein above described.

(Amended Ord. 570-11)

PLEASE NOTE THE DELETED INFORMATION WAS ADDED BY AMERICAN LEGAL. THERE IS NO CHANGE TO THIS PENALTY.

TITLE III: ADMINISTRATION

Chapter

- 30. MAYOR AND COUNCIL**
- 31. CITY ORGANIZATIONS**
- 32. POLICIES AND PROCEDURES**
- 33. OFFICIALS AND EMPLOYEES**
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CHAPTER 30: MAYOR AND COUNCIL

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COUNCIL

§ 30.001 ELECTED OFFICERS.

The elected officers of the city shall be seven Council members, one of whom shall be ~~designated~~ ~~as~~ Mayor in accordance with § 30.020. 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.
(1976 Code, § 2-1-1)

§ 30.002 CORPORATE POWERS.

The corporate powers of the city 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.
(1976 Code, § 2-1-2)

§ 30.003 DUTIES OF OFFICE.

Council members shall assume the duties of office at the regularly scheduled Council meeting next following the date of the general election at which, or effective as of the date of which, the Council members were elected.
(1976 Code, § 2-1-3)

§ 30.004 VACANCIES IN COUNCIL.

The Council shall fill by appointment for the unexpired term any vacancy that may occur for whatever reason.

(1976 Code, § 2-1-4)

§ 30.005 COMPENSATION.

The compensation of elective officers of the city shall be fixed from time to time by resolution of the Council; provided, that the compensation allowed to the Mayor and Council members shall not exceed that allowed by state statutes.

(1976 Code, § 2-1-5)

§ 30.006 OATH OF OFFICE.

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

(1976 Code, § 2-1-6)

§ 30.007 BOND.

(A) Prior to taking office, every Council member shall execute and file an official bond, enforceable against the principal and his or her sureties, conditioned on the due and faithful performance of his or her official duties, payable to the state and to and for the use and benefit of the city or any person who may be injured or aggrieved by the wrongful act or default of such officer in his or her official capacity. A person so injured or aggrieved may bring suit on such bond under provisions identical to those contained in A.R.S. § 38-260. Bonds shall be in such sum as shall be provided by resolution and the premium for such bonds shall be paid by the city.

(B) In the alternative, the City Manager may, at the direction of the Mayor and the ~~Common~~City Council, procure insurance coverage from city underwriters sufficient to meet or exceed the foregoing statutory bond requirements.

(1976 Code, § 2-1-7) (Ord. 532-08, passed 4-10-2008)

§ 30.008 FINANCIAL DISCLOSURE STATEMENTS.

The Mayor and each member of the Council shall file by January 31 of each year, on a form prescribed by the Clerk, a financial disclosure statement, setting forth such information as determined by resolution of the Council.

(1976 Code, § 2-1-8)

MAYOR

§ 30.020 DIRECT ELECTION OF THE MAYOR.

(A) ~~Beginning with the election to be held on 1989,~~ The Mayor of the city shall be directly elected by the qualified electors of the city.

(B) The term of office of the Mayor shall be two years.
(1976 Code, § 2-2-1) (Ord. 190-87, passed 11-24-1987; Ord. 541-08, passed 5-22-2008)

§ 30.021 VICE MAYOR.

The Council shall designate one of its members as Vice Mayor, who shall serve at the pleasure of the Council. The Vice Mayor shall perform the duties of the Mayor during the Mayor's absence or disability.

(1976 Code, § 2-2-2)- (Ord. 541-08, passed 5-22-2008)

§ 30.022 ACTING MAYOR.

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

(1976 Code, § 2-2-3)

§ 30.023 POWERS AND DUTIES OF THE MAYOR.

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

(A) He or she shall be the chief executive officer of the city;

(B) He or she shall be the Chairperson of the Council and preside over its meetings. He or she may make and second motions and shall have a voice and vote in all its proceedings;

~~(C) He or she shall enforce the provisions of this code;~~

(D) He or she shall execute and authenticate by his or her signature such instruments as the Council, or any statutes, ordinances or this code shall require;

(E) He or she shall make such recommendations and suggestions to the Council as he or she may consider proper;

(F) He or she shall take command of the police force of the city and govern by proclamation in the event of the threat of or occurrence of acts of natural disaster, riot, rout or affray sufficient to constitute great danger to the city and its residents.

(1) In such areas of the city as shall be designated by the Mayor by proclamation under the conditions set forth in this section, and within the area within all or any part of the city so designated by the Mayor, a curfew shall be in effect the hours of each day designated in the proclamation, and all persons living or residing within any such designated area shall go immediately to their homes, and remain there until the curfew is lifted by order of the Mayor, and all other persons not residing within the designated area shall immediately leave.

(2) During the imposition of any curfew as set forth in this section, all business establishments in the designated curfew area having on their premises intoxicating beverages shall be closed during the state of emergency and until the curfew is lifted.

(G) He or she shall perform such other duties required by state statute and this code as well as those duties required as chief executive officer of the city.
(1976 Code, § 2-2-5)

§ 30.024 FAILURE TO SIGN DOCUMENTS.

If the Mayor refuses or is not available to sign any ordinance, resolution, contract or other document requiring the Mayor's signature, the Vice Mayor shall execute the document. If the Vice Mayor refuses or is not available to sign the document, any other member of the ~~Common~~City Council shall execute the document upon request of the City Manager or City Clerk.
(1976 Code, § 2-2-6) (Ord. 541-08, passed 5-22-2008)

COUNCIL ELECTION

§ 30.035 PRIMARY ELECTION.

(A) Any candidate who shall receive at the primary election a majority of all the votes cast shall be declared to be elected to the office for which he or she is a candidate effective as of the date of the general election, and no further election shall be held as to said candidate; provided, that if more candidates receive a majority than there are offices to be filled, those candidates equal in number to the offices to be filled with the highest number of votes shall be declared elected.

~~(B) In calculating the votes cast in the city primary election for purposes of determining if a candidate for the office of Mayor or Council has received a majority of the votes cast, the basis shall be the number of votes cast for the office of Mayor at that election.
(1976 Code, § 2-3-1) (Ord. 604-13, passed 8-21-2013)~~

§ 30.036 NON-POLITICAL BALLOT.

Nothing on the ballot in any election shall be indicative of the support of the candidate.
(1976 Code, § 2-3-2)

§ 30.037 GENERAL ELECTION NOMINATION.

If at any primary election held as above provided there be any office for which no candidate is elected, then as to such office, the primary election shall be considered to be a primary election for nomination of candidates for such office, and the general municipal election shall be held to vote for candidates to fill such office. Candidates to be placed on the ballot at the general municipal election shall be those not elected at the primary election and shall be equal in number to twice the number to be elected to any given office or less than that number if there be less than that number named on the primary election ballot. Persons who receive the highest number of votes for the respective offices at such first election shall be the only candidates at such second election; provided, that if there be any person who, under the provisions of this subchapter, would have been entitled to become a candidate for any office, except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving an equal number of votes shall likewise become candidates for such office.
(1976 Code, § 2-3-3)

§ 30.038 ELECTION TO OFFICE.

The candidates equal in number to the persons to be elected who receive the highest number of votes shall be declared elected.
(1976 Code, § 2-3-4)

§ 30.039 CANDIDATE FINANCIAL DISCLOSURE.

(A) Each candidate for the office of Mayor or Council member shall file a financial disclosure statement on a form prescribed by the Clerk when such candidate files a nomination paper.

(B) The statement shall contain information as required by resolution of the Council.
(1976 Code, § 2-3-5)

COUNCIL PROCEDURE

§ 30.050 REGULAR MEETINGS.

The Council shall hold regular meetings on the second and fourth Wednesday of each month at 6:30 p.m.; provided, that when the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal holiday, or federal, state or city election day, such meeting shall be held at the same hour on the next succeeding day, not a holiday or election day. All regular meetings of the Council shall be held in the City Council chambers at said time or at such other location or time as the Council may previously have designated by a majority vote thereof. A regular meeting of the Council may be held on such other day of the month as the Council may previously have designated by a majority vote thereof; provided, however, that such other day of the month does not exceed more than seven days before or after the regular meeting date being advanced or delayed.

(1976 Code, § 2-4-1) (Ord. 582-12, passed 3-22-2012)

§ 30.051 SPECIAL MEETINGS

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

(1976 Code, § 2-4-2)

§ 30.052 MEETINGS TO BE PUBLIC.

(A) All official meetings of the Council at which any legal action is taken shall be open to the public and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings; upon a public majority vote of the Council members constituting a quorum, the Council may meet in a closed executive session but only for a discussion of the following:

(1) Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that such discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate, but not less than 24 hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting;

(2) Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law;

(3) Discussion or consultation for legal advice with the attorney or attorneys of the public body;

(4) Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation;

(5) Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body;

(6) Discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city; and/or

(7) Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

(B) Minutes of and discussions made at executive sessions shall be kept confidential, except from:

(1) Members of the public body which met in executive session;

(2) Officers, appointees or employees who were the subject of discussion or consideration pursuant to division (A)(1) above;

(3) The Auditor General on a request made in connection with an audit authorized as provided by law; and

(4) A County Attorney or the Attorney General when investigating alleged violations of this subchapter.

(C) The public body shall instruct persons who are present at the executive session regarding the confidentiality requirements of this subchapter.

(D) Legal action involving a final vote or decision shall not be taken at an executive session, except that the public body may instruct its attorneys or representatives as provided in divisions (A)(4), (A)(5) and (A)(7) above. A public vote shall be taken before any legal action binds the public body.

(E) Except as provided in A.R.S. § 38-431.02, subsections I and J, a public body shall not discuss any matter in an executive session which is not described in the notice of the executive session.

(F) Disclosure of executive session information pursuant to A.R.S. § 38-431.03 or 38-431.06 does not constitute a waiver of any privilege, including the attorney-client privilege. Any person receiving

Mayor and Council

executive session information pursuant to A.R.S. § 38-431.03 or 38-431.06 shall not disclose that information except to the Attorney General or County Attorney, by agreement with the public body or to a court in camera for purposes of enforcing this subchapter. Any court that reviews executive session information shall take appropriate action to protect privileged information.

(1976 Code, § 2-4-3) (Ord. 432-01, passed 12-13-2001)

§ 30.053 QUORUM.

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

(1976 Code, § 2-4-4)

§ 30.054 AGENDA.

The City Clerk shall prepare and distribute a tentative agenda of all proposed items prior to the regular Council meeting. The agenda, including informational and supporting documents, shall be distributed prior to the regular City Council Meeting as directed by Council and as required by law. Special meetings called under § 30.051 need not follow this specific procedure, however, notice thereof shall be given in a manner consistent with state statutes.

~~(A) Notice. The City Clerk shall give notice of each meeting of the Council to whom and in the manner as prescribed in the state statutes. The agenda shall be considered a part of all notice of Council meetings. The City Council may instruct the City Clerk to give any other notice that it deems necessary. The City Clerk may mail copies of the agenda when request to do so is accompanied by a self-addressed, postage prepaid envelope.~~

~~(B) Preparation. The City Clerk shall prepare a tentative agenda of all proposed items received by the close of business 1 p.m. on the Wednesday prior to the regular Council meeting. The City Clerk shall prepare the final agenda on the Thursday prior to the regular Council meeting from the proposed agenda, including all items on the proposed agenda that backup material has been received by 12:00 noon on that Thursday. Copies of the agenda, including backup material, shall be distributed on the Thursday prior to the regular City Council Meeting as follows: one each to Mayor and Council members, officers of the city, department heads, media, library (for the public), the city hall bulletin board (for the public), and any other person or organization when directed by Council. Special meetings called under § 30.051 need not follow this outline, however, notice thereof shall be given in a manner consistent with state statutes. If a regular holiday falls on the Thursday that agendas are to be completed, the preparation time shall be adjusted accordingly.~~

~~(C) Additions. Additions may be made to the agenda after the deadlines as permitted by state statute set by division (B) above by the City Manager or any member of City Council.~~

~~(1976 Code, § 2-4-5) (Ord. 77, passed 11-23-1982; Ord. 110, passed 5-22-1984)~~

table; and when time for the meeting to start, as determined by him or her shall call the meeting to order. When the Mayor is absent, the Vice Mayor shall assume the duties of the Mayor. If both the Mayor and Vice Mayor are absent, the City Clerk shall call the meeting to order. When a quorum is not present, the City Clerk may postpone the meeting until a quorum is present, postpone the meeting to a date and time certain, or adjourn the meeting. When a quorum is present, the Council shall choose one of its body to serve as Mayor Pro Tempore for that meeting and to assume the duties of the Mayor. Upon the arrival of the Mayor or the Vice Mayor, the Vice Mayor or Mayor Pro Tempore shall immediately relinquish the chair upon the conclusion of the business immediately before the Council. The Mayor shall conduct the Council meetings in accordance with *Robert's Rules of Order*;

(2) Invocation;

(3) Pledge of allegiance;

(4) Roll call. The Mayor shall indicate each Council member present and absent and other officers present. At this time the Mayor shall determine if there is a quorum present. If a quorum is present, the meeting may continue. If a quorum is not present, the Mayor may adjourn or postpone the meeting, or Council may act under authority of § 30.053;

(5) Priority list. Council may consider items on the priority list. Council may add or remove items;

(6) Minutes. Council shall consider those minutes of previous Council meetings on the agenda and included in their packets. Council shall note any errors and approve such minutes. All errors noted shall be corrected;

(7) Consent portion. The consent portion of agenda is a means of expediting routine matters that must be acted on by Council. All items approved will be done by one non-debatable motion passed unanimously. Any item may be removed for debate on request of any member of Council. Items removed from the consent portion become the first items of business on the regular agenda;

(8) Hearings. Council may set hearings or public hearings and shall conduct hearings previously set;

(9) Citizens. Petitions, remonstrances, communications and comments or suggestions from citizens present, shall be heard by the Council. All such remarks shall be addressed to the Council as a whole, and not to any member thereof. Such remarks shall be limited to ~~ten~~three minutes, unless additional time is granted by the Council. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. No question shall be asked a Council member except through the presiding officer;

(10) Unfinished business. The Council shall consider any business that has been previously considered and which is still unfinished;

(11) New business. The Council shall consider any business not heretofore considered;

(12) Bids. Council may authorize staff to seek bids. Council shall consider bids received and award contracts;

(13) Reports. The Mayor, Council members, other city officials, department heads, boards or commissions shall present any reports required either to inform Council or to gain action by Council:

- (a) Mayor;
- (b) Manager;
- (c) Attorney;
- (d) Council;
- (e) Boards and commissions; and
- (f) Departments.

(14) Claims. The City Council shall consider all claims listed on the agenda. Claims shall be approved or disapproved for payment;

(15) Budget. This Council business category may be added to every agenda during the time that City Council is considering the proposed budget; and

(16) 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.

(B) The Mayor, with the approval of the Council, may move forward or hold until later in the meeting any item on the agenda. Except as provided in A.R.S. § 38-431.02(J), no decision may be made by Council on any item unless it appears on the Council agenda.

(1976 Code, § 2-4-6) (Ord. 77, passed 11-23-1982; Ord. 113, passed 6-26-1984)

§ 30.056 COMMITTEES AND COMMISSIONS.

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

(1976 Code, § 2-4-7)

§ 30.057 VOTING.

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

(B) Upon the request of any member, the ayes and nays upon any questions shall be taken and entered in the minutes.
(1976 Code, § 2-4-8)

§ 30.058 SUSPENSION OF RULES.

Any of the provisions of this subchapter may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths of the members present, except that this section shall not be construed to permit any action that is contrary to state statutes.
(1976 Code, § 2-4-9)

ORDINANCES, RESOLUTIONS AND CONTRACTS

§ 30.070 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 or her comments, suggestions and objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.
(1976 Code, § 2-5-1)

§ 30.071 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 Council member may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise they shall not be considered.
(1976 Code, § 2-5-2)

§ 30.072 SAME DAY PASSAGE PROHIBITED

No ordinance except emergency ordinances shall be put on its final passage on the same day on which it was introduced.
(1976 Code, § 2-5-3)

§ 30.073 TWO SEPARATE READINGS.

All ordinances except emergency ordinances shall have two separate readings, but the first and the second reading shall never be made on the same day. The first reading may be by title only, but the second reading shall be in full unless the Council, in possession of printed copies of said ordinance, shall unanimously allow reading by title only.

(1976 Code, § 2-5-4)

§ 30.074 REQUIREMENTS FOR AN ORDINANCE.

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

(1976 Code, § 2-5-5)

§ 30.075 EFFECTIVE DATE OF ORDINANCES.

No ordinance, resolution or franchise shall become operative until 30 days after its passage by the Council and approval by the Mayor, except measures necessary for the immediate preservation of the peace, health or safety of the city, 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.

(1976 Code, § 2-5-6)

§ 30.076 SIGNATURES REQUIRED.

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

(1976 Code, § 2-5-7)

§ 30.077 PUBLISHING REQUIRED.

Only such orders, resolutions, motions, regulations or proceedings of the Council shall be published as may be required by state statutes or expressly ordered by the Council.

(1976 Code, § 2-5-8)

§ 30.078 POSTING REQUIRED.

Every ordinance imposing any penalty, fine, forfeiture or other punishment shall, after passage, be posted by the Clerk in three or more public places within the city and an affidavit of the person who posted the ordinances shall be filed in the office of the Clerk as proof of posting.
(1976 Code, § 2-5-9)

CHAPTER 31: CITY ORGANIZATIONS

Section

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GENERAL PROVISIONS

§ 31.01 ESTABLISHMENT.

(A) *Authority to establish.* The City Council establishes or continues the following boards and commissions to advise the Council with respect to municipal functions and activities and to investigate subjects of interest to the city.

(B) *How established.* A board or commission may be established by a majority vote of the Council. An ordinance shall be adopted prescribing the purpose, duties and composition of the board or commission.

(C) *Applicability.* All boards and commissions established by the City Council shall be subject to the provisions of this chapter, unless a specific requirement or condition is imposed by the city ordinance or state law.

(D) *Purposes and duties generally.* All boards and commissions established by the Council shall be advisory to the Council and shall have the responsibility to:

- (1) Investigate matters within the scope of the particular board or commission or as specifically directed by the Council;
- (2) Advise the Council by communicating the viewpoint or advice of the board or commission;
- (3) At the direction of the Council, hold hearings, receive evidence, conduct investigations and, on the basis of such hearings, evidence and investigations, make decisions and recommendations to the Council; and
- (4) *Advisory role.* A board or commission established by the Council shall not assume the role of an administrative or legislative body, except as otherwise provided for in city code or ordinances. (1976 Code, § 15-1-1)

§ 31.02 COOPERATION OF CITY OFFICIALS.

(A) All city officials, Department Managers, employees and appointees shall cooperate with the commissions established by the Council and render all reasonable assistance as directed by the City Manager.

(B) Each board and commission shall hold its regular meetings at times established and approved by the City Manager. The City Manager shall be an ex officio member of all boards and commissions. (1976 Code, § 15-1-2)

§ 31.03 MEMBERSHIP.

(A) *Members.* Any person wishing to serve on a city board or commission must meet the following requirements:

(1) Age 18 or older on the date of appointment to the boards and commission, or age of 14 or older for the Youth Advisory Commission; and

(2) A citizen of the United States.

(B) *City Council liaison.* Each advisory board or commission shall have a City Council liaison. (1976 Code, § 15-1-3)

§ 31.04 INELIGIBILITY.

The following persons are ineligible to serve on a city board or commission:

(A) Anyone convicted of treason or a felon whose rights have not been restored;

(B) Anyone under guardianship;

(C) Anyone who is found by a court of law to be legally incompetent; and

(D) Full-time city employees; or part-time employees where there is an incompatibility of office. (1976 Code, § 15-1-4)

§ 31.05 APPOINTMENTS AND TERMS OF MEMBERSHIP.

(A) *Regular members.* Board and commission members shall be appointed at the first regular meeting of the Council in June of each year, by majority vote of the Council and shall serve terms of membership not to exceed three years per term. Each member is eligible to serve three consecutive three-year terms. Terms expire on June 30. Re-appointment will take place at term expiration. New appointees shall assume office on July 1.

(B) *Council liaisons.* Council representatives shall be appointed at the first regular meeting of the Council in July of each year by the Mayor and shall serve a term of two years.

(C) *Resignation and removal.* Members shall serve without compensation and may resign voluntarily by letter or e-mail to the City Clerk or be removed by majority vote of the Council or pursuant to division (E) below.

(D) *Vacancies.* Vacancies in membership shall be filled by majority vote of the Council for the balance of the unexpired term.

(E) *Term of appointment to fill vacancy.* A person appointed to fill a vacancy shall be eligible to serve three full terms in addition to the balance of the unexpired term.

(F) *Concurrent membership.* No person may serve concurrently on more than two boards or commissions.

(G) *Staggered terms.* Terms of membership shall be staggered so that no more than one-half of the terms on a board or commission expire in any particular year.
(1976 Code, § 15-1-5)

§ 31.06 ORGANIZATION AND BYLAWS.

(A) *Bylaws.* Each board or commission shall adopt and be governed by such bylaws as shall be necessary and desirable for the conduct of its activities. Bylaws shall be subject to review and approval by the Council.

(B) *Chairperson.* Each board or commission annually shall elect from its members a Chairperson and Vice Chairperson to serve a term of one year. No person shall serve more than two consecutive one-year terms as chairperson of a particular board or commission.

(C) *Meetings.*

(1) *Regular meetings.* All board and commission meetings are open meetings subject to the Arizona Open Meeting Law and shall be held at a fixed time, on a fixed date and in a fixed place as shall be determined by the board or commission. The City Clerk shall give notice of all board and commission meetings as required for meetings of public bodies.

(2) *Special meetings.* Special meetings may be held if necessary. All meetings shall comply with the Arizona Open Meeting Laws and shall be open to the public. The Chairperson shall utilize *Robert's Rules of Order* to govern the conduct of the meetings insofar as practical.

(3) *Public comment.* All board and commission meetings shall include scheduled time for public comment.

(4) *Meetings conducted according to bylaws.* All meetings shall be conducted according to the bylaws of the board or commission.

(D) *Meeting minutes.*

(1) *Official record.* Approved minutes of board or commission proceedings shall be public record; the city shall retain a copy of the official minutes of each board or commission meeting in accordance with applicable state laws.

(2) *Distributed to City Council.* Official minutes of each board or commission meeting shall be distributed to the City Council.

(E) *Removal.*

(1) Any member of a board or commission established by the Council who fails to attend three consecutive regular meetings, or who fails to attend at least 75% of the scheduled meetings in any calendar year, shall be deemed to have resigned as a member of the board or commission.

(2) Extraordinary circumstances such as serious illness will be considered a waiver of these requirements.

(3) Members may be removed, from any advisory board or commission, prior to the expiration of their term of office, by a majority vote of the City Council.

(F) *Vacancies.* The successor to any member of a board or commission who has been removed pursuant to this section shall be appointed pursuant to § 31.05.

(G) *Quorum.* A majority of the appointed members of the advisory board or commission shall constitute a quorum for the transaction of business. An affirmative vote of the majority of a quorum in attendance at any meeting shall be necessary to transact business or carry any proposition.

(H) *Conflict of interest.* All members should be aware of the need to avoid any instance of conflict of interest and are governed by the state's conflict of interest laws.

(I) *Procedure.* The board or commission's final action on any proposal shall be in the form of a recommendation of approval or disapproval directed to the City Council, except as otherwise provided for in city code or ordinances.

(1976 Code, § 15-1-6)

§ 31.07 REMUNERATION.

All appointed board and commission members shall serve without remuneration, but may be reimbursed for out-of-pocket expenses incurred in performance of their duties when the expenses have been authorized before they are incurred.

(1976 Code, § 15-1-7)

§ 31.08 LOBBYING EFFORTS CONSISTENT WITH CITY POLICY.

(A) Lobbying efforts by any advisory board or commission member on legislative or political matters should contact the City Manager to check for consistency with city policy. In the event a position is taken that differs from that of the city's policy, an advisory board or commission cannot represent that position publicly or before another body, for example, the state legislature or the County Board of Supervisors.

(B) An advisory board or commission member is free to communicate positions to the City Council on matters pertaining to the body's purpose and function.

(C) A member of the advisory board or commission is not authorized to speak for the board or commission, unless the Board has expressly authorized the member's communication.

(D) An individual member is free to voice a position, oral or written, on any issue as long as it is made clear that the member is not speaking as a representative of the city, or as a member of an advisory board or commission.
(1976 Code, § 15-1-8)

CITY ADVISORY BOARDS AND COMMISSIONS

§ 31.20 AIRPORT ADVISORY BOARD.

(A) *Purpose.* The Airport Advisory Board will act in an advisory and review capacity to the City Council regarding the operation and construction of the airport, and shall have the following responsibilities and duties:

(1) To advise the Council in the establishment of the rules and regulations, consistent with state and federal aviation authority, as may be necessary or advisable for the operation and management of the municipal airport, the same to be confirmed by the Council before they are placed in effect;

(2) To advise the Council in the establishment of building sites and to approve and recommend all proposed construction on the airport property and to request repair or removal of structures not maintained in accordance with regulations as to construction or location; and

(3) To make other recommendations as may be necessary or advisable for the safe and efficient management, operation and maintenance of the municipal airport.

(B) *Membership.* The Airport Advisory Board will consist of seven members, appointed pursuant to § 31.05.

(1976 Code, § 15-2-1)

§ 31.21 COMMUNITY CENTER ADVISORY BOARD.

(A) *Purpose.* The Community Center Advisory Board will act in an advisory and review capacity to the City Council regarding the operation, programming and fundraising activities of the community center.

(B) *Membership.* The Community Center Advisory Board will consist of five members, appointed pursuant to § 31.05.
(1976 Code, § 15-2-2)

§ 31.22 LIBRARY ADVISORY BOARD.

(A) *Purpose.* The Library Advisory Board will act in an advisory and review capacity to the City Council regarding the operation and programming of the Page Public Library.

(B) *Membership.* The Library Advisory Board will consist of seven members, appointed pursuant to § 31.05.
(1976 Code, § 15-2-3)

§ 31.23 PARKS AND RECREATION ADVISORY BOARD.

(A) *Purpose.* The Parks and Recreation Advisory Board will act in an advisory and review capacity to the City Council regarding the operation, maintenance, improvement and activities of the parks and recreation facilities, and shall have the following responsibilities and duties:

(1) To advise the Council in the establishment of the rules and regulations, consistent with state authority, as may be necessary or advisable for the operation and management of the park system, including playgrounds, recreational facilities, playing and sports fields, trails and programs for the city, the same to be confirmed by the Council before they are placed in effect;

(2) To advise the Council in the establishment of recreational facilities and recommend all proposed construction on park property and to request repair or removal of structures not maintained in accordance with regulations as to construction or location;

(3) To make other recommendations as may be necessary or advisable for the safe and efficient management, operation and maintenance of the city's parks, playgrounds, recreational facilities, playing and sports fields, trails and programs; and

(4) To promote public parks, trails, recreation programs and sporting or other recreational events for city.

(B) *Donation Fund.*

(1) The Advisory Board may solicit and receive donations, legacies, bequests or devises for the establishment, maintenance or improvement of recreational facilities, trails and activities. Funds received by the Advisory Board, with a statement in substantially the following form, shall be maintained by the city in accordance with state and city ordinances:

AI hereby donate/give the sum of \$___ to be deposited into the donation fund with the City of Page on behalf of Parks and Recreation. I further direct that said funds be used for establishment, maintenance or improvements of recreational facilities or activities only. @

(2) Such funds shall be deposited with the city to the credit of the City Recreation Fund and may be withdrawn in the manner provided for the payment of money appropriated for the acquisition, improvement, operation and maintenance of playgrounds and other recreational facilities and activities.

(C) *Membership.* The Parks and Recreation Board will consist of seven members, appointed pursuant to § 31.05.
(1976 Code, § 15-2-4)

§ 31.24 PLANNING AND ZONING COMMISSION.

(A) *Purpose.* The Planning and Zoning Commission will assist in the preparation of a General Plan; assist in the preparation of development controls; review development proposals, proposed changes to ordinances and changes in development policies; hold public hearings and meetings; assist in preparation of a capital improvements program; make recommendations on proposed boundary changes; and make recommendations on a uniform schedule of fees for service.

(B) *Fees.* The Planning and Zoning Commission shall be authorized to establish a uniform schedule of fees for service, with all receipts to be paid to the general fund of the city. Such fee schedule shall become effective upon approval by the Council.

(C) *Membership.* The Planning and Zoning Commission will consist of seven members, appointed pursuant to § 31.05.
(1976 Code, § 15-2-5)

§ 31.25 PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARD.

The city established a Public Safety Personnel Retirement System Board composed of five members pursuant to A.R.S. § 38-847. The Board shall have the responsibilities and duties as set forth in A.R.S. § 38-847, as it may be amended from time to time.
(1976 Code, § 15-2-6)

§ 31.26 COMMUNITY DEVELOPMENT ADVISORY BOARD.

(A) *Purpose.* The Community Development Advisory Board will act in an advisory and review capacity to the City Council regarding the economic development, tourism, beautification, enhancement and development of public land within our community; including master planning, budgeting, event and activity planning, marketing strategies and coordination.

(B) *Membership.* The Community Development Advisory Board will consist of seven members, appointed pursuant to § 31.05.
(1976 Code, § 15-2-7)

§ 31.27 YOUTH ADVISORY COMMISSION.

(A) *Purpose.* The Youth Advisory Board shall represent the youth in the city, responsibilities include: assist and advise the Parks and Recreation Board on issues concerning youth in the city; present recommended improvements to the City Council of public projects and programs relating to youth; assist in planning and youth/recreation activities and events.

(B) *Membership.* The Youth Advisory Board will consist of seven members, appointed pursuant to § 31.05. The members shall represent a cross section on ninth through twelfth grade students. All members must be actively enrolled in public or private high school in the city (including charter and home schools).
(1976 Code, § 15-2-8)

CITY AUTHORITIES, GENERALLY

§ 31.40 SUBSTANCE ABUSE TASK FORCE.

(A) *Establishment and meetings.*

(1) The City Substance Abuse Task Force is hereby established to foster the health and well being of the citizens of the city by coordinating efforts to establish and strengthen programs to reduce and prevent substance abuse in the community.

(2) The Task Force shall endeavor to meet regularly at least once per month to conduct business; convening a minimum of at least nine meetings per year. The date, time and place of the public meetings shall be determined by the Task Force. Special meetings may be held if necessary. The City Clerk shall give notice of all Task Force meetings as required for meetings of public bodies

(B) *General provisions.* The Chairperson shall utilize *Robert's Rules of Order* to govern the conduct of the meetings insofar as practical. A majority of the voting members of the Task Force shall constitute

a quorum. The affirmative vote of a majority of the voting members present at a meeting shall be required for passage of any matter before the Task Force. The minutes of the meetings shall reflect the ayes and nays cast on a particular measure and shall reflect the vote of each member present. A member may abstain from voting only upon a declaration of a conflict of interest, in which case the member shall not vote on the issue presented. The Substance Abuse Task Force shall comply with the open meeting and public records laws of the state.

(C) *Membership and selection.* The Substance Abuse Task Force shall consist of five voting members, all of whom shall be appointed by Council. The term of office of each member shall be four years, except that the term of a person appointed to fill a vacancy shall be for the unexpired term. Two of the five members shall be appointed to an initial term of two years in order to stagger the terms of the Task Force members. A Council member appointed by the Mayor may serve as Chair and Council Liaison with no voting privilege.

(D) *Chairperson.* The Substance Abuse Task Force shall elect from its members a Chairperson and Vice Chairperson to serve a term of one year. No person shall serve more than two consecutive one-year terms as Chairperson of a particular board or commission. Vacancies in any office shall be filled by election for the unexpired term.

(E) *Member attendance at meetings, compensation and reimbursement.* Unexcused failure of any member of the Substance Abuse Task Force to attend three consecutive meetings, or 75% of the meetings of the Task Force in one year, shall be considered cause for removal from the Task Force. Removal shall occur by majority action of the Council. The Substance Abuse Task Force Chairperson shall have authority to excuse absences; provided, however, that any Task Force member may request members to vote on the question of whether one or more absences should be excused. Substance Abuse Task Force members shall not receive compensation for their services but shall be reimbursed for actual and necessary traveling and incidental expenses, when the expenses have been authorized by the Task Force before they are incurred. Expenses shall be approved and audited by the Task Force and paid in the same manner as other expenses.

(F) *Coordination with volunteers.* The Substance Abuse Task Force shall coordinate with a variety of sources in the community such as businesses, community based health care providers, neighborhood associations, parents, schools, youth, civic and faith-based organizations and non-profit entities to create a pool of volunteers to assist the Task Force with the implementation of the Task Force's stated purpose and agenda.

(G) *Powers and duties.* The Substance Abuse Task Force shall:

(1) Gather and evaluate information concerning existing and potential alcohol or drug issues in the community that affect the health and well-being of citizens;

(2) Gather information concerning existing programs designed to effectuate community alcohol and drug abuse prevention in the community and using this information, create prevention programs based on the needs of the community;

(3) Coordinate with other agencies, both public and private, in the assessment, development and implementation of programs for alcohol and drug abuse education or prevention;

(4) Utilize information gathered, set goals, perform tasks and disseminates information and make recommendations to the Mayor and City Council, the public and law enforcement agencies operating within the city;

(5) Submit a monthly report, which may be in the form of minutes of meetings or any other report the Task Force deems necessary, to the Mayor and City Council, of the activities, funding and other possible discussions or actions;

(6) Investigate sources of funding and submit grant proposals;

(7) Gather quarterly or yearly statistics from the police, fire, hospital emergency room, on the numbers of substance abuse arrests, transports to hospital, treatment and admits; and

(8) Comply with the city's procurement policy. Funding of projects over \$10,000 shall be approved by Council.

(H) *Substance Abuse Fund.*

(1) There is established a Substance Abuse Fund consisting of monies collected pursuant to division (I) below.

(2) The City Substance Abuse Task Force shall, as necessary, allocate monies received into the Fund to itself and local organizations for the purpose of education, creating prevention or treatment projects and programs, or enhancing existing projects and programs designed to prevent or treat substance abuse. The Task Force may adopt rules for said allocation.

(3) The process of allocating funds to itself each year shall include submitting a budget to the City Manager on a date determined by the City Manager for the following fiscal year. The Task Force budget will dictate how the substance abuse funds may be spent for the following fiscal year.

(I) *Assessments; Fund deposits.*

(1) In addition to any other penalty assessment provided by law, there shall be levied a penalty assessment in an amount of 10% on every fine, penalty and forfeiture imposed and collected by the Municipal Court for criminal offenses and any civil sanction imposed and collected for:

(a) A civil traffic violation and fine, penalty or forfeiture for a violation of A.R.S. Title 4, Alcoholic Beverage; A.R.S. Title 13, Chapter 34, Drug Offenses;

(b) A.R.S. Title 13, Chapter 34.1, Imitation Substance or Drug Offenses; and

(c) A.R.S. Title 28, Chapter 6, Article 5, Driving While Intoxicated (excluding reckless driving) and § 93.01. If multiple offenses are involved, the penalty assessment shall be based upon the total civil sanction, fine, bail or bond for all offenses.

(2) If a fine or civil sanction is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

(3) If any deposit of bail or bond or deposit for an alleged traffic violation is to be made for a violation, the Municipal Court shall require a sufficient amount to include the assessment prescribed in this section for forfeited bail or bond or deposit. If bail or bond or deposit is forfeited, the amount of such assessment shall be transmitted by the Clerk of the Court to the City Treasurer pursuant to division (E) above. If bail or bond or deposit is returned, the assessment made pursuant to the article shall also be returned.

(4) The Magistrate may waive all or any part of the penalty assessment the payment of which would work a hardship on the person convicted or adjudicated or on his or her immediate family.

(5) After a determination by the Court of the amount due, the Clerk of the Court shall transmit, on the last day of each month, the assessments collected pursuant to divisions (A) and (B) above and an itemized statement of the fines, civil sanctions and assessments collected pursuant to divisions (I)(1) and (I)(2) above to the City Treasurer.
(1976 Code, § 15-3-1)

§ 31.41 PAGE UTILITY ENTERPRISES BOARD.

In 1986, voters authorized the acquisition of the electric utility from Arizona Public Service (APS), a large investor owned utility. In 2012, the City Council voted unanimously to merge the Water and Sewer Utilities with the Electric Utility to form Page Utility Enterprises (PUE). The Page Utility Enterprises Board shall have the responsibilities and duties as set forth in § 31.55 through 31.61.
(1976 Code, § 15-3-2)

§ 31.42 BOARD OF ADJUSTMENT.

The city established a Board of Adjustment, pursuant to A.R.S. § 9-462.06. The Board of Adjustment shall have the responsibilities and duties as set forth in § 2 of the Planning and Zoning Ordinance.
(1976 Code, § 15-3-3)

Cross-reference:

Board of Adjustment, Planning and Zoning Ordinance, see § 152.025 through 152.032

Page Utility Enterprises Board City Code of Ordinances, see § 31.55 through 31.61

§ 31.55 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD. Page Utilities Board or any successor name that the Council may assign to such Board pursuant to Section 2-8-7 of this Article.

CITY. City of Page.

CITY USER FEE or **FRANCHISE FEE.** The meaning ascribed in § 31.61.

CODE. Code of the City of Page.

COUNCIL. Mayor and ~~Common~~City Council of the City of Page.

ENTERPRISE. Electric, Sewer and Water Funds.

INTERVENERS. The meaning ascribed in § 31.61.

PUE. Page Utility Enterprises.
(1976 Code, § 2-8-1)

§ 31.56 DELEGATION OF POWERS.

The Council delegates to the Board and the Utilities General Manager responsibility over the operation, management and control of PUE pursuant to the provisions and restrictions set forth in this subchapter. Except as provided in this subchapter, the Board and the Utilities General Manager shall not have any other authority without approval of the Council.

(1976 Code, § 2-8-1) (Ord. 588-12, passed 5-9-2012)

§ 31.57 BOARD; COMPOSITION, MEETINGS, VOTING.

(A) *Composition and selection.* The Board shall be composed of a total of six members who shall live within the city limits. Five members, who are not Council members, shall be appointed by resolution of the Council. The sixth member of the Board shall be the Mayor or designee who shall serve as an ex officio member without the privilege of voting.

(1) Prior to appointment of members, the city shall advertise the position at least twice in a newspaper of general circulation within the city. The Board or a ratepayer may recommend one or more persons who are qualified for appointment to the Board. Council shall act promptly to fill vacancies on

the Board.

(2) Inasmuch as the Council has exercised its authority to expand the responsibilities of the Board to include other city utilities, at least one person with expertise, interest or experience in an additional utility shall be appointed to fill the first vacant position.

(B) *Term of office.* The term of office of each appointed member of the Board shall be five years, except that the term of a person appointed to fill a vacancy shall be for the unexpired term.

(C) *Member attendance at meetings, compensation and reimbursement.*

(1) Unexcused failure of any member of the Board to attend three consecutive meetings, or 75% of the meetings of the Board in one year, shall be considered cause for removal from the Board. Removal shall occur by action of the Council. The Board Chairperson shall have authority to excuse absences; provided, however, that any Board member may request members to vote on the question of whether one or more absences should be excused.

(2) Board members shall not receive compensation for their services but shall be reimbursed for actual and necessary traveling and incidental expenses. Expenses shall be approved and audited by the Board and paid in the same manner as other expenses.

(D) *Offices.* The Board shall elect a Chairperson and Vice Chairperson from among its own members who shall serve for one year or until successors are elected and qualified. The Chairperson shall preside at all meetings. The Chairperson shall have the authority to administer oaths, take testimony and receive evidence. The Vice Chairperson shall perform the duties of the Chairperson in the absence or disability of the Chairperson. Vacancies in any office shall be filled by election for the unexpired term.

(E) *Meetings, voting and records.* The Board shall meet regularly and at such time and place prescribed by the bylaws. A majority of the voting members of the Board shall constitute a quorum. The affirmative vote of a majority of the voting members present at a meeting shall be required for passage of any matter before the Board. The minutes of the meetings shall reflect the ayes and nays cast on a particular measure and shall reflect the vote of each member present. A member may abstain from voting only upon a declaration of a conflict of interest, in which case the member shall not vote on the issue presented. The Board shall comply with the open meeting and public records laws of the state. PUE records shall be kept in a place provided and designated for that purpose and shall be open to the public at all times pursuant to state law and city code.

(1976 Code, § 2-8-2) (Ord. 588-12, passed 5-9-2012)

§ 31.58 OVERSIGHT, AUTHORITY, DUTIES.

(A) *Board oversight.* The Board, subject to provisions of this subchapter, shall cause to be performed any and all acts that, in the considered judgment of the Board, are reasonable and necessary for the prudent, safe, efficient and economical management and protection of the utility systems. The Board may adopt and amend bylaws, adopt and amend rules and regulations applicable to the ratepayers

and customers of PUE, and make compliance therewith a condition of service.

(B) *Hiring of Utilities General Manager.* The Board shall develop a request for qualifications for the position. The request for qualifications shall be reviewed and approved by the City Attorney, such review being limited to verification of compliance with applicable law. The Board shall be responsible for identifying those candidates whose qualifications meet the requirements of the request for qualifications and for conducting appropriate background checks.

(1) The Board shall, at one or more open meetings, conduct interviews of those applicants determined eligible for the position. Separate written notice of the meetings shall be provided to the Mayor and Council. The Board shall communicate to Council in executive session the name of at least one, but not more than three, candidates it recommends be hired, along with the reasons for recommending each candidate.

(2) Council may, at its discretion, interview any or all candidates from the Board's recommended list. The Council may approve the recommended list, approve the list with a different order of preference among candidates, or reject the list in its entirety and direct the Board to re-initiate the hiring process. After approving a list with an order of preference, Council shall direct the Board to enter into negotiations with the candidate with the highest priority rating. Council shall provide guidance to the Board in executive session with respect to acceptable parameters for negotiations. Council may authorize the Board to negotiate with the remaining candidates, in order of preference, in the event that negotiations with the first or subsequent preferences are terminated by the candidates. The Board shall enter into non-binding negotiations with the selected candidate. The final employment agreement shall be approved by the Mayor and Council.

(C) *Oversight of Utilities General Manager.* The Board shall direct and oversee the performance of the Utilities General Manager pursuant to this subchapter. The Utilities General Manager shall report to the Board. The Board shall at least annually prepare a written evaluation of performance, requesting input from the Mayor and Council.

(1) The Board in executive session, or in open session if requested by the Utilities General Manager, shall review the evaluation with the Utilities General Manager. The Utilities General Manager shall have an opportunity to respond orally or in writing to the written evaluation and to request review by the Mayor and Council. As soon as practical thereafter, the Mayor and Council shall in executive session review the evaluation of the Utilities General Manager. The Chairperson of the Board shall be afforded an opportunity to attend the executive session of Council for the purpose of explaining the evaluation of the Utilities General Manager.

(2) Any disciplinary action taken by the Board against the Utilities General Manager shall, at the Utilities General Manager's written request, be subject to review and appeal to the Council. The Utilities General Manager shall not be terminated without prior approval of the Council.

(D) *Relationship with city staff.* The Board, Utilities General Manager and staff shall remain independent of the City Manager and city administrative staff. The Board shall report to and take direction only from the Council. The Council shall consult with the Board directly and give great weight to recommendations of the Board in all matters relevant to PUE. The Board may defer to Council approval or ratification of any action or decision within the Board's authority. The Council shall notify PUE whenever any city committee, task force, advisory or exploratory groups will meet to discuss issues which may impact the utilities system.

(E) *Facilities.* Subject to this subchapter and purchasing procedures of the state and city, the Board shall have authority to procure and erect all necessary buildings, facilities, transmission and service lines, water and sewer lines, make all necessary improvements and repairs and alter any existing buildings for the use of PUE; provided, that all expenditures for new buildings or alterations, other than ordinary repairs, shall be authorized by the PUE budget approved annually by the Council.

(F) *Legal counsel and other consultants.* The Board or the Utilities General Manager may retain legal counsel to represent PUE in any litigation, dispute or controversy, or to represent the Board and PUE. Legal counsel may provide advice and counsel in any matter concerning the management, conduct and interests of PUE. The Board and the Utilities General Manager may use the City Attorney whenever special knowledge or expertise relative to PUE is not required, e.g., procurement, personnel and conflicts.

(1) The Council shall designate legal counsel retained by PUE as special counsel for the city. The members of the Board and Council shall be immune from liability pursuant to A.R.S. § 38-466. Legal counsel selected shall provide proof of errors and omissions insurance and participate in a conflicts of interest survey. Payment for legal fees and costs incurred by PUE shall be made by PUE, and a line item for such expenditures shall be included in the PUE annual budget unless Council specifically orders payment by the city.

(2) The Board or Utilities General Manager may also retain the services of other qualified consultants and professionals.

(G) *Litigation.*

(1) In any dispute directly related to the operation of PUE or the utility systems, the Board may institute or defend actions in the name of PUE and the city. Any settlement or compromise of an action brought or defended by the Board in an amount greater than \$5,000 shall require approval of the Council. The Council shall not enter into any settlement or compromise that encumbers or hypothecates the utility systems or causes a failure or curtailment of utility services.

(2) Any liability, damages, fines or other assessments directly related to an action brought by or against PUE shall be paid by PUE from its reserves and shall not be paid from the City General Fund unless so ordered by a court of competent jurisdiction.

(H) *Reports to Council.* The Board shall provide the Council with regular reports concerning its operations and shall keep the Council apprised of important issues involving PUE. The Board shall promptly respond to requests for information from the Mayor or Council.

(I) *General contracts.* Subject to the provisions of this subchapter and the purchasing requirements of state law and city code, the Board shall have authority to enter into contracts and other agreements in the name of Page Utility Enterprises and to procure equipment, materials, labor, transmission and supplies it deems necessary or advisable to the operation of PUE. The Board shall not have authority to encumber city assets or obligate the city without approval of the Council.

(J) *Utility contracts.*

(1) The Board has authority to negotiate on behalf of the city and PUE for any and all contracts necessary for the operation and maintenance of the electric, water and sewer utilities. A negotiated contract shall not be binding until approved by the Council in the form of a resolution.

(2) In deliberating the merits of the contract, the Council may hold a joint meeting with the Board and give great weight to the recommendation of the Board. The Council may approve a utility contract even if the actual sales price is subject to further negotiation or will be set at a later time in accordance with a formula, index or other method of calculation. The Council may authorize the Board or Utilities General Manager to set and bind the city to the final price without further Council action if it is in the city's best interest. The Council may limit the authority of the Board and Utilities General Manager by establishing parameters of acceptable price terms.

(K) *Authority to provide utilities without charge.* The Board shall have authority to return surplus revenues to the ratepayers of PUE in the form of utilities without charge. The Board shall not provide energy without charge if the action would constitute a breach of any covenant or condition of any revenue bond related to the city generally or PUE specifically. The Board shall not provide energy without charge if the action would cause material financial harm to PUE finances. Council shall retain the authority to approve or disapprove a Board decision to provide energy without charge.

(L) *Duties of Utilities General Manager.*

(1) *General obligations.* Notwithstanding the provisions of § 33.20(E), the Utilities General Manager shall control and manage Page Utility Enterprises and shall be responsible for the operation of PUE. The Utilities General Manager shall report to and serve at the pleasure of the Board and Council and shall not be subject to the jurisdiction of the City Manager. Upon request of the Mayor or Council, the Utilities General Manager shall report on affairs of PUE.

(2) *System maintenance and inspection.* The Utilities General Manager shall maintain an effective inspection program of the utility systems and remain informed of the affairs and management thereof.

(3) *Coordination with City Manager.* The Utilities General Manager and the City Manager shall coordinate operations of PUE with operations of the city to the end that economies of operation

may be achieved. Council does not intend to create supervisory authority of either manager over the other or their respective staffs.

(4) *Personnel.* The Utilities General Manager shall be responsible for hiring, retaining and managing PUE employees, consultants and other professionals with due regard for their safety and training, all in accordance with personnel and purchasing policies as provided by this subchapter, state and federal law and the city code.

(5) *Purchasing.* Subject to the provisions of this subchapter, state law and the city code, the Utilities General Manager shall be responsible for ordering and maintaining an adequate inventory of specialized material and equipment required by PUE.

(6) *Customer relations.* The Utilities General Manager shall have authority to enforce Board approved rules and regulations pertaining to PUE customers and ratepayers.

(7) *Monthly reports.* The Utilities General Manager shall submit a monthly financial statement to the Board and Council.

(8) *Surety bond.* If required by the Board, the Utilities General Manager shall furnish an approved corporate surety bond in an amount approved by the Board and conditioned upon the faithful performance of the duties imposed upon the Utilities General Manager. Any premiums for such bond shall be a proper charge against PUE.

(1976 Code, § 2-8-3) (Ord. 588-12, passed 5-9-2012)

§ 31.59 FINANCES AND PURCHASING.

(A) *PUE finances.*

(1) Council shall retain control and authority over PUE finances through periodic reviews and other oversight to assure compliance with applicable law, policies and procedures.

(2) (a) The Board and Utilities General Manager shall have responsibility over review and recommendations relating to PUE finances. The Board or Utilities General Manager shall audit all bills, statements and accounts payable of Page Utility Enterprises and shall order payment by the Utilities General Manager in accordance with this subchapter, state law and the city code. PUE shall provide Council a monthly summary report of its financial activities with a courtesy copy to the City Manager. Neither the City Manager nor the City Finance Director shall be responsible for the oversight or supervision of the financial affairs of Page Utility Enterprises.

(b) The Board may retain an independent auditor, accountant or other qualified financial consultant to monitor, analyze and advise the Board with respect to PUE financial policies, procedures and performance.

(B) *Operating and Reserve (Enterprise) Accounts.*

(1) There shall be established a PUE Operating Account for the operating revenue and expenses of Page Utility Enterprises. All revenues received from any source shall be placed into this account, except revenues designated for PUE reserves or the city user fee, if any.

(2) All revenues received for the PUE reserves shall be deposited or invested in accordance with provisions of state law relative to surplus public funds and shall be separately accounted for in an account labeled APUE Reserve Account@. The PUE Reserve Account shall be an enterprise fund or funds designated only for the upkeep, repair, maintenance, expansion and capital improvement of the PUE electric, water and sewer systems and/or the purchase and sale of electric power and/or electric generation facilities. The PUE Reserve Account shall be carried on the city's books and on its annual audited financial statement and annual budget with the following notation: AThis account is restricted for the upkeep, repair, maintenance, expansion and capital improvement of the PUE electric, water and sewer systems and/or the purchase and sale of electric power or electric generation facilities@.

(C) *Annual budget.*

(1) The Utilities General Manager shall prepare and present the annual PUE operating budgets which shall be established to cover the cost of maintaining and operating the electric, water and sewer systems, including a proper and necessary allowance for depreciation, debt service and adequate reserves in accordance with industry standards and generally accepted accounting principles appropriate for utilities.

(2) Decisions of the Board relating to the PUE annual budget, rates, finances and purchasing shall be made in strict compliance with policies and procedures previously approved by the Council. The Board shall consider, approve and forward the budget at least three weeks prior to the Council meeting at which the city budget for the ensuing year is to be considered. The Board and the Utilities General Manager shall provide additional information to the Council upon request.

(3) The Council and Board should hold at least one joint meeting at which the Board or its designees shall present its proposed budget. At such meeting, the Board shall present in summary format the results of PUE performance during the current fiscal year and the basis for its proposed budget. In determining whether to approve the proposed PUE budget, the Council shall limit its consideration to the needs of Page Utility Enterprises and shall not consider or provide for the general revenue needs of the city.

(D) *Purchasing.* PUE purchases shall be governed by the purchasing requirements of this subchapter, compulsory state law and the city code, except:

(1) The Utilities General Manager shall replace the City Manager as purchasing agent for PUE;

(2) Purchases above \$20,001 shall be approved by the Board with a monthly notice of all such purchases to be directed to the Mayor and Council; and

(3) All purchases of \$100,000 and above, excluding monthly power purchase obligations or other obligations required by Council approved contracts and agreements, are subject to Council approval.

(E) *Annual audit.*

(1) There shall be a consolidated annual audit of city and PUE finances.

(2) The Auditor responsible shall inform the Chairperson of the Board of the dates of the audit and shall direct a copy of the audit results to the Utilities General Manager and the Chairperson of the Board.

(3) The Auditor selected to perform the consolidated annual audit shall be knowledgeable in regard to accounting principles appropriate for utilities.

(4) The Board shall assure that the books and records of PUE are open and available for review and inspection by the Auditor.

(5) Whenever an annual audit reveals a deficiency in the accounting methods or books and records of PUE, whether or not material, the Board shall diligently investigate and report its findings and conclusions to the Council within 90 days of the date of the audit. Such findings and conclusions shall include any remedial action the Board concludes is necessary or advisable under the circumstances.

(6) The Council shall vote to accept, reject or modify the Board's findings and conclusions. (1976 Code, § 2-8-4) (Ord. 588-12, passed 5-9-2012; Ord. 610-14, passed 7-9-2014)

§ 31.60 PERSONNEL.

(A) PUE employees shall be considered city employees of a separate division subject to and governed by personnel policies of PUE, provided such policies receive Council approval.

(B) Employment benefits of PUE employees may differ from employment benefits available to city employees. The Utilities General Manager has authority to determine the number, qualifications, salaries and benefits of all PUE employees subject to the approval of the PEU Board and City Council. Expenditures on personnel and employee related expenses shall remain within the limits of the annual PUE budget approved by Council.

(C) The Utilities General Manager shall have authority to hire and terminate PUE employees in accordance with PUE personnel policies. PUE employee sanctions, including termination, may be appealed in the same manner as for other city employees, except that the Utilities General Manager shall be substituted for the City Manager in all respects. The City Director of Human Resources shall be available to PUE for guidance and direction on all PUE employment related issues.

(1976 Code, § 2-8-5) (Ord. 588-12, passed 5-9-2012)

§ 31.61 RATES, SETTING RATES; RESERVES; USER FEE.

The following provisions shall strictly govern the establishment and review of PUE rates for all ratepayers.

(A) *Setting rates.*

(1) Council and the Board shall not consider the revenue needs of the city in establishing the utility system rates, fees, charges and reserves. Revenues derived from PUE rates shall not be used to subsidize the City General Fund.

(2) Rates for utilities supplied through the utility system to the PUE ratepayers shall be reasonable and just and shall be sufficient to cover costs of operation, maintenance of the system, and a proper and necessary allowance for depreciation and reserves. Rates shall be uniform for each class of customer without regard to whether a ratepayer is located within or without the city municipal limits. PUE rates shall be established with due consideration accorded to the terms, covenants and conditions contained in any contract related to PUE and any ordinance authorizing the issuance of utility revenue bonds. Costs of operations, maintenance and depreciation shall be determined using generally accepted accounting principles appropriate for utilities.

(B) *PUE reserves.* That portion of PUE rates collected for the establishment of a reserve fund shall be separately identified in the rates and shall be included as a separate line item on PUE customer invoices.

(C) *City user fee.*

(1) Council may set a separate user fee (Acity user fee@ or Afranchise fee@) assessable against each ratepayer of PUE. The city user fee shall be established on a uniform basis according to class of customer without regard to whether a ratepayer is located within or without the city municipal limits. The city user fee may be established on either a flat fee or a demand basis.

(2) Upon request of Council, the Board shall prepare a city user fee or franchise fee proposal and report to Council at the earliest practicable opportunity as to the projected revenue from the proposed fee and the impact on a typical ratepayer's annual utility bills. The Board may propose an alternative fee or method of fee calculation. The Council shall give great weight to the Board's report in making its determination of an appropriate city user fee. The city user fee shall be indicated as a separate line item on PUE invoices, labeled Acity user fee@ or Acity franchise fee@.

(3) City user fee funds shall be collected by PUE and transferred at least monthly to the City General Fund. PUE may, with Council approval, prepay to the city, in whole or in part, the aggregate projected city user fee for any period of time, in which event such prepayment shall be made from the PUE Reserve Account; PUE shall collect and deposit into the PUE Reserve Account monies collected from the city user fee until all prepaid amounts are reimbursed in full, plus interest at a rate determined at the time of prepayment by a joint motion of the Board and Council and recorded in the minutes of each body. Revenues derived from the city user fee may be used for general revenue purposes of the city

and shall be considered unrestricted funds. City user fee monies reimbursed to the PUE Reserve Account pursuant to this section shall be restricted funds as provided in § 31.59(B).

(D) *Annual rate review/rate change.* The Board shall, at a hearing held at least annually, review the rates, fees and charges, except the city user fee, of services rendered by PUE.

(1) The Utilities General Manager shall cause a notice of such hearing to be published in a newspaper of general circulation within the city at least 30 days prior to the hearing and again at least 15 days prior to the hearing. Notices shall state in bold letters and in clear and comprehensible language whether the Board will consider a rate change at such hearing and whether the change is an increase or decrease. In the event that a rate change is proposed, the Board shall prepare a brief summary of the proposed change, estimate monthly and annual increases for the average ratepayer in each class, and both publish and mail the summary to each ratepayer at least 15 days prior to the hearing.

(2) The aforementioned notice and summary shall provide in bold face and in clear and comprehensible language that any ratepayer may be heard at the hearing (as an Intervenor) by providing PUE with notice at least two business days prior to the hearing. The ratepayer's notice shall include the name of legal counsel that will appear, if any, and shall include eight copies of any document to be presented to the Board. The Board may have legal counsel present at the hearing.

(3) Councilors shall receive separate copies of the notice of Board hearing and may attend the hearing as non-participating members. The Mayor or designee, as ex officio member of the Board, shall make best efforts to attend the hearing in order to provide a report to Council. A court reporter shall be present at the hearing if an intervenor will appear or there is a proposed rate change.

(4) At the hearing, the Chairperson of the Board shall swear witnesses, take testimony and receive evidence. The Utilities General Manager and designees shall present to the Board the basis and justification for current rates or the proposed rate change including, but not limited to, reserves. At the conclusion of the hearing, the Board shall vote to maintain or change the rates. The Board shall submit to Council a report of its recommendation, including the public comments received at the public hearing, accompanied by a written request for approval and adoption of the rates by resolution of the Council. If the Board recommends a rate change, a separate notice with summary shall be prepared and mailed to ratepayers.

(5) If the Board does not recommend a rate change, Council may at its next regular meeting consider the Board recommendation and by resolution continue the current rates. If the Board recommends a rate change, Council shall set a public hearing. Intervenor who appeared before the Board shall receive notice of the public hearing and may appear before Council. If Council approves the rate adjustment recommended by the Board, Council shall adopt a resolution placing such rates and fees in effect.

(6) If Council does not accept the recommendation, the matter shall be referred back to the Board with a written explanation and specific recommendations for modification of the original Board recommendation. If the Board fails to file a subsequent report with the Council within 30 days from the date of receipt of the recommended changes, Council may proceed to set the rates by resolution. In the

event the Board disagrees with the recommendation of Council, the Board shall inform the Council in writing together with a written explanation. Within 45 days of the written notification, Council shall hold a joint public hearing with the Board. Intervenors who appeared before the Board shall receive notice of the public hearing and may appear before the joint public hearing. The Council shall make the final determination of PUE rates.

(1976 Code, § 2-8-6) (Ord. 588-12, passed 5-9-2012)

CHAPTER 32: POLICIES AND PROCEDURES

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INITIATIVE AND REFERENDUM

§ 32.001 POWER RESERVED; TIME OF ELECTION.

(A) There is reserved to the qualified electors of the city the power of the initiative and the referendum as prescribed by state law.

(B) 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 Council for such purpose.
(Prior Code, § 2-9-1)

§ 32.002 MANNER OF EXERCISING INITIATIVE AND REFERENDUM.

(A) The total number of registered voters qualified to vote at the last municipal election, whether regular or special, immediately preceding the date upon which any initiative petition is filed, shall be the basis upon which the number of qualified electors of the city required to file an initiative petition shall be computed.

(B) The basis upon which the number of qualified electors of the city required to file a referendum petition shall be as determined by state law.
(Prior Code, § 2-9-2) (Ord. 534-08, passed 5-8-2008)

PURCHASING PROCEDURE

§ 32.015 GENERAL PURCHASING PROCEDURES.

No purchase, contract for services of any kind or description, lease or lease-purchase, payment for which is to be made from funds of the city, shall be made by the purchasing agent, or any officer, employee or agent of the city except in the manner set forth in this subchapter.

(A) *Under \$5,000.* Whenever any contemplated purchase, contract for services, lease or lease-purchase, is for the sum of less than \$5,000, the purchasing agent of the city may order the items as needed without further delay.

(B) *\$5,000 to \$10,000 inclusive.* Whenever any contemplated purchase, contract for services, lease or lease-purchase, is for the sum of \$5,000 and not more than \$10,000, the purchasing agent shall solicit at least three bids for the item or service. The solicitation may be orally obtained and subsequently awarded to the lowest responsible bidder.

(C) *Over \$10,000 to \$20,000 inclusive.* Whenever any contemplated purchase, contract for services, lease or lease-purchase, is for the sum of more than \$10,000 and not more than \$20,000, the purchasing agent shall solicit at least three written bids for the item or services on a bid form and subsequently award same to the lowest responsible bidder.

(D) *Over \$20,000.* Whenever any contemplated purchase, contract for services, lease or lease-purchase, is for the sum of more than \$20,000, the purchasing agent shall cause to be published in one issue of a newspaper of general circulation in the city, notice inviting bids, which notices shall be published at least ten days prior to the date set for the receipt of the bids. The notice required shall include a general description of the articles to be purchased or services performed and the time and place of opening bids. In addition, the purchasing agent shall post a notice inviting bids on the official city website, and may also mail to all responsible prospective suppliers of the items to be purchased, services performed, lease or lease-purchase, a copy of the notice inserted in the newspaper as herein required.

(E) *No contract in excess of \$10,000.* No contract for new construction, no contract for professional services in excess of \$10,000 and no lease or lease-purchase in excess of \$10,000, shall be let except by the City Council. Whenever any contemplated purchase, lease or lease-purchase or contract for services is for the sum of more than \$10,000, the purchasing agent shall present the bids to the City Council.

(F) *All purchases.* All purchases for the Page Utility Enterprises shall meet the same requirements as items divisions (A) through (E) above. For PUE purchases, the “City Manager” will be replaced by the Utilities General Manager; the “City Council” will be replaced by the City Utilities Board and “City Hall” will be replaced by the “Page Utility Enterprises Office”. NOTE: THIS CONFLICTS WITH PUE SPENDING AUTHORITY OF \$20,000.

(G) *Changes.* Any changes made to the purchasing policy shall be forwarded to the Chief Financial Officer of Page Electric Utility by the City Finance Director.
(1976 Code, § 3-4-1) (Ord 384-00, passed 2-10-2000; Ord. 580-12, passed 1-26-2012; Ord. 601-13, passed 4-24-2013)

§ 32.017 EXCLUSIVE SERVICE.

In the event that there is only one firm or company or individual capable of providing a particular service or commodity and such services or commodities cannot be secured from other persons or companies then § 32.015 and § 32.015(A), (B), (C) and (D) thereunder shall not be applicable and such services or commodities can be secured without bidding.
(1976 Code, § 3-4-2)

§ 32.018 BIDDING.

The purchasing agent and all parties contracting with the city shall follow the procedure hereinafter set forth in relation to all bids required under § 32.015(C) and (D).

(A) All notices and solicitation of bids shall state the time and place for opening.

(B) All bids shall be submitted sealed to the purchasing agent and shall be identified as bids on the envelope.

(C) All bids shall be opened in public at the time and place stated in the public notices.

(D) A tabulation of all bids received shall be posted in the City Hall for public inspection.

(E) The purchasing agent shall have the authority to reject any and all bids and parts of all bids and re-advertise or re-solicit bids.
(1976 Code, § 3-4-3)

§ 32.019 DETERMINATION OF LOWEST RESPONSIBLE BIDDER.

(A) Unless the purchasing agent exercises the right of rejection, the purchase or contract shall be made from and with the lowest responsible bidder for any article or to the lowest responsible bidder for the entire purchase or contract for any part thereof.

(B) In determining the lowest responsible bidder, the purchasing agent shall consider:

(1) The ability, capacity and skill of the bidder to perform the contract or provide service required;

(2) Whether the bidder can perform the contract or provide the services promptly or within specified time, without delay or interference;

(3) The quality of performance of previous contracts or services;

(4) The previous and existing compliance by the bidder with laws and ordinances of the city;

(5) The financial resources and ability of the bidder to perform the contract or provide the service; and

(6) The quality, availability and adaptability of the supplies or services.
(1976 Code, § 3-4-4)

§ 32.020 PERFORMANCE BOND.

The purchasing agent shall have the authority to require a performance bond, in cash or otherwise, for such amount as he or she may deem sufficient to secure the execution of the contract of furnishing supplies or services for the best interest of the city.

(1976 Code, § 3-4-5)

§ 32.021 EMERGENCY PURCHASES.

In case of an emergency which requires immediate purchases of supplies or services and time is of the essence the City Manager shall be empowered to authorize the purchasing agent to purchase or secure the services needed without complying with procedures as set forth above. A full report in writing of the circumstances of an emergency purchase shall be filed by the City Manager with the City Council.

(1976 Code, § 3-4-6)

§ 32.022 FORMS.

The purchasing agent subject to the approval of the City Manager shall prescribe and maintain such forms as he shall find necessary to the operation of this subchapter.

(1976 Code, § 3-4-7)

§ 32.023 PROFESSIONAL SERVICES.

The bidding requirements of this subchapter shall not apply to professional services and the requirements herein shall not be required in the employment of professional services. Professional services include the following, but not as all-inclusive: physicians; attorneys; engineers or certified public accountants.

(1976 Code, § 3-4-8)

§ 32.024 COOPERATIVE PURCHASING.

This subchapter and requirements herein shall not apply to purchases made by, through or with the state, its political subdivisions or any public procurement unit of the state.
(1976 Code, § 3-4-9) (Ord. 389-99, passed 4-29-1999)

DISPOSITION OF PUBLIC REAL PROPERTY

§ 32.035 AUTHORITY TO INITIATE THE SALE OR LEASE OF REAL PROPERTY.

(A) The Council may initiate the sale or lease of real property by publicly identifying and posting those city-owned properties that are not needed or likely to be needed by the city within a reasonable period of time. A map identifying the properties for sale or lease shall at the direction of Council be posted on the city web site and be available in published form through the Clerk's office.

(B) A third party may request to purchase or lease city-owned property not identified and posted "For Sale or Lease" by directing to the Council a written request to purchase or lease, accompanied by a survey and appraisal identifying the property and fair market value, a preliminary plat and development plan, and an estimated date to complete of the project.
(1976 Code, § 3-5-1) (Ord. 456-03, passed 5-8-2003)

§ 32.036 MANNER OF SALE OF REAL PROPERTY. (Recommend updating)

Real property may be sold by the city in any of the following ways:-

(A) *By negotiation.*

(1) All property sales consummated pursuant to negotiation shall be approved by ordinance of the Council.

(2) ~~All properties identified Identified~~ and posted "For Sale" by Council, ~~shall be sold without regard to identity of the purchaser, intended use or schedule for development.~~

(3) Purchasers of all city-owned property shall be responsible for providing a survey and MAI appraisal attached to and incorporated in the proposed purchase agreement. The City Clerk's office shall maintain a list of available surveyors and appraisers and may provide a copy of an approved purchase agreement.

(4) Proposed purchase agreements shall be presented by the purchaser through the City ~~Clerk's~~ Manager's office to the Council for negotiation and approval. Council may approve a sale

based on appraised value presented or seek another appraisal prior to further negotiation. Once Council has approved the sale of property, a formal written agreement shall not be consummated until publication and comment periods have expired.

(5) The City Clerk shall publish in a paper of general circulation in the city a “Notice of Sale of City Property” to be published once a week for two consecutive weeks. The City Clerk shall also post a copy of the notice in at least three public places in the city. The notice shall contain the names of the purchasers, a general and legal description of the property to be sold and the sales price. Any other purchaser may, before the expiration of publication and comment periods, present a proposed purchase agreement to Council which shall have the effect of abating the published sale until further negotiations have been completed.

(6) At the next regular meeting of the City Council after the required publication, the Council may approve the ordinance for the sale of the identified property by first or second reading. Council may not thereafter consider other offers to purchase the identified property unless the acts or omissions of the purchaser would preclude the close of escrow.

(7) If the Council approves the ordinance at the second reading, a formal written agreement to purchase shall be executed and the sale concluded pursuant to state law.

(8) All land sales agreements shall contain an acknowledgment by the purchaser that the purchased property is subject to use and development restrictions imposed by the City of Page General Plan, the General Development and Subdivision Regulations, city zoning ordinance, the Gateway Area Specific Development Plan, city adopted building codes and other applicable state and federal laws.

(9) Any state real estate broker representing a purchaser prior to an initial offer will at the close of escrow be paid a 3% commission based on the sales price. Exclusive real estate sales agreements for the sale of city property shall not be permitted.

(B) *By sealed bid or public auction.* Upon resolution of the Council determining that the conditions of §§ 32.035 through 32.040 have been complied with, the City Clerk shall be authorized to proceed with the sale of real property, under this section, as follows.

(1) If the value is less than \$25,000, as appraised, the property may be sold by sealed bid or by public auction as determined by the Council.

(2) If the value is more than \$25,000, as appraised, the property shall be sold at public auction to the highest bidder.

(3) At least 30 days prior to sale or disposition of property by sealed bid or auction, the City Clerk shall cause to be published in the official newspaper of the city a notice of sale of such property. The notice of sale shall be a brief description of the property, the hour, date and place of sale or disposition, and may also include the location where bid blanks and specifications may be secured, the location of the property, the conditions of sale and any restrictions placed on the use of the property as well as other such information considered relevant by the Council. The notice shall be published once

each week for three consecutive weeks if in a weekly newspaper, with not less than 20 days intervening between the first and last publication and if in a daily newspaper, six consecutive times. The City Clerk shall also post a copy of the notice in at least three public places in the city.

(4) Bids:

(a) The minimum acceptable bid shall be determined by resolution of the Council as required herein;

(b) Sealed bids shall be accompanied by a cashier's check payable to the city for 10% of the bid which check will be returned to the bidder if unsuccessful;

(c) All bidders at an auction shall, prior to the auction, furnish the auctioneer with a cashier check payable to the city for 10% of the appraisal value which check will be returned to the bidder if unsuccessful;

(d) Such sales shall be made to the highest bidder, but the Council shall have the right to reject any and all bids; and

(e) The sale shall be binding upon the city only upon award of the bid and delivery of the quit claim deed to the successful bidder, and no other action of the city or its representatives shall be construed to vest any right, title or interest to or in said property in any person prior to said delivery of the deed. Said award or rejection of the bid shall be made by the Council at the next regular Council meeting following the bidding.

(C) *Sale of slivers.*

(1) If the value of the property is less than \$5,000 as appraised, and the property is not marketable to the general public because no one other than an adjoining property owner can, within the Zoning Code of the city, lawfully utilize the property, as determined by the City Council, and if there is no other adjoining property owner who desires to purchase the property, the property may be sold to the adjoining property owner for its appraised value without the necessity for a public sale, either by auction or sealed bid.

(2) The manner of sale to the adjoining property owner shall proceed in compliance with this subchapter, except that the contents of the notice of sale shall be modified so as to advise the public of the proposed sale to a particular individual. The sale shall thereafter be made to the individual at the time contained within the notice of sale. If there is more than one adjoining property owner who may lawfully utilize the property in connection with his or her adjoining property and they each desire to purchase the property, then, and only in that event, the property shall be sold at sealed bid in accordance with this section except that the only qualified bidders upon the parcel of property to be sold shall be the adjoining property owners who qualify as a bidder in accordance with this division (C).

(1976 Code, § 3-5-2) (Ord. 183-87, passed - -; Ord. 352-96, passed 12-19-1996; Ord. 456-03, passed 5-8-2003)

§ 32.037 CONDITIONS PRECEDENT TO SALE OF REAL PROPERTY.

No sale of real property shall be made until the following conditions precedent have been complied with.

(A) *Survey*. The Public Works Director shall forthwith furnish a surveyed metes and bounds description, describing the lands to be conveyed, together with any restrictions necessary to the use of the land relative to the protection of public safety and welfare.

(B) *Appraisal*. The ~~Economic~~ Community Development Director shall forthwith obtain an appraisal of the value of the property by a “state licensed or state certified appraiser” appropriately licensed or certified for the type of real property being appraised for all property to be sold; provided however, if the land to be sold has been previously appraised within the last 18 months, a new appraisal shall not be required for the purposes herein.

(C) *Conformance to ordinances of the city*.

(1) Except property in areas covered by a specific development plan and/or planned development zoning, the Planning and Zoning Commission shall, within 60 days, unless a longer period of time is indicated by the Council, determine whether the proposed use of the property conforms to the Zoning Code, Subdivision Code and Comprehensive Plan.

(2) The Council may also require review by such other municipal departments as are deemed necessary.

(1976 Code, § 3-5-3) (Ord. 239-89, passed 8-10-1989; Ord. 392-99, passed 9-16-1999)

§ 32.038 EXCHANGE OF LAND.

Notwithstanding the provisions of this subchapter, the city may exchange any real property by resolution of the City Council. The city’s property shall have an exchange value of no less than 75% of the appraised value provided that the Council finds that other considerations mean that the property to be exchanged are of equal value and that written records of such exchange, including all appraisals of the property exchanged, are maintained open to public inspection for at least three years in the City Clerk’s Office.

(1976 Code, § 3-5-4) (Ord. 12, passed 11-15-1975)

§ 32.039 LEASE OF CITY PROPERTY.

(A) It is the policy of the city that public land or buildings shall be leased in a way that maximizes the value of city assets, promotes activities and uses that are in the overall best interest of the city, and are consistent with the General Plan. The Council may lease any land or buildings now or hereafter owned by the city on such terms and conditions, including an option to purchase, as the Council may prescribe by public auction, sealed bids or negotiation. All leases made pursuant to public auction or

sealed bids shall be made to the highest responsible bidder at the highest rental bid, after notice thereof in accordance with § 32.036(B), stating explicitly the time and conditions of the proposed lease. The Council may, in its discretion, reject any and all bids.

(B) All leases made pursuant to negotiation shall be approved by resolution of the Council. Prior to the approval and execution of such a lease, the Council shall publish in a paper of general circulation in the city, a notice of intent to lease city property once each week for two consecutive weeks if in a weekly paper, with not less than six days intervening between the first and last publication and if in a daily paper, four consecutive times. The City Clerk shall also post a copy of the notice in at least three public places in the city. The notice shall, at a minimum, contain the names of the parties to the proposed lease, a general description and address of the property to be leased, the proposed use of the property, the term of the lease and the rental amount of the proposed lease. The cost of publication shall be paid by the proposed tenant of the lease. Airport hangar leases and other leases of nominal value, which shall be deemed leases of less than \$2,000 of annual lease revenue, are exempt from the publication requirements and are not subject to objection as set forth herein.

(C) In the event the city receives a written objection to the award of a negotiated lease, within seven days from the first date of the publication, the lease shall not be approved and may only be awarded after public auction or sealed bids. All notices of intent to lease shall contain the information regarding written objections and the manner therefor.

(1976 Code, § 3-5-5) (Ord. 183-87, passed - -; Ord. 626-15, passed 10-28-2015)

§ 32.040 AUTHORITY TO SUBDIVIDE.

The Council may also in its discretion subdivide and plat city property, in accordance with the Subdivision Code of the city which it determines to sell, providing restrictions relative to its use and dedicate streets and alleys as determined necessary for the use of the public.

(1976 Code, § 3-5-6) (Ord. 12, passed 11-15-1975)

DISPOSITION OF CITY PROPERTY FOR A PUBLIC PURPOSE

§ 32.055 AUTHORITY TO LEASE, SELL, CONVEY, EXCHANGE OR OTHERWISE DISPOSE OF PROPERTY.

The ~~Common~~City Council is authorized to lease, sell, convey, exchange and otherwise dispose of any real or personal property owned by the city in the manner, for such consideration, and upon such conditions as may be determined by the Council to the United States, the state, political subdivisions of the state, including, but not limited to, school districts and hospital districts, and such other individuals, associations or corporations where the lease, sale, conveyance, exchange or disposition is for a public purpose.

(1976 Code, § 3-6-1) (Ord. 66-82, passed 1-12-1982)

§ 32.056 MANNER OF DISPOSITION.

Any disposition of property made pursuant to § 32.055 shall be by an ordinance of the City Council of the city.

(1976 Code, § 3-6-2) (Ord. 66-82, passed 1-12-1982)

UTILIZATION OF CITY PROPERTY FOR REVENUE-PRODUCING ACTIVITIES

§ 32.070 PURPOSE.

The purpose of this subchapter is to provide rules and regulations for the use of city property for revenue producing activities where such activity is of a short duration and not to be conducted pursuant to a lease of city property.

(1976 Code, § 3-7-1) (Ord. 89, passed 7-26-1983)

§ 32.071 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVING AGENCY. The City Council or its designee.

PERMIT. Any written license issued by or under the authority of the approving agency permitting a special event or activity on city property.

PERSON. Any natural person, corporation, company, association, joint stock association, firm or co-partnership.

SOLICITATION. Soliciting or selling goods or services by sample or taking orders for future delivery with or without accepting advance payment for the goods. Person seeking any form of contributions.

VEHICLE. Any conveyance, including motor vehicles, trailers of all types, campers, motorized pushcarts or vehicles propelled by horse or horse-drawn conveyance.

VENDING. Selling or trading any items or services.
(1976 Code, § 3-7-2) (Ord. 89, passed 7-26-1983; Ord. 298-94, passed 4-28-1994)

§ 32.072 PERMITS.

(A) No person shall utilize any portion of city property for revenue producing activities or solicit funds for any business or for any activity involving public assemblage, exhibitions, concerts or entertainment except by conducting the activity pursuant to a permit issued by the approving agency provided that no permit shall be required for any action or event sponsored by the city.

(B) All permits issued hereunder shall be issued prior to the scheduled activity and are non-transferable. The approving agency may decline to issue a permit, however, when public safety personnel and other accommodations cannot be provided given the untimely application for the permits. (1976 Code, § 3-7-3) (Ord. 89, passed 7-26-1983; Ord. 555-10, passed 1-28-2010) Penalty, see § 32.999

§ 32.073 GENERAL MINIMUM STANDARDS FOR ALL PERMITTEES.

All activities conducted pursuant to a permit required hereby shall be conducted in accordance with the following minimum standards.

(A) To qualify as a permittee, the permittee must demonstrate to the satisfaction of the approving agency that he or she has sufficient experience in the proposed activity to properly conduct such activity.

(B) The permittee shall, prior to exercising the privileges of the permit, and during the term of his or her permit, be current on state, federal and local licenses required at each phase of his or her activity and comply at all times during the term of the permit with all state, federal and local laws and regulations.

(C) The permittee, prior to entering the premises, shall provide the city with a minimum of \$1,000,000 single limit bodily injury and property damage liability insurance on said premises in companies satisfactory to the city. The city shall be named ~~Additional insured~~ and provided with a copy of the additional insured endorsement for any and all policies. The city shall be given at least ten days prior written notice of policy alterations, cancellations or deletions.

(D) Special event permits granted hereunder shall be valid for a maximum period of 30 calendar days. Seasonal permits shall be valid for the inclusive dates of issuance but not to exceed a period of 12 calendar months. The governing agency shall establish the hours, days and location of the activity.

(E) Fees and charges for permits, public safety support and other special accommodations shall be assessed for all special events and seasonal activities where applicable. The fees and charges shall be periodically set by resolution of the ~~Common~~City Council and shall not be based on gross receipts of the permittee.

(F) Each permittee shall be responsible for and pay for all utility services provided to the premises.

(G) Each permittee shall be responsible for the maintenance of the premises and all improvements thereon to the satisfaction of the city, returning the premises to the city in as neat and clean condition as when obtained by the permittee. Said cleaning to be complete by the end of the last day of the activity unless a different time period is granted in writing by the city.

(H) The permittee shall provide such sanitary facilities for the public as required to handle the anticipated crowd in compliance with applicable health and sanitary codes.

(I) The permit may contain such additional conditions as are reasonably consistent with protection and use of city property for the purposes for which it is maintained. It may also contain reasonable limitations on the time and area within which the activity is permitted.

(J) The city reserves the right to waive any or all minimum standards contained herein for activities conducted solely by non-profit organizations as defined by I.R.C. § 501. (1976 Code, § 3-7-4) (Ord. 89, passed 7-26-1983; Ord. 298-94, passed 4-28-1994; Ord. 555-10, passed 1-28-2010)

USE OF CITY PROPERTY FOR FILM OR TAPE PRODUCTION ACTIVITY

§ 32.085 PURPOSE.

The purpose of this subchapter is to provide rules and regulations for the use of city property for film or tape production activity where such activity is of a short duration and not to be conducted pursuant to a lease of city property. (1976 Code, § 3-8-1)

§ 32.086 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVING OFFICER. The City Manager.

PERMIT. Any written license issued by or under the authority of the approving officer permitting a film or tape production activity on city property.

PERSON. Any natural person, corporation, company, association, joint stock association, firm or co-partnership. (1976 Code, § 3-8-2)

§ 32.087 PERMITS.

(A) No person shall utilize any portion of city property for film or tape production activities except by conducting the activity pursuant to a permit issued by the approving officer provided that no permit shall be required for any action or event sponsored by the city.

(B) All permits issued hereunder shall be issued for a specified period including in the permit. Permits are nontransferable.
(1976 Code, § 3-8-3)

~~§ 32.088 GENERAL MINIMUM STANDARDS FOR ALL PERMITTEES.~~

~~All activities conducted pursuant to a permit required hereby shall be conducted in accordance with the following minimum standards.~~

~~(A) To qualify as a permittee, the permittee must demonstrate to the satisfaction of the approving agency that he or she has sufficient experience in the proposed activity to properly conduct such activity.~~

~~(B) The permittee shall, prior to exercising the privileges of the permit, and during the term of his or her permit, be current on state, federal and local licenses required at each phase of his activity and comply at all time during the term of the permit with all state, federal and local laws and regulations.~~

~~(C) The permittee, prior to entering the premises, shall provide the city with a minimum of \$1,000,000 single limit bodily injury and property damages liability insurance on said premises in companies satisfactory to the city. The city shall be named Additional insured@ and provided with a copy of the additional insured endorsement for any and all policies. The city shall be given at least ten days= prior written notice of policy alterations, cancellations or deletions.~~

~~(D) The permittee, upon the execution of the permit agreement and prior to entering the premises, shall supply the city with a performance bond conditioned upon faithful and true performance, observation and compliance with all the terms, conditions and provisions of the permit and this subchapter. The performance bond shall be not less than \$10,000.~~

~~(E) No permit granted hereunder shall be valid for a term other than as specified in the permit. The approving officer shall establish the hours, days and location of the activity.~~

~~(F) Each permittee shall be responsible for and pay for all utility services provided to the premises.~~

~~(G) Each permittee shall be responsible for the maintenance of the premises and all improvements thereon to the satisfaction of the city, returning the premises to the city in as neat and clean condition as when obtained by the permittee. Said cleaning to be complete within 24 hours of the completion of the activity.~~

~~(H) The permittee shall provide such sanitary facilities for the public as required to handle the anticipated crowd in compliance with applicable health and sanitary codes.~~

~~(I) The permit may contain such additional conditions as are reasonably consistent with protection and use of city property for the purposes for which it is maintained. It may also contain reasonable limitations on the time and area within which the activity is permitted.~~

~~(J) The city reserves the right to waive any or all minimum standards contained herein for activities conducted solely by non-profit organizations as defined by I.R.C. '§-501.
(1976 Code, '§-3-8-4)~~

§ 32.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm or corporation violating any of the provisions of § 32.070 through 32.073 shall be deemed guilty of a misdemeanor, and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of §§ 32.070 through 32.073 is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300 or by imprisonment for not more than 90 days or by both such fine and imprisonment.
(1976 Code, § 3-7-5)

(C) Any person, firm or corporation violating any of the provisions of §§ 32.085 through 32.088 shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of §§ 32.085 through 32.088 is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300 or by imprisonment for not more than 90 days or by both such fine and imprisonment.
(1976 Code, § 3-8-5)
(Ord. 89, passed 7-26-1983)

CHAPTER 33: OFFICIALS AND EMPLOYEES

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GENERAL PROVISIONS

§ 33.01 OFFICERS.

There are hereby created the offices of City Manager, City Clerk, City Marshal, City Engineer, City Attorney and City Magistrate, who shall be appointed by the Council. The City Manager, City Clerk, City Marshal, City Engineer and City Attorney shall serve at the pleasure of the Council.

(1976 Code, § 3-1-1) (Ord. 142, passed 7-9-1985)

§ 33.02 TREASURER AND COLLECTOR OF TAXES.

The City Clerk shall act as Treasurer and the City Marshal shall act as Collector of Taxes.
(1976 Code, § 3-1-2)

§ 33.03 ADDITIONAL OFFICERS.

The Council may appoint and remove from time to time such other officers as it may deem necessary and that are not provided for in this code or state statute.
(1976 Code, § 3-1-3)

§ 33.04 BOND.

(A) The Council shall require each officer of the city to give bond for the due discharge of his or her duties in such sums and with such security as it may direct and approve as determined by resolution and the city shall pay the costs of such bond.

(B) In the alternative, the City Manager may, at the direction of the Mayor and the ~~Common~~City Council, procure insurance coverage from city underwriters sufficient to meet or exceed the foregoing statutory bond requirements.

(1976 Code, § 3-1-4) (Ord. 533-08, passed 4-10-2008)

§ 33.05 VACANCIES; HOLDING MORE THAN ONE OFFICE.

Any vacancy that shall occur in any city office shall be filled by appointment by the Council; provided, that one person may hold more than one office and that at the discretion of the Council, the functions of a city official may be validly performed and discharged by a deputy or another city official, or an otherwise qualified individual not holding office but employed at the pleasure of the Council.

(1976 Code, § 3-1-5)

§ 33.06 ADDITIONAL POWERS AND DUTIES.

In addition to any powers and duties prescribed in this code, each officer shall have such further powers, perform such further duties and hold such other office as may be provided by the Council through ordinance, resolution or order.

(1976 Code, § 3-1-6)

OFFICERS

§ 33.20 CITY MANAGER.

(A) *Office created.* The office of the City Manager of the city is hereby created and established. The City Manager shall be appointed by the Council wholly on the basis of his or her administrative and executive ability and qualifications and shall hold office for and at the pleasure of the Council.

(B) *Bond.* The City Manager shall furnish a corporate surety bond to be approved by the Council in such sum as may be determined by the Council, and shall be conditioned upon the faithful performance of the duties imposed upon the Manager as herein prescribed. Any premium for such bond shall be a proper charge against the city.

(C) *Compensation.* The City Manager shall receive such compensation as the Council shall fix from time to time.

(D) *Removal procedure.* The City Manager may be removed by a majority vote of the entire Council, but the Council shall continue the City Manager's salary for 60 days following the removal date unless removal procedures and salary provisions are otherwise provided for by the employment agreement.

(E) *Powers and duties.* The City Manager shall be the administrative head of the government of the city under the direction and control of the Council except as otherwise provided in this chapter.

(1) He or she shall be responsible to the Council for the proper administration of all affairs of the city.

(2) In addition to his or her general powers as administrative head and not as a limitation thereon, it shall be his or her duty and he or she shall have the powers set forth in the following divisions:

(a) Appoint and, when necessary for the good of the service, suspend or remove all officers and employees of the city not appointed by the Council. He or she may authorize the head of a department or office to appoint, suspend or remove subordinates in such department or office;

(b) Prepare the budget annually and submit it to the Council together with a message describing the important features and be responsible for its administration after adoption;

(c) Prepare and submit to the Council at the end of the fiscal year a complete report on the finances and administrative activities of the city the preceding year;

(d) Keep the Council advised of the financial condition and future needs of the city and make such recommendations as he or she may deem desirable;

(e) Recommend to the governing body a standard schedule of pay for each appointive

office and position in the city service, including minimum, intermediate and maximum rates. 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 wages and salaries enacted by the City Council;

(f) Recommend to the governing body from time to time adoption of such measures as he or she may deem necessary or expedient for the health, safety or welfare of the community or for the improvement of administrative services;

(g) Create, consolidate or combine offices, positions, departments or units under his or her jurisdiction, with the approval of the Council. The Manager may be the head of one or more departments;

(h) Attend all meetings of the Council unless excused therefrom, and take part in the discussion of all matters coming before the Council. He or she shall be entitled to notice of all regular and special meetings of the Council;

(i) Supervise the acquisition of all materials, supplies and equipment for which funds are provided in the budget whether it be by purchase, lease purchase or lease;

(j) In case of accident, disaster or other circumstances creating a public emergency, the Manager may award contracts and make purchases for the purpose of meeting said emergency; but he or she shall file promptly with the Council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures;

(k) See that all laws and ordinances are duly enforced;

(l) Investigate the affairs of the city or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of the city and in regard to service maintained by the public utilities in the city, and see that all franchises, permits and privileges granted by the city are faithfully observed; and

(m) Perform such other duties as may be required by the Council, not inconsistent with state law or city ordinances.

(F) *Council not to interfere with appointments or removals.* With regard to officers and employees appointed by the Manager, neither the Council nor any of its members shall direct or request the appointment of any person to, or his or her removal or suspension from such office by the Manager or any of his or her subordinates or in any manner take part in the appointment or removal of such officers and employees in the administrative services of the city. Except for the purpose of inquiry, the Council and its members shall deal with the administrative services solely through the Manager. (1976 Code, § 3-2-1) (Ord. 20-79, passed 11-15-1979; Ord. 554-09, passed 11-4-2009)

§ 33.21 CITY CLERK.

(A) *Appointment.* The City Clerk and ex officio treasurer shall be appointed by the Council and serve at the pleasure of the Council subject to removal as provided by state statutes or otherwise provided for by the employment agreement.

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(B) *Bond.* Before entering upon his or her duties of office, the City Clerk shall execute a bond in such amount as is provided by statute and the Council, conditioned upon faithful performance of his or her duties.

(C) *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 city or that the Council directs. The Clerk shall number, plainly label and file separately in a suitable cabinet all resolutions, notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders and other documents of whatever nature. The City Clerk shall seal and attest all deeds, contracts, ordinances and resolutions of the city and all licenses, permits and such other documents as shall require this formality. The Clerk shall be custodian of the city seal and shall affix its impression on documents whenever this is required.

(D) *Public inspection of records.* The Clerk shall keep convenient for public inspection all public records and public documents under his or her control, as provided by state statute. The Clerk shall be the custodian of all documents belonging to the city which are not assigned to the custody of some other officer.

(E) *Monthly reports.* The Clerk shall prepare and collect from city officers and employees such monthly reports prepared in such manner and to include such information as may be directed by the Council.

(F) *Minutes.* The Clerk shall prepare or cause to be prepared all minutes of Council proceedings and insure their correctness and accuracy.

(G) *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 or are required by statute or ordinance.

(H) *Election official.* The Clerk shall be the city election official and perform those duties required by statute.

(I) *Licenses.* Upon approval of the license application by the City Manager or his or her designated representative, the Clerk shall issue or cause to be issued all licenses that may be prescribed by state statute or this code.

(J) *Administrative duties.* The Clerk shall perform those administrative responsibilities and duties that are conferred upon him or her by the Council in addition to those specified in this code.

(1976 Code, § 3-2-2) (Ord. 151, passed 12-12-1985)

§ 33.22 CITY MARSHAL.

The Marshal shall be collector of all taxes of the city; provided, that the collection of such taxes may be administered by the Clerk. He or she shall perform such duties as may be required of him or her by law and as the Council may deem necessary.

(1976 Code, § 3-2-3)

§ 33.23 CITY ENGINEER.

The Engineer shall have charge of the city streets, sewers and waterworks and shall perform such duties as may be required of him or her by law and such other duties as the Council may deem necessary.

(1976 Code, § 3-2-4)

§ 33.24 CITY ATTORNEY.

(A) The Attorney shall act as the legal counselor and advisor of the Council and other city officials, and as such shall give his or her opinion in writing when requested.

(B) He or she shall draft all deeds, contracts, conveyances, ordinances, resolutions and other legal instruments when required by the Council. He or she shall approve as to form, in writing, all drafts of contracts and all official or other bonds before final approval or acceptance thereof by the Council.

(C) He or she shall return, within ten days, all ordinances and resolutions submitted to him or her for consideration by the Council, with his or her approval or disapproval as to form noted thereon, together with his or her reasons therefor.

(D) He or she shall prosecute and defend all suits, actions or causes where the city is a party, and shall report to the Council, when required, the condition of any suit or action to which the city is a party.
(1976 Code, § 3-2-5)

§ 33.25 CITY MAGISTRATE.

The City Magistrate shall be the presiding officer of the Magistrate's Court and shall be selected by the Council and serve for a term of two years. The City Magistrate may be removed by the Council from office at any time for cause after a due process hearing held by the Council. The City Magistrate shall perform those functions necessary to the maintenance of a Magistrate's Court as provided by state statute.

(1976 Code, § 3-2-6) (Ord. 142, passed 7-9-1985)

PERSONNEL SYSTEM

§ 33.40 CREATION AND SCOPE.

There is hereby adopted a merit system for the employees of the city, the provisions of which shall apply to all employees of the city except elected officials, officers of the city appointed by the Council, persons engaged under contract to supply expert, professional or technical services, temporary employees, volunteer firefighters and volunteer personnel who receive no regular compensation from the city.

(1976 Code, § 3-3-1)

§ 33.41 CONDITIONS OF EMPLOYMENT.

The appointment, promotion and tenure of every employee shall be conditioned solely on merit and fitness and satisfactory performance of the duties and responsibilities assigned. No employee or applicant for employment shall be discriminated against on the basis of race, color, religion, sex, age or political affiliation.

(1976 Code, § 3-3-2)

§ 33.42 RULES AND REGULATIONS.

The Council may adopt by resolution rules and regulations to give effect to this subchapter, which may be modified or changed from time to time, but such rules and regulations shall follow the generally accepted principles of good personnel administration.

(1976 Code, § 3-3-3)

§ 33.43 POLITICAL CONTRIBUTIONS.

No officer, official or employee of the city shall use any influence or pressure upon any employee to obtain any assessment or contribution of money or time, either direct or indirect, for any political campaign or personal gain.

(1976 Code, § 3-3-4)

CHAPTER 34: MAGISTRATE

Section

- 34.01 Magistrate Court established; jurisdiction
- 34.02 Presiding officer
- 34.03 Proceedings of court
- 34.04 Administrative fees

§ 34.01 MAGISTRATE COURT ESTABLISHED; JURISDICTION.

(A) There is hereby established the City Magistrate's Court. The City Magistrate Court shall be the judicial branch of the city. The court shall have jurisdiction over civil traffic, criminal traffic and criminal misdemeanor offenses, as well as violations of the city code and other adopted ordinances. In addition, the Magistrate Court shall have authority to issue arrest/search warrants, orders of protection and injunctions against harassment.

(B) The Page Magistrate Court shall be governed by the authority and administrative supervision of the State Supreme Court.
(1976 Code, § 5-1) (Ord. 619-14, passed 9-24-2014)

§ 34.02 PRESIDING OFFICER.

(A) *City Magistrate.* Council shall appoint a presiding Magistrate Judge who shall serve as an officer of the city per § 33.01. The Magistrate Judge shall serve a two-year term.

(B) *Assistant City Magistrate.* Council may appoint Assistant Magistrate Judges to conduct matters of the Magistrate Court. Assistant Magistrates shall serve a two-year term. The presiding Magistrate Judge will determine how to utilize the services of Assistant Magistrate Judges.

(C) *Powers and duties of City Magistrate.* The City Magistrate shall:

(1) Conduct matters of the court consistent with authority granted by the State Supreme Court, the State Constitution, state statutes, rulings of the State Supreme Court and courts of appeals, rules and regulations promulgated by state authorities, the city code and city ordinances;

(2) Keep a docket memorializing each action and the proceedings of the court therein;

(3) Receive all bonds, bails, fines, restitution, surcharges, fees and other monies as provided by law;

(4) Remit all fees, fines, restitution, surcharges and other monies collected by the court to the City Finance Department for distribution to state and county agencies; and

(5) Submit a monthly financial report to the Council summarizing the court's collections for that month.

(1976 Code, § 5-2) (Ord. 619-14, passed 9-24-2014)

§ 34.03 PROCEEDINGS OF COURT.

(A) Proceedings shall be conducted in accordance with the State Constitution, state statutes, rules of the State Supreme Court and other applicable authorities. Proceedings shall also be conducted in accordance with the appropriate rules of court, unless otherwise prescribed.

(B) Proceedings shall be commenced by complaint or citation in the name of the state, setting forth the specific offense charged, including time, place, person and succinct statement of the incident facts.

(C) Proceedings after commencement may include initial appearance, arraignment, pretrial conference, pretrial hearings and other hearings authorized by law. Additional proceedings include issuance of arrest and search warrants, orders to show cause, injunctions against harassment and orders of protection.

(1976 Code, § 5-3) (Ord. 619-14, passed 9-24-2014)

§ 34.04 ADMINISTRATIVE FEES.

(A) *Disbursement of fines and administrative fees.* The court shall remit all fees, fines, restitution, surcharges and other monies collected by the court to the City Finance Department for distribution to state and county agencies.

(B) *Administrative fees.*

(1) *Generally.* The following fees shall be collected by the court:

(a) Warrant fee;

(b) Suspension fee;

(c) Show cause fee;

(d) Time payment fee or extension fee; and

(e) Default fee.

(2) *Warrant fee.* The court shall collect a warrant fee for each warrant issued by the court. Any person who has a warrant issued by the court for failure to comply shall be required to pay this fee to offset the cost of issuing and servicing the warrant.

(3) *Suspension fee.* The court shall collect a suspension fee for each suspension of a driver's license. Any person who has had a suspension issued by the court for failure to pay a civil traffic fine or for any other reason shall be required to pay this fee to offset the cost of issuing and servicing the suspension.

(4) *Show cause fee.* The court shall collect a fee on each order to show cause, unless the defendant can show compliance with the issued court order.

(5) *Time payment fee.* In addition to any other assessment authorized by law, the Court shall collect a time payment fee or time payment extension fee from any person who pays a court ordered penalty, fine or sanction on a time payment basis, including parking penalties, restitution and juvenile monetary assessments.

(6) *Default fee.* The court shall collect a default fee for each default judgment entered on a civil traffic violation when the person cited failed to respond to the citation or summons.

(C) *Enforcement.*

(1) If a person has been found to be indigent, the Court may reduce the amount of any fee based upon the individual's ability to pay.

(2) The court may contract with a collections agency to collect outstanding fines and administrative fees.

(3) In addition to any other remedy available at law, the City Attorney is authorized to institute legal proceedings to recover fees incurred pursuant to this chapter.

(D) *Authority to set fee amounts.*

(1) The amount of each fee to be charged pursuant to this chapter shall be set by the Presiding Magistrate who shall in writing inform the City Council of the established fees.

(2) If the City Council desires a change in the fee schedule submitted by the Court, the Council shall request the Presiding Magistrate to submit a revised fee schedule.

(1976 Code, § 5-4) (Ord. 619-14, passed 9-24-2014)

CHAPTER 35: POLICE, FIRE, AMBULANCE

Section

General Provisions

35.01 Ambulance service

Police Department

35.15 Created; composition
 35.16 Appointment of officers
 35.17 Compensation of officers
 35.18 Departmental rules and regulations
 35.19 Duties of Police Department
 35.20 Answering calls outside the city

Fire Department

35.35 Created; composition
 35.36 Departmental rules and regulations
 35.37 Appointment, powers and duties of Chief
 35.38 Providing fire protection outside the city
 35.39 Acknowledgment of right-of-way
 35.40 Fire alarms
 35.41 Orders of Fire Chief

GENERAL PROVISIONS

§ 35.01 AMBULANCE SERVICE.

The Council may establish a municipal ambulance service which shall be operated accordance with such rates, rules and regulations as may be adopted by resolution of the Council.
 (1976 Code, § 4-4)

POLICE DEPARTMENT

§ 35.15 CREATED; COMPOSITION.

There is hereby created a Police Department for the city, which shall consist of a Chief of Police who may also serve as City Marshal, and as many police officer as may from time to time be deemed necessary by the Council for the safety and good order of the city.
(1976 Code, § 4-1-1)

§ 35.16 APPOINTMENT OF OFFICERS.

The Chief of Police shall be appointed by the Manager.
(1976 Code, § 4-1-2)

§ 35.17 COMPENSATION OF OFFICERS.

The Chief of Police shall not receive any perquisites, commissions or compensations for his or her services as Chief of Police, except as the Council may prescribe.
(1976 Code, § 4-1-3)

§ 35.18 DEPARTMENTAL RULES AND REGULATIONS.

The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Council.
(1976 Code, § 4-1-4)

§ 35.19 DUTIES OF POLICE DEPARTMENT.

It is the duty of the Police Department, under the direction of the Chief of Police, to:

(A) Enforce this code and the statutes of the state within jurisdictional limits as conferred by law and to arrest and charge the violators thereof;

(B) Take charge of the city jail and all prisoners confined therein, and all those who are sentenced to labor on the streets or public works of the city, and to see that orders and sentences with reference to such are fully executed and complied with;

(C) Deliver any persons who may be confined in the jail upon conviction of a crime committed under the jurisdiction of the Magistrate's Court to any authorized officer of the city who shall at any time demand such prisoners. Any such authorized person so demanding and receiving such prisoners shall

work such prisoners on the streets or alleys of the city or on any and all authorized work as may be determined by the Council;

(D) Render such account of the Police Department, its duties and receipts as may be required by the ~~Council~~Manager, and keep records of the office open to inspection by the ~~Council~~Manager at any time;

(E) Direct traffic and ensure the orderly flow thereof and investigate and make reports of traffic accidents;

(F) Inspect and ascertain the condition of traffic control devices of every description which have been erected within the city on the authority of the Council and to notify the Council of any defects found therein;

(G) Perform such additional duties as may be required by the ~~Council~~Manager; and

(H) Collect the following fees: work furlough fees for those prisoners incarcerated on a part-time basis and are otherwise employed in the community as provided by A.R.S. §§ 31-332 et seq. Boarding fees to be assessed upon jurisdictions other than the city for the keeping of prisoners in the city detention facility and any person serving any term of confinement in the city detention facility that was not sentenced by the City Magistrate Court. Any additional boarding fees assessed to the city by other jurisdictions when said prisoner serves time in said foreign jurisdiction.
(1976 Code, § 4-1-5) (Ord. 328-96, passed - -)

§ 35.20 ANSWERING CALLS OUTSIDE THE CITY.

The members of the Police Department of the city are duly authorized to answer calls for aid and assistance beyond the corporate limits of the city pursuant to mutual aid agreements and state statutes.
(1976 Code, § 4-1-6)

FIRE DEPARTMENT

§ 35.35 CREATED; COMPOSITION.

There is hereby created a Fire Department for the city which shall consist of a Chief and as many ~~volunteer~~-firefighter as may be deemed necessary from time to time by the Council.
(1976 Code, § 4-2-1)

Statutory reference:

Similar provisions, see A.R.S. § 9-240(B)(7)

§ 35.36 DEPARTMENTAL RULES AND REGULATIONS.

The Fire Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Council.
(1976 Code, § 4-2-2)

§ 35.37 APPOINTMENT, POWERS AND DUTIES OF CHIEF.

The Chief of the Fire Department shall be appointed by the Manager; it shall be the duty of the Chief to:

(A) Be accountable to the Manager for the personnel, moral and general efficiency of the Fire Department;

(B) Direct the operations of the Fire Department subject to the rules and regulations thereof;

(C) Be present at all fires, if possible, and plan and direct the extinguishment thereof. During the progress of a fire, the authority of the Fire Chief shall be absolute in all matters directly concerning the extinguishment of the fire and the disposition of property endangered by it;

(D) Conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the city, water supplies and all other matters generally considered essential to good firemanship and safety of life and property from fire;

(E) Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires;

(F) Inspect buildings and premises and serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. For the purpose of conducting such inspection, the Chief is hereby empowered to enter any and all buildings and premises within the city at any reasonable hour. Any person served with such written notice shall comply and notify the Chief of his or her compliance within a reasonable time;

(G) Keep complete records of all fires, inspections, apparatus and equipment, personnel and other information about the work of the department open to the Manager and Council inspection and furnish to the Manager and Council such information upon request;

(H) Make a complete annual report, in writing, to the Manager and Council at such time as may be specified by the Manager, and such report shall include the information specified in division (G) above, together with comparative data for previous years and recommendations for improving the effectiveness of the Department;

(I) Enforce or cause to be enforced all ordinances, laws and regulations of the city and state, insofar as they pertain to fire and safety; and

~~(J) Demote, dismiss or expel any officer or member of the Department for neglect or refusal to perform departmental duties, subject to the right of any members so demoted, dismissed or expelled to appeal to the Council.~~

~~(1976 Code, § 4-2-3)~~

§ 35.38 PROVIDING FIRE PROTECTION OUTSIDE THE CITY.

The Council may enter into agreements or contracts to furnish fire protection outside the city or enter into mutual aid agreements, and the Fire Department is authorized to render firefighting service pursuant to the terms of such agreements or contracts.

(1976 Code, § 4-2-7)

§ 35.39 ACKNOWLEDGMENT OF RIGHT-OF-WAY.

Each member of the Department who drives a private motor vehicle shall be issued suitable insignia which may be attached to such motor vehicle. All motor equipment of the Department shall have right-of-way over all other traffic when responding to an alarm. No unauthorized vehicle shall follow within 600 feet of any apparatus belonging to the Department, nor park any vehicle or otherwise cause any obstruction to be placed within ten feet of the entrance to any fire station or other place where fire apparatus is stored or within 15 feet of any fire hydrant. No person shall drive any vehicle over fire hose except upon specific orders from the Chief or other officer in charge where the hose is used.

(1976 Code, § 4-2-8) Penalty, see § 10.99

§ 35.40 FIRE ALARMS.

Suitable arrangements or equipment shall be provided for citizens to turn in an alarm and for notifying all members of the Department so that they may promptly respond. It is unlawful for any person knowingly to turn in or cause to be turned in a false alarm.

(1976 Code, § 4-2-9) Penalty, see § 10.99

§ 35.41 ORDERS OF FIRE CHIEF.

It is unlawful for any firefighter or citizen to refuse to obey an order issued by the Fire Chief pursuant to his or her authority.

(1976 Code, § 4-2-10) Penalty, see § 10.99

TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE COLLECTION

CHAPTER 50: GARBAGE COLLECTION

Section

- 50.01 Exclusive right
- 50.02 Contract with private company; fixing of service and rates
- 50.03 Use of containers

§ 50.01 EXCLUSIVE RIGHT.

(A) The city has the exclusive right to engage in or authorize third parties to conduct the business of collection and disposing of all trash, rubbish or garbage, including recyclable and/or hazardous materials, for compensation within the city limits of the city, except as provided by in state law. The City Council shall prescribe rules and regulations, which may include licensing requirements, governing the collection, disposal and hauling of refuse, recyclable materials and other waste management services by qualified and experienced private companies.

(B) It shall be unlawful for any person to haul or cause to be hauled on or along any public street or right-of-way in the city any trash, rubbish or garbage, including recyclable and/or hazardous material, for compensation in violation of this code, applicable state or federal law, or rules established by the city.

(C) Except that nothing in this chapter shall be interpreted to prohibit construction contractors, subcontractors or property owners from proper construction site cleanup and disposal at a proper landfill or “construction debris” as currently defined by A.R.S. § 49-701.
(1976 Code, § 9-2-1) (Ord. 615-14, passed 7-9-2014) Penalty, see § 10.99

§ 50.02 CONTRACT WITH PRIVATE COMPANY; FIXING OF SERVICE AND RATES.

(A) If the City Council elects to contract with a private company to provide municipal trash collection services to the residents of the city, then the method and frequency of trash collection, and the rates for trash collection and disposal shall be fixed by the City Council in a written contract with the private company providing the service. The terms of any such contract or amendments thereto, as may from time to time be adopted and approved by the City Council, are expressly incorporated by reference into this chapter and made a part hereof as though fully set forth herein.

(B) All contracts and amendments thereto which may be entered into by the City Council to provide municipal trash disposal and collection services to the city and its residents are established and declared to be a public record, and each contract which may be approved by the City Council shall be maintained in the office of the City Clerk for public inspection and review during normal business hours of that office.

(C) In the event the services, schedules or procedures for garbage collection as provided for in the city agreement for garbage collection is amended or altered, the City Manager shall be responsible for taking reasonable steps to notify the community of such changes prior to their implementation.
(1976 Code, § 9-2-2) (Ord. 593-12, passed 8-8-2012)

§ 50.03 USE OF CONTAINERS.

It shall be unlawful for any person to deposit or cause to be deposited any refuse in any container that he or she does not own or is not entitled to use as a tenant.
(1976 Code, § 9-2-3) (Ord. 593-12, passed 8-8-2012) Penalty, see § 10.99

TITLE VII: TRAFFIC CODE

Chapter

- 70. ADMINISTRATION**
- 71. TRAFFIC CONTROL**
- 72. PARKING**
- 73. DYNAMIC BRAKING DEVICE**

CHAPTER 70: ADMINISTRATION

Section

- 70.01 Duty of Police Chief
- ~~70.02 Records of traffic violations~~
- 70.03 Police Chief to investigate accidents
- 70.04 Traffic accident studies
- 70.05 Traffic accident reports

§ 70.01 DUTY OF POLICE CHIEF.

(A) It shall be the duty of the Police Chief to provide for the enforcement of the street traffic regulations of the city and all of the state vehicle laws applicable to street traffic in the city, to make arrests for traffic violations, to investigate accidents and to assist in developing ways and means to improve traffic conditions and to carry out all duties especially imposed upon the Police Chief by this chapter.

(B) Any peace officer of the city may be authorized by the Police Chief to perform any of the duties of the Police Chief included in this chapter.
(1976 Code, § 12-1-1)

~~§ 70.02 RECORDS OF TRAFFIC VIOLATIONS.~~

~~(A) The Police Chief shall keep a record of all violations of the traffic laws of the city 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 kept available to the public showing the disposal of all such forms.~~

~~(C) All records and reports shall be public records.
(1976 Code, § 12-1-2)~~

§ 70.03 POLICE CHIEF TO INVESTIGATE ACCIDENTS.

It shall be the duty of the Police Chief 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.
(1976 Code, § 12-1-3)

§ 70.04 TRAFFIC ACCIDENT STUDIES.

Whenever the accidents at any particular location become numerous, the Police Chief shall conduct studies of such accidents and determine remedial measures.
(1976 Code, § 12-1-4)

§ 70.05 TRAFFIC ACCIDENT REPORTS.

(A) The Police Chief shall maintain a suitable system of filing traffic accident reports. ~~Accident reports or cards referring to them shall be filed alphabetically by location.~~

(B) The Police Chief shall receive and properly file all accident reports made to him or her under state law or under any law of the city, ~~but all such accident reports made by drivers shall be for the confidential use of the city, and no such report shall be admissible in any civil or criminal proceeding other than upon request of any person making such report or upon request of the court having jurisdiction, to prove a compliance with the laws requiring the making of any such report.~~

(1976 Code, § 12-1-5)

CHAPTER 71: TRAFFIC CONTROL

Section

- 71.01 Directing traffic
- ~~71.02 Obedience to traffic regulations~~
- 71.03 Use of coasters, roller skates and similar devices restricted
- ~~71.04 Traffic control devices~~
- 71.05 Authority to designate crosswalks, establish safety zones and mark traffic lanes
- 71.06 Authority to place and obedience to turning markers
- 71.07 Authority to place and obedience to restricted turn signs
- ~~71.08 Limitations on turning around~~
- 71.09 One-way streets and alleys
- 71.10 Regulation of traffic at intersections
- ~~71.11 Drivers to obey signs~~
- 71.12 Processions
- 71.13 Off-road vehicles
- 71.14 Commercial vehicle traffic restrictions

- 71.99 Penalty

§ 71.01 DIRECTING TRAFFIC.

(A) The Chief of Police is hereby authorized to direct all traffic, either in person, by the officers of the Police Department or by means of visible or audible signal.

(B) In the event of a fire, or other emergency, or to expedite traffic, or safeguard pedestrians, officers of the Police or Fire Department may direct traffic, as conditions may require, notwithstanding the provisions of this chapter.

(C) The Chief of Police is hereby empowered to make and enforce regulations necessary to make effective the provisions of this chapter and to make and enforce temporary regulations to cover emergencies. All such rules and regulations promulgated by the Chief of Police shall be filed at the next meeting of the Council following such promulgation.

(1976 Code, § 12-2-1)

~~1 71.02 OBEDIENCE TO TRAFFIC REGULATIONS.~~

~~It is unlawful for any person to do any act forbidden or fail to perform any act required by this chapter. It is unlawful for any person to willfully fail or refuse to comply with any lawful order or direction of the Police Chief or of any Fire Department official.~~

~~(1976 Code, ' 12-2-2) (Ord. 592-12, passed 7-25-2012) Penalty, see ' 71.99~~ **THIS IS COVERED UNDER AR 28-622.A, FAILURE TO COMPLY WITH POLICE OFFICERS.**

§ 71.03 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED.

It is unlawful for any person upon roller skates or riding any coaster, toy vehicle or similar device to go upon any roadway 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.

(1976 Code, § 12-2-3) Penalty, see § 71.99

~~1 71.04 TRAFFIC CONTROL DEVICES.~~

~~(A) The Police Chief, with the approval of the Council, shall place and maintain traffic control devices, signs and signals when and as required under the traffic regulations of the city to make effective the provisions of said regulations, and may place and maintain such additional traffic control devices as he or she may deem necessary to regulate traffic under the traffic laws of the city 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 city, unless otherwise directed by the Police Chief, subject to the exceptions granted in this chapter or by state law.~~

~~(1976 Code, ' 12-2-4)~~

THIS IS COVERED UNDER AR 28-644A1, OBEDIENCE TO AND REQUIRED TRAFFIC CONTROL DEVICES.

§ 71.05 AUTHORITY TO DESIGNATE CROSSWALKS, ESTABLISH SAFETY ZONES AND MARK TRAFFIC LANES.

The Police Chief is hereby authorized, on approval by the Council:

(A) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his or her opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he or she may deem necessary;

(B) To establish safety zones of such kind and character and at such places as he or she may deem necessary for the protection of pedestrians; and

(C) To mark lanes for traffic on street pavements at such places as he or she may deem advisable,

consistent with the traffic laws of the city.
(1976 Code, § 12-2-5)

§ 71.06 AUTHORITY TO PLACE AND OBEDIENCE TO TURNING MARKERS.

(A) The Police Chief 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 threat, no driver of a vehicle shall disobey the directions of such indications.

(1976 Code, § 12-2-6) Penalty, see § 71.99

§ 71.07 AUTHORITY TO PLACE AND OBEDIENCE TO RESTRICTED TURN SIGNS.

(A) The Police Chief, on approval by the Council, is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs 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.

(1976 Code, § 12-2-7) Penalty, see § 71.99

~~**§ 71.08 LIMITATIONS ON TURNING AROUND.**~~

~~The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.~~

~~(1976 Code, ' 12-2-8) Penalty, see ' 71.99~~

THIS IS COVERED UNDER AR 28-752., LIMITATIONS ON TURING AROUND.

§ 71.09 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 Police Chief 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.
(1976 Code, § 12-2-9) Penalty, see § 71.99

§ 71.10 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 Police Chief shall erect and maintain the appropriate signs at every location where a vehicle must stop or yield the right-of-way.
(1976 Code, § 12-2-10) Penalty, see § 71.99

~~§ 71.11 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 Police Chief 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.~~

~~(1976 Code, § 12-2-11) Penalty, see § 71.99~~ THIS IS COVERED UNDER AR 28-644A1, OBEDIENCE TO AND REQUIRED TRAFFIC CONTROL DEVICES.

§ 71.12 PROCESSIONS.

(A) No procession or parade, except funeral processions, shall be held without first securing a permit from the Police Chief, and all such requests for permits shall state the time, place of formation, proposed line of march, destination and such other information as the Police Chief may request. Fees for parade permits shall be as established from time to time by the Council.

(B) A funeral procession composed of a procession of vehicles shall be identified by such methods as may be determined and designated by the Police Chief.

(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 designated. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or the Police Chief.

(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.
(1976 Code, § 12-2-12) Penalty, see § 71.99

§ 71.13 OFF-ROAD VEHICLES.

(A) It shall be unlawful for any person to drive, ride or use a motorcycle, off-highway motor vehicle, motor vehicle, mini-bike, trail bike, dune buggy, motor scooter, jeep or other form of transportation propelled by an internal combustion engine, upon any public or private property which is not an improved public street or highway, dedicated right-of-way or an improved private street constructed in accordance with the city standards and approved by the city, except that this section shall not apply in any of the following instances:

(1) Where such vehicle is being driven, ridden or used upon property by the owner, resident or tenant of such property, or by an authorized visitor when such visitor is accompanied by or has the written authorization in his or her possession from the owner, resident or tenant of such property;

(2) Where such use is permitted pursuant to a use permit or otherwise in accordance with the zoning regulations of the city;

(3) Where such vehicle is being driven, ridden or used upon any private property which is not an improved public street or highway, dedicated right-of-way or an improved private street constructed in accordance with the city standards and approved by the city, except that such vehicle shall not be driven, ridden or used within 150 feet of a residence, church, school in session; or

(4) Where such use occurs on the following public property known as: Big 5 (that area south of Highway 98, between Highway 89 and the western boundary of the Industrial Park south to the Navajo Nation and city boundaries); Antelope Valley/Cow Ponds (that area east of the airport boundary fence to the east Navajo Nation and city boundaries and north of Coppermine Road and Highway 98); Dead Dog (that area west of the WAPA Power Substation on the west side of the Colorado River within the Glen Canyon National Recreation area); and Seismograph Road (that area south of Highway 89 to the south of Grenehaven within Bureau of Land Management and Glen Canyon National Recreation areas), and when such vehicle is being driven, ridden or used in accordance with the following rules and regulations.

(a) All off-highway vehicles (OHVS) must display a current OHV registration sticker and comply with all OHV registration requirements from the state of registration.

(b) Riders and drivers operate their OHVS or other street legal vehicles at their own risk.

(c) Vehicles shall not be driven, ridden or used within 150 feet of a residence, church or school in session.

(d) All OHVS must have a muffler with a U.S. Department of Agriculture (USDA) approved spark arrestor device.

(e) All OHVS must have a lighted headlights and taillights, if the OHV is operated between one half-hour after sunset and one-half hour before sunrise.

(f) Anyone under 18 that is driving or riding on an OHV must wear a properly fitted and fastened U.S. Department of Transportation (U.S. DOT) approved helmet.

(g) No child under the age of eight may operate an OHV.

(h) Travel is limited to roads and marked trails or routes. The making of new trails or routes is prohibited.

(i) All OHVS and street legal vehicles must yield the right-of-way to hikers, bicyclists and equestrians.

(j) Reckless operation is prohibited.

(k) It is recommended that all OHVS operate with an orange or red safety flag, visible at least eight feet from the ground.

(l) Do not harass wildlife.

(m) All users must comply with the rules and regulations for other agencies when entering their lands or jurisdictions.

(B) Every vehicle, as defined in division (A) above, being driven, ridden or used upon public or private property shall be equipped with either a muffler or silencer in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler or silencer cut-out, by-pass or similar device.

(C) Whenever any person is stopped by a peace officer for violation of division (A)(1) above, he or she shall, upon the request of such officer, display such written permission.
(1976 Code, § 12-2-13) (Ord. 14, passed 5-16-1977; Ord. 114, passed 7-24-1984; Ord. 620-14, passed 11-19-2014) Penalty, see § 71.99

§ 71.14 COMMERCIAL VEHICLE TRAFFIC RESTRICTIONS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASE OF OPERATIONS. The primary physical location at which the scheduling, operations, loading and unloading, repair and maintenance and storage of a commercial vehicle occurs. The residence of a commercial vehicle driver is not considered the vehicle's **BASE OF OPERATIONS**, unless the above elements also occur at the residence, e.g., contract truck owner/operator.

COMMERCIAL VEHICLE. Every vehicle designed, maintained or used for the transportation of persons or property, other than the personal effects of the driver, for hire or compensation.

TRUCK or VEHICLE. The vehicles with motive power or the combination of a vehicle and towed trailer meeting any one or more of the following conditions:

- (a) Having three or more axles;
- (b) Exceeding 10,000 pounds gross vehicle weight; and/or
- (c) Exceeding 30 feet in overall length including truck and load.

TRUCK ROUTE. The streets designated on a list and map on file in the City Clerk=s office, and posted with appropriate signage by the city.

(B) *Exemptions.* The following exemptions shall apply to this section:

- (1) School buses;
 - (2) Vehicles owned or operated by a utility for the purpose of construction, installation or the repair of utility facilities;
 - (3) Authorized emergency vehicles;
 - (4) Vehicles used for refuse collection;
 - (5) Road machinery or construction vehicles while involved in construction or repair activities;
- and
- (6) Residential route package and express cargo vehicles not exceeding two axles used for local route deliveries involving multiple stops along city streets.

(C) *Restrictions.*

(1) No person shall operate any commercial vehicle as defined in division (A) above at any time upon city streets, except those streets or parts of streets designated as truck routes; except for the purpose of delivery or pickup of cargo, or the delivery or pickup of passengers to a specific location outside of a designated truck route.

(2) Vehicles may operate on restricted streets for the delivery and pickup of cargo or passengers to a specific location and in such cases shall use restricted streets for the shortest distance possible. Vehicles having a base of operation on a restricted street may enter or leave such location at any time by the shortest distance to a designated truck route.

(1976 Code, § 12-2-14) (Ord. 266-91, passed 11-14-1991) Penalty, see § 71.99

§ 71.99 PENALTY.

(A) Any person who violates any of the provisions of this chapter shall be subject to a civil sanction.

A civil sanction imposed pursuant to this section shall not exceed \$300.
(1976 Code, § 12-2-2)

(B) Any person, firm or corporation violating any of the provisions of § 71.13 shall be deemed guilty of a misdemeanor, and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of § 71.13 is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300 or by imprisonment for not more than 90 days or by both such fine and imprisonment.

(1976 Code, § 12-2-13)

(Ord. 592-12, passed 7-25-2012)

CHAPTER 72: PARKING

Section

- ~~72.01—Method of parking~~
- ~~72.02—Blocking traffic~~
- 72.03 Parking adjacent to schools
- 72.04 Authority to erect signs restricting parking
- ~~72.05—Parking vehicles on sidewalks~~
- 72.06 Abandoned or unattended vehicles
- ~~72.07—Physically disabled parking~~
- 72.08 Truck tractor and/or semi-trailer parking
- 72.09 Owner liability in reference to illegal parking

~~§ 72.01 METHOD OF PARKING.~~

~~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 18 inches of the right hand curb.~~

~~(1976 Code, § 12-3-1)~~ **THIS IS COVERED UNDER AR 28-874.. A. ADDITIONAL PARKING RULES**

~~§ 72.02—BLOCKING TRAFFIC.~~

~~(A) It is unlawful for any person to stop, stand or park any motor vehicle or other vehicle, upon a street in the city in such manner or under such conditions as to leave available less than 20 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 the Police Chief.~~

~~(B) It is unlawful for any person to park a motor vehicle, or other vehicle, within an alley or entrance to a private driveway except for the loading or unloading of materials, and not then unless such loading or unloading can be accomplished without blocking the alley to the free movement of vehicular traffic.~~

~~(C) It is unlawful for any person to park a boat and trailer, travel trailer, motor home, tractor, semi-trailer or trailer upon any street in the city for a period of more than 24 consecutive hours.~~

~~(1976 Code, § 12-3-2) Penalty, see § 10.99~~ **THIS IS COVERED UNDER AR 28-873. STOPPING, STANDING OR PARKING PROHIBITIONS**

§ 72.03 PARKING ADJACENT TO SCHOOLS.

When signs are erected indicating no parking on the 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.

(1976 Code, § 12-3-3) Penalty, see § 10.99

§ 72.04 AUTHORITY TO ERECT SIGNS RESTRICTING PARKING.

(A) The Police Chief, upon approval by the Council, may erect signs requiring parking at an angle to the curb, allowing parking on the left-hand curb on one-way streets, notifying drivers that parking is prohibited and restricting parking in any way that may be necessary.

(B) No parking restrictions shall become effective until such restricted parking area is specifically designated by resolution of the Council and signs have been erected as authorized by this section.

(C) It is unlawful for any person to stop or stand a vehicle in disobedience to such parking restrictions.

(1976 Code, § 12-3-4) Penalty, see § 10.99

~~§ 72.05 PARKING VEHICLES ON SIDEWALKS.~~

~~It is unlawful for any person to park any vehicle, whether in useable condition or not, or for an owner to permit his or her vehicle to be parked upon any sidewalk in the city.~~

~~(1976 Code, § 12-3-5) Penalty, see § 10.99~~ THIS IS COVERED UNDER AR 28-873, STOPPING, STANDING OR PARKING PROHIBITIONS.

§ 72.06 ABANDONED OR UNATTENDED VEHICLES.

(A) It is unlawful for any person to abandon or leave unattended any vehicle on public property, streets, boulevards, roadways or alleys.

(B) Evidence that a vehicle has not been moved for a period of 72 hours shall be prima facie evidence that the vehicle has been abandoned or left unattended.

(C) Any abandoned or unattended vehicle may be issued a parking citation for each day of violation or towed to impound by the City Police Department.

(D) Any impounded vehicle not claimed by the owner may be sold by the city as provided by state law.

(1976 Code, § 12-3-6) (Ord. 598-12, passed 12-19-2012) Penalty, see § 10.99

~~§ 72.07 PHYSICALLY DISABLED PARKING.~~

~~(A) Except as provided in division (B) below, a person shall not stop, stand or park a motor vehicle within any specially designated and marked parking space provided pursuant to A.R.S. Title 28, Chapter 3, Article 14, 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; or~~

~~(2) The motor vehicle displays international symbol of access special plates that are currently registered to the vehicle.~~

~~(B) A 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 section 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.~~

~~(1976 Code, § 12-3-7) (Ord. 561-10, passed 7-26-2010) Penalty, see § 10.99~~ THIS IS COVERED UNDER AR 28-884, PARKING SPACE FOR PERSONS WITH PHYSICAL DISABILITY; PROHIBITION

§ 72.08 TRUCK TRACTOR AND/OR SEMI-TRAILER PARKING.

(A) The term *SEMI-TRAILER* used in this section shall mean a freight trailer that when attached is supported at its forward end by the fifth wheel device of the truck tractor.

(B) It is unlawful for any person to park a truck tractor and/or semi-trailer upon any street in a residential area of the city. Exception from this restriction shall only apply in cases where delivery or pick-up of merchandise, materials or equipment is involved at a specific location.

(1976 Code, § 12-3-8) (Ord. 47, passed 1-27-1981) Penalty, see § 10.99

§ 72.09 OWNER LIABILITY IN REFERENCE TO ILLEGAL PARKING.

(A) In any proceeding alleging a violation of any of the provisions of this code governing the standing or parking of a vehicle, the person in whose name such vehicle is registered and the person who parked or placed the vehicle shall be jointly and severally responsible for such violation and subject to a civil sanction therefor.

(B) The provisions of division (A) above shall apply to those persons in whose names such vehicle

is jointly registered. Said persons shall be jointly and severally responsible for such a violation and subject to a civil sanction therefor.

(1976 Code, § 12-3-9) (Ord. 603-13, passed 8-21-2013)

CHAPTER 73: DYNAMIC BRAKING DEVICES

Section

- 73.01 Definition
- 73.02 Prohibited

§ 73.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DYNAMIC BRAKING DEVICE. Commonly referred to as ***JAKE BRAKE***, means a device used primarily on trucks for the conversion of energy from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.
(1976 Code, § 12-4-1) (Ord. 412-00, passed 10-26-2000)

§ 73.02 PROHIBITED.

It is unlawful for any person to use dynamic braking devices (commonly referred to as “Jake brake”) while operating any motor vehicle with the dynamic braking device engaged, except for the aversion of imminent danger; for slowing or stopping any vehicle, within the city limits.
(1976 Code, § 12-4-2) (Ord. 412-00, passed 10-26-2000) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS
- 91. HEALTH; NUISANCES
- 92. FIRE CODE; FIREWORKS
- 93. PARKS AND RECREATION
- 94. SOLID FUEL-BURNING DEVICES

CHAPTER 90: ANIMALS

Section

- 90.01 Definitions
- 90.02 Vicious animals
- 90.03 Dogs
- 90.04 Cats
- 90.05 Livestock
- 90.06 General impound and enforcement
- 90.07 Quarantine
- 90.08 Cruelty; neglect; abandonment; impound
- 90.09 Violations; court hearings

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any dog, cat or other domestic animal, livestock, wild animal or vicious animal.

ANIMAL CONTROL OFFICER. Any Police Department officer, community resource officer or animal control officer whose duties include the supervision of the animal control facility and enforcement of state, county and city codes.

ANIMAL VIOLATION CITATION. A citation issued by the Animal Control Officer to an owner who has violated provisions of this chapter and commanding him or her to appear before the Magistrate Court or pay a fine by mail.

AT LARGE. Off the premises of the owner and not under the control of the owner while physically tethered to and immediately controlled by a leash.

BARKING DOG AS A PUBLIC NUISANCE. A dog that barks, bays, howls or makes any other noise continuously and incessantly or in such a loud or unusual manner as to disturb the sleep, peace, quiet or enjoyment of life or property by a reasonable person.

CAT AS A PUBLIC NUISANCE. A cat that damages, defiles or soils either public or private property or harms the lawful users or occupants thereof or a cat that makes excessive noise or attacks other animals.

COLLAR. A band, chain, harness or suitable device worn around the neck of an animal to which a tag may be affixed.

DOMESTIC ANIMAL. Any animal customarily designated as a pet, e.g., dog, cat, caged bird, rabbit, hamster and non-venomous reptile or snake which is permitted to live in or about the owner's home and yard. Specifically excluded are vicious animals, wild animals and livestock.

FINE. Any fee imposed for violation of this chapter.

LIVESTOCK. Any animal, e.g., horse, mule, cow, sheep, goat, calf, swine, chicken or other animal traditionally maintained for market safe, human consumption or utility.

OWNER. Any person owning, keeping, possessing, controlling, harboring or maintaining an animal.

PUBLIC NUISANCE. An animal that does any of the following:

- (1) Is at large;
- (2) Damages property;
- (3) Intimidates, injures or emotionally distresses any person;
- (4) Chases a vehicle or bicycle;
- (5) Excessively makes disturbing noises, including, but not limited to, continued barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept;
- (6) Causes by odor a fouling of the air and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept;
- (7) Defecates while at large upon the surface of any public street, public sidewalk, public place or private property without thorough and immediate removal of the debris; or
- (8) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.

VACCINATION. Administration of any vaccine required by state, county or city code.

VICIOUS ANIMAL. Any animal that has a propensity to attack, impose fear of immediate harm, cause injury or to otherwise endanger the safety of the public, animals or property without provocation or that has been so declared after a hearing before the City Magistrate.

WILD ANIMAL. Any animal not historically kept as a domestic pet by the general public and is usually found living at will in a natural habitat.
(1976 Code, § 6-1)

§ 90.02 VICIOUS ANIMALS.

(A) *Vicious animals at large.* It is unlawful for an owner to permit a vicious animal to run at large. The vicious animal shall be immediately impounded by the Animal Control Officer.

(B) *Displays of vicious animals.* Public exhibitions or parades of vicious or wild animals may be conducted only upon securing a permit.

(C) *Destruction of vicious animals.* An officer of the Police Department or Animal Control Officer is authorized to immediately destroy any vicious animal, including domestic animals, livestock and wild animals, when it is immediately necessary for the protection of a person or property.
(1976 Code, § 6-2) Penalty, see § 10.99

§ 90.03 DOGS.

(A) *Licenses and tags.*

(1) All dogs kept within the city must be licensed. The City Police Department, upon payment of a license fee, shall issue a dog license. Multiple year licenses may be issued not to exceed the expiration of the existing rabies vaccination. The owner shall state at the time of application the owner(s) name and address and the name, breed, color and sex of each dog owned or kept. All fees subject of this section shall be set by resolution of the Mayor and City Council.

(2) An owner shall obtain a dog license within 30 days of acquiring the animal. Any animal not properly licensed shall be subject to an animal violation citation and impoundment.

(3) Any dog licensed shall receive a tag issued by the Police Department. The tag shall be attached by the owner to a collar or harness that shall be worn by the dog at all times. When a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee. Any dog not wearing a dog tag shall be subject to an animal violation citation and impoundment.

(4) It is unlawful to counterfeit a dog tag, remove the tag from any dog without the permission of the owner, or to place a dog tag upon a dog other than the licensed animal.

(5) When the ownership of a dog has been changed, the new owner must secure a new license as required by this chapter.

(6) The Animal Control Officer shall impound any dog found without a current license or tag.

(B) *Vaccinations required.*

(1) Before a license is issued for any dog, the owner must present a rabies vaccination certificate signed by a veterinarian, stating the owner's name and address and giving the dog(s) description, date of vaccination, type and manufacturer, and serial number of the vaccine and date revaccination is due. Upon re-vaccination, a duplicate certificate shall be transmitted to the City Police Department within 30 days. A dog shall not be licensed unless it is vaccinated in accordance with the provisions of this chapter.

(2) If an impounded dog is found to be without current vaccination, the Animal Control Officer is authorized to condition release on confirmation that the dog will be vaccinated. Any dog without a current vaccination shall be subject to an animal violation citation.

(C) *Barking dogs; dogs at large; public nuisance.* An owner of a dog shall not permit the dog to bark, run at large or otherwise be a public nuisance as defined by § 90.01.

(D) *Owner liability.* Injury to any person(s) or damage to any property shall be the responsibility of the owner for which the Magistrate Court may require payment of restitution in addition to citation fees.

(E) *Leash requirements.* Dogs shall at all times, without exception, be tethered and immediately controlled by a leash when at large off the owner 's premises. This section specifically intends to prohibit an owner from being in the vicinity of an animal with a leash in the owner's possession but not tethered to the animal.

(1976 Code, § 6-3) Penalty, see § 10.99

§ 90.04 CATS.

(A) *Public nuisance.* An owner of a cat shall not permit the cat to be a public nuisance pursuant to § 90.01. It is also unlawful for the owner to cause or permit the cat to stray or in any manner be at large while in estrus.

(B) *Vaccinations.* Owners shall have cats vaccinated for rabies and shall upon request of the Animal Control Officer present a rabies vaccination certificate signed by a veterinarian stating the date of vaccination, type and manufacturer and serial number of the vaccine and date re-vaccination is due.

(C) *Owner liability.* The Animal Control Officer shall apprehend and impound any cat found to be a public nuisance, injury to any person(s) or damage to any property by a cat shall be the full responsibility of the owner of the cat at the time the injuries occurred.

(1976 Code, § 6-4) Penalty, see § 10.99

§ 90.05 LIVESTOCK.

(A) *Running at large; public nuisance.* An owner of livestock shall not permit the livestock to be a public nuisance pursuant to § 90.01.

(B) *Owner liability.* Injury to any person(s) or damage to any property by any animal at large or as a public nuisance shall be the responsibility of the owner of the animal at the time the injuries or damage occurred.

(1976 Code, § 6-5) Penalty, see § 10.99

§ 90.06 GENERAL IMPOUND AND ENFORCEMENT.

(A) *Duty of Police Department.* The Animal Control Officer shall impound animals, issue citations to owners and enforce all other provisions of this chapter.

(B) *Impound; animals at large or a public nuisance.* The Animal Control Officer shall impound any animal found to be at large or a public nuisance pursuant to § 90.01.

(C) *Impound terms and fees.* Any impounded animal shall be detained until the owner pays outstanding citations and the costs incurred by the animal control shelter in apprehending, transporting, treating and housing the animal. Quarantine provisions of § 90.07, if applicable, shall prescribe extended release terms and fees.

(D) *Report of impounded animals.* The Animal Control Officer shall, within 24 hours after impounding an animal, post a report with the Police Department stating the kind of animal impounded and describing it by color, marks or brands and a date of impound.

(E) *Disposition of unclaimed animals.* Any impounded animal that has not been claimed and fees paid within 72 hours of impound shall be made available for adoption, sale or humanely destroyed.

(F) *Impeding the Animal Control Officer.* It is unlawful for any person to intervene, impede, prevent, obstruct or intimidate any member of the City Police Department or Animal Control Officer in the discharge of duties to enforce provisions of this chapter.

(1976 Code, § 6-6) Penalty, see § 10.99

§ 90.07 QUARANTINE.

(A) *Biting dogs and cats.*

(1) Any unvaccinated dog or cat that bites a person shall be impounded and quarantined for ten days from the occurrence of the bite. An Animal Control Officer shall cause the animal to be quarantined at the animal shelter or a veterinary clinic for the observation period at the owner's expense.

(2) Any vaccinated dog or cat that bites a person shall be confined or quarantined for ten days from the time of occurrence of the bite. The quarantine may be maintained in the home of the owner if the dog is kept under conditions prescribed by an Animal Control Officer.

(B) *Biting livestock.* Livestock that bite any person shall be impounded and quarantined at the animal shelter or other location prescribed by the Animal Control Officer for a period of not less than 14 days; such quarantine shall be at the expense of the owner.

(C) *Biting wild animals.* Any wild animal that bites any person or directly exposes a person to its saliva may be destroyed. Euthanized animals may be delivered to an appropriate diagnostic laboratory for examination pursuant to A.R.S. § 11-1014.C.

(D) *Euthanizing of quarantined animals.*

(1) An Animal Control Officer may destroy any animal confined and quarantined pursuant to this section prior to the termination of the minimum confinement period for laboratory examination for rabies under the following circumstances:

- (a) Such animal shows clear clinical signs of rabies; or
- (b) The owner of such animal consents to its destruction.

(2) At the termination of the confinement period, the Animal Control Officer shall destroy an animal that shows clear clinical signs of rabies.

(3) An Animal Control Officer may extend the minimum confinement period if continued observation is reasonable calculated to protect the public.
(1976 Code, § 6-7)

§ 90.08 CRUELTY; NEGLECT; ABANDONMENT; IMPOUND.

(A) *Cruelty.* Cruelty to animals is strictly prohibited. An owner shall not unreasonably discipline, beat, torment, mutilate, abandon, overwork, destroy or deprive an animal of basic needs that would threaten its survival.

(B) *Neglect.*

(1) Animals shall be housed in a healthy environment and provided with proper food, water, shelter, medical care, exercise space and ventilation.

(2) Owners shall ensure that:

(a) All animals receive daily food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health;

(b) Potable water is accessible to the animal at all times;

(c) All animals have convenient access to natural or artificial shelter. The shelter shall be structurally sound and maintained in good repair to protect the animal from the elements and of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. A shelter which does not protect the animal from harmful temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, does not comply with this section;

(d) All animals receive adequate care and medical treatment for standard vaccinations, debilitating injuries, parasites and diseases sufficient to maintain the animal in good health;

(e) All animals confined by a chain, leash, wire, cable or similar restraint system shall be humanely attached and located so that the animal will be freely ambulatory and cannot become entangled with other objects; and

(f) No animal shall be kept in a vehicle or other enclosed space in which the temperature is either so high or so low, or the ventilation is so inadequate, as to endanger the animal's life or health. The Police Department or an Animal Control Officer is authorized to use reasonable force to remove an animal from a vehicle or other enclosed space if it appears that extreme temperatures or lack of ventilation endangers the animal's life. No enforcement officer or the city shall be liable for damages to property caused by the use of reasonable force to remove an animal from such vehicle or enclosed space.

(C) *Abandonment.* An owner shall not abandon or recklessly discard animals within the city limits on either public or private property.

(D) *Impound of mistreated animals.* The Animal Control Officer may cite any owner and impound any animal that is suffering from cruelty, neglect or abandonment.
(1976 Code, § 6-8) Penalty, see § 10.99

§ 90.09 VIOLATIONS; COURT HEARINGS.

(A) The Magistrate Court shall establish a fine schedule for violations of this chapter which shall be approved and amended from time to time by resolution of the Mayor and City Council.

(B) The Animal Control Officer or owner may request a hearing to discuss future care, treatment or placement of the animal. The Magistrate Court may order that an animal shall not be returned to the owner for violations of § 90.02 or 90.08.
(1976 Code, § 6-9)

CHAPTER 91: HEALTH; NUISANCES

Section

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§ 91.01 PURPOSE AND SCOPE.

(A) The purpose of this chapter is to promote the health, safety and welfare of the citizens of the city and to protect the community from deterioration and decline by establishing minimum standards for the use and maintenance of all buildings, structures, premises and land, whether developed or undeveloped.

(B) Except as otherwise provided, this chapter shall apply to all land within the city without regard to the use or occupancy or the date of acquisition or annexation.
(1976 Code, § 9-1-1) (Ord. 593-12, passed 8-8-2012)

§ 91.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED OR JUNK VEHICLE. Any vehicle that is partially or wholly dismantled, discarded, wrecked, on blocks or similar devices, stripped or scrapped; or a vehicle with one or more deflated tires or from which a wheel or tire has been removed; or any motor vehicle which is inoperable due to mechanical failure or mechanical disassembly or other reasons, whether currently registered or not. The absence of current registration or license plate lawfully assigned and affixed thereto or immobilization for 60 days shall be prima facie evidence of inoperability.

AUTHORIZED RECEPTACLE. A litter, refuse, trash or recyclable storage and collection receptacle, which is materially unaltered and has the lid or cover secured and closed as required and authorized pursuant to the City of Page Agreement for Garbage Collection.

CITY AGREEMENT FOR GARBAGE COLLECTION. The contemporary agreement for residential and commercial solid waste and recyclable collection and removal required to be on file with the City Clerk pursuant to § 50.01(B).

DESIGNATED CITY OFFICIAL. Any city employee, whether directed and authorized by the City Manager, job description, statute or by code or regulation adopted by the city, having purview over the respective issue.

DISMANTLED. Materially altered by removal of essential parts.

GARBAGE. An accumulation of spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition.

GRAFFITI. As defined by § 131.01.

GRASS. Barnyard, Bermuda, Bromegrass, Johnson, bluegrass, crab, foxtail, ragweed, rye, wild oats or hybrids thereof.

HAZARD. A condition that presents a threat to life or public safety or that may cause physical harm in violation of Chapter 150 of this code of ordinances.

HAZARDOUS WASTES. Sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, or other discarded materials, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations or from community or private activities which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of or otherwise managed.

IMMINENT HAZARD. A condition that presents an immediate threat to life or public safety or the likelihood of causing personal physical harm in violation of Chapter 150 of this code of ordinances.

IMPROVED PROPERTY. Land on which buildings or other structures are located or which has otherwise been developed for a legal use.

INFESTATION. The apparent presence of insects, rodents or other pests.

JUNK. Items that in their present state are of little or no apparent or objective economic value, except that which is confined within an industrial or commercial area in compliance with the City Zoning Code, including, but not limited to, discarded or scrapped furniture; glass, metal, paper, appliances, fixtures or machinery parts; inoperative machinery or appliances; vehicle bodies or parts, including tires; building material; litter; or discarded or empty containers.

LAND. All land in the city, whether improved or unimproved.

LITTER. Any rubbish, refuse, waste materials, paper, glass, cans, bottles, organic or inorganic trash, debris, dead animals or any foreign substance of any kind or description, including abandoned or junk vehicles, regardless of their value.

LITTERING. The act of placing, dumping, throwing or depositing litter.

MANURE. Animal excreta, including that accumulated in or from barns, stables, corrals, pens or conveyances used from stabling, transporting or penning of animals or fowl, with the exception of animal excreta purposely disposed of by spreading and tilling under the soil or used as fertilizer.

NOTICE TO ABATE. A notice issued to a property owner or occupant concerning a violation of this chapter or other code or regulation adopted by the city.

OCCUPANT. The person occupying or having possession or custody of a structure or premises as an owner, a lessee or otherwise.

OWNER. The person indicated on the public records as the owner of record of the property in question.

PERSON. A human being, enterprise, corporation, association, partnership, firm or society.

PLANT GROWTH. Vegetation, whether living or dead, such as grass, weeds, vines, bushes, cactus or trees.

POLLUTED. A condition that exists in water and is characterized by bacterial growth, algae, insect infestation, the remains of litter, debris, garbage or other foreign matter which, because of its nature or location, constitutes an unhealthy, unsafe or unsightly condition and a violation of any applicable health and safety codes.

PUBLIC PLACE. Any street, sidewalk, boulevard, alley, right-of-way or other public way and any public park, square, space, ground, path, trail or building.

REFUSE. All biodegradable or non-biodegradable solid or semisolid wastes, except human excreta, but including garbage, rubbish, ashes, trash, manure, dead animals, junk vehicles, construction materials and industrial wastes.

RESPONSIBLE PARTY. An owner, lessee, cotenant, occupant, manager or other person responsible for the maintenance or condition of the real property, including buildings, grounds, lots or premises, or a person otherwise charged with a violation of this chapter.

RUBBISH. All non-biodegradable solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, waste metal, tin cans, yard clippings, wood, glass, bedding, crockery, construction and similar materials.

STORED. Parking, leaving, locating, keeping, maintaining, depositing, remaining or being physically present on private property.

STREET or HIGHWAY. The entire width between the boundary lines or every way publicly owned or maintained.

TRASH. Paper, rags, old clothing, paper containers, pieces of wood, rubber or plastic, boxes, barrels or crates, construction materials, feathers, weeds, grass and tree limbs or shrub limbs.

UNIMPROVED PROPERTY. Bare land upon which no buildings or other structures have been erected or which otherwise undeveloped for a legal use.

UNFIT FOR HUMAN HABITATION. In such dilapidated or unsafe condition as to present an immediate safety or fire hazard or in such unsanitary conditions as to be a menace to health or lacking water, sewer or electrical facilities for proper maintenance of sanitary, safe and healthful conditions in violation of Chapter 150 of this code of ordinances.

VEHICLE. Every device by which any person or property is or may be transported.

WEEDS. Any vegetation which is, or is likely to be, detrimental, destructive or unsightly and difficult to control or eradicate, including, but not limited to, bull thistle, cocklebur, foxtail, horseweed, lambsquarters, London rocket, mallow, milkweed, pigweed, mustards, prickly lettuce, ragweed, Russian thistle, goat heads, tumble weeds, sheperdspurse, sow thistle, White Horse-nettle, willow-weed and those types of plant growth defined as noxious weeds by A.R.S. § 3-201 regardless of whether a particular property owner or occupant who is the subject of enforcement action under this code regards the growth as desirable.

(1976 Code, § 9-1-2) (Ord. 593-12, passed 8-8-2012)

§ 91.03 ENFORCEMENT AUTHORITY.

(A) The City Community Resource Officer, in coordination and cooperation with such other designated city officials, is hereby authorized and directed to enforce all provisions of this chapter.

(B) In enforcing this chapter, the City Community Resource Officer, peace officer or other designated city official, may take one or more of the following actions by first utilizing the least punitive action and progressing to more severe actions only as necessary for compliance:

(1) Informal intervention with the responsible party;

(2) Where the violation is on public property, such as noncompliant posting of signs in a public right-of-way, take summary action to remove the violation and, where possible, serve notice of the action or written warning, issue a civil or criminal citation;

(3) Issue a notice and order to abate to the responsible party in accordance with the procedures set forth in this chapter;

(4) Issue a criminal or civil citation to the responsible party in accordance with the procedures set forth in this chapter; or

(5) In the case of an imminent hazard or a building or structure which is unfit for human habitation, with the concurrence and approval of the City Manager, take emergency remedial action or issue an order to vacate the premises in accordance with the procedures set forth in this chapter.

(C) The authority of the City Community Resource Officer to enforce the provisions of this chapter is independent of and complementary to the authority of other designated city officials to enforce the provisions of any other statute, code or regulation. The remedies provided for in this chapter are cumulative and in addition to any other remedies established by law, and this chapter shall not be interpreted as limiting the penalties, actions or abatement procedures which may be taken by the City or other officials under other laws, ordinances or rules.

(1976 Code, § 9-1-3) (Ord. 593-12, passed 8-8-2012)

§ 91.04 INSPECTIONS.

(A) The City Community Resource Officer, or such other designated city official, is hereby authorized to make inspections for violations of this chapter in the normal course of job duties or in response to a citizen complaint when there is reason to believe that a violation of this chapter has been or is being committed and where necessary to certify compliance with an enforcement action.

(B) In order to investigate possible violations or to determine compliance with this chapter, private property may be entered with the consent of the owner or occupant. If consent is denied or cannot be obtained, private property may only be entered with an administrative warrant issued by a court of competent jurisdiction.

(1976 Code, § 9-1-4) (Ord. 593-12, passed 8-8-2012)

§ 91.05 PUBLIC NUISANCE PROHIBITED.

The following acts, omissions, conditions and things in or upon any land or structure in the city, or the failure to comply with any of the following standards constitute public nuisances, the existence of which are hereby prohibited and declared to be unlawful; the provisions of this section are not exclusive and may be duplicative of other provisions, codes and regulations adopted by the city; all provisions, codes and regulations of the city, including those in this section, may be applied cumulatively or separately for purposes of enforcement.

(A) It shall be unlawful to maintain any condition defined as or deemed to be a nuisance or hazard to the public health, safety or welfare by any statute of the state or any code or ordinance adopted by the city.

(B) It shall be unlawful for any person to cause or allow the storage of any abandoned or junk vehicle, except where such storage is in complete compliance with this chapter and the City Zoning Code.

(1) In residential areas, all abandoned or junk vehicles being stored, restored or repaired for longer than 14 days shall be kept safely within a lawful building or structure or behind a lawful fence in such a manner as to not be visible from beyond the lot boundaries.

(2) Abandoned or junk vehicles shall not be stored on the premises of a business enterprise unless the enterprise is lawfully licensed under the city code for such purpose, or such storage is necessary to the operation of the business enterprise, and such storage is otherwise in conformance with the city code and zoning ordinance.

(C) No person shall allow, deposit, store, accumulate or maintain garbage, trash, refuse, rubbish, litter or junk that is visible from beyond the lot boundaries, except for temporary storage of such materials in an authorized receptacle for collection in compliance with the city agreement for garbage collection.

(D) No person shall deposit, discard, store, maintain or knowingly permit to remain on land, under his or her control, in a place accessible to children, any icebox, refrigerator, ice chest or other airtight or semi-airtight container or appliance which has a capacity of one and one-half cubic feet or more and/or an opening of 20 square inches or more and which has a door or lid equipped with hinge, latch or other fastening device.

(E) All persons owning or occupying land, whether improved or unimproved, shall keep the sidewalks or public places fronting or bordering their property, free of garbage, trash, refuse, rubbish, litter or junk; provided, however, this section shall not prohibit the temporary storage of such materials in authorized receptacles for collection in compliance with the city agreement for garbage collection. All persons owning or occupying land, whether improved or unimproved, except land designated parks/open space, future development or residential estate, shall not allow, maintain or accumulate weeds or grass in excess of eight inches high.

(F) No owner or occupant of land, whether improved or unimproved, shall allow trees, shrubs or plant growth on that land to encroach upon or impede, obstruct or interfere with passage on, any street, sidewalk, easement or alley within the city or to obstruct visibility of any traffic control device or signal.

(G) No owner or occupant of land, whether improved or unimproved, except on land designated as parks/open space or future development, shall allow plant growth or weeds which are dead, dormant, sticker or potentially injurious to humans or animals or so dry as to be readily flammable or combustible or that may otherwise constitute a fire hazard or other threat to public health or safety. Nothing in this chapter shall prohibit plant or weed growth, with the exception of noxious weeds, utilized for grazing on land designated as residential estate.

(H) No person or owner shall deposit into, sweep upon or allow or permit to drain into any public right-of-way or place any hazardous material, garbage, trash, refuse, rubbish, litter or junk, or similar matter which is offensive to sight or smell or impedes passage or is detrimental to public health.

(I) It is unlawful for the owner or occupant of land to cause or permit disagreeable or obnoxious odors to emanate beyond the boundaries of the land.

(J) It is unlawful to occupy any building or other structure which is unfit for human habitation in violation of Chapter 150 of this code of ordinances.

(K) It is unlawful to allow any swimming pool or similar body of water to stagnate and thereby become eutrophic, polluted or offensive to the senses and unsafe for its intended use in violation of any applicable health and safety code.

(L) No owner or occupant of land, whether improved or unimproved, shall cause or permit unreasonable quantities of smoke, noxious fumes, gas, soot or cinders to emanate beyond the boundaries of that land except with a Fire Department burning permit.

(M) No owner or occupant of a building or structure within the city shall permit graffiti on any building or structure or fail to eradicate graffiti from such building or structure in violation of Chapter 131 of this code of ordinances. Graffiti is defined within § 131.01.

(N) It is unlawful for any owner or occupant of land to fail to properly repair or replace any collapsed or fallen fence adjacent to the public right-of-way.

(O) In accordance with Title XI of this code, except for specific permitted or licensed activities, it shall be unlawful for any person to display any article for sale outdoors on any property, whether improved or unimproved, or on any public place; and no owner or occupant of property, whether improved or unimproved, shall allow or permit such outdoor displays. This provision shall not apply to garage or yard sales.

(P) In residential zones, it shall be unlawful for any person to park or store and for an owner or occupant of land to allow or permit any person to park or store on the owner's or occupant's land any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding 14,000 pounds, except that temporary parking is permitted for the purpose of delivery or the loading and unloading of household goods.

(Q) No person shall place any sign in any public right-of-way or attach any sign to any public utility structure, traffic-control device, traffic light standard or similar structure, except signs erected by a public utility or government agency and those permitted by city ordinance or other law, but only for those places, times and specific purposes permitted.

(R) All vacant or abandoned buildings shall be secured against unauthorized entry at all times.

(S) It shall be unlawful for any person to willfully or negligently permit or cause the escape or flow of water from the municipal water system in such quantity as to cause flooding, impede vehicular or pedestrian traffic, create a hazardous condition to such traffic, create a condition which constitutes a threat to the public health and safety, or cause damage to the public streets or alleys of the city.
(1976 Code, § 9-1-5) (Ord. 593-12, passed 8-8-2012) Penalty, see § 10.99

§ 91.06 VIOLATIONS; REMEDIES.

Penalties for violations of this chapter shall be pursuant to § 10.99. In addition and concurrently, the city may employ all other enforcement remedies, and impose all other sanctions, available to it under this chapter or as otherwise provided by law. Each day in which a violation of this chapter continues or the responsible party fails to perform any act or duty required by this chapter or by a notice and order to abate shall constitute a separate criminal or civil offense.
(1976 Code, § 9-1-6) (Ord. 593-12, passed 8-8-2012)

§ 91.07 WITHHOLDING OF PERMITS.

From the date a notice and order to abate expires without compliance by the responsible party until the nuisance is abated or the city's costs of abatement are reimbursed (whichever occurs later), the city may withhold or suspend any permit or approval of any alteration, repair or construction of any existing or new structure or sign on the property, as well as any permit or approval pertaining to the use or development of the property; provided, however, that no permit or approval necessary to correct the nuisance conditions shall be withheld.
(1976 Code, § 9-1-7) (Ord. 593-12, passed 8-8-2012)

§ 91.08 ENFORCEMENT; GENERALLY.

After appropriate or necessary investigation, documentation and inspection, the city community resource officer, a peace officer or other designated city official may take, in compliance with § 91.03(B), one or more of the following actions:

- (A) Informal verbal or written notice to abate;
- (B) Informal mediation or intervention with the responsible party;

(C) Summary action to remove the violation, followed by appropriate notice, warning or enforcement action;

(D) Issue a formal notice and order to abate;

(E) Issue a criminal or civil citation with notice to appear; and/or

(F) Take emergency action for abatement or vacation of premises.
(1976 Code, § 9-1-8) (Ord. 593-12, passed 8-8-2012)

§ 91.09 INFORMAL MEDIATION OR INTERVENTION AND SUMMARY ACTION.

(A) *Informal mediation or intervention.* Whenever in the judgment of the City Community Resource Officer, or other designated official, action short of formal citation or notice and order to abate is likely to achieve satisfactory and timely compliance, informal intervention, including written and verbal communication providing up to 14 days in which to remedy the violation(s), may be used.

(B) *Summary action.* Where obvious and elemental violations occur and entry onto private property is not necessary to enforcement, e.g., in the case of illegal posting of advertising in public rights-of-way, the City Community Resource Officer, or other designated official, may remove or summarily abate the violation. In such cases, evidence of the violation shall be forwarded to the City Code Enforcement Officer, or other appropriate official for identification of the responsible party and follow-up enforcement.

(1976 Code, § 9-1-8.1) (Ord. 593-12, passed 8-8-2012)

§ 91.10 ABATEMENT.

(A) *Administrative abatement.*

(1) Abatement commenced pursuant to A.R.S. § 9-499 (as amended), shall be known as an administrative abatement. The purpose of an administrative abatement is to compel the person or responsible party of the property to remove rubbish, trash, weeds or other accumulation of filth, debris or dilapidated structures which constitute a hazard to public health and safety from buildings, grounds, lots, contiguous sidewalks, streets and alleys of the city. Notice of abatement shall be given in accordance with the procedures set forth in this chapter and only after informal mediation or intervention has failed to remedy the violation.

(2) If the City Community Resource Officer, or other designated official, determines that a violation of this chapter has occurred, he or she shall advise the responsible party by written notice and order to comply that the violation must be corrected and removed from the property. The notice shall be given to the responsible party not less than 30 days before the date set for compliance if the violation is to be abated by administrative procedure pursuant to A.R.S. § 9-499 (as amended).

(a) If the property owner is not the defendant or responsible party named in the action, notice shall also be given to the owner in accordance with the procedures set forth in this chapter.

(b) The notice shall include:

1. A legal description of the premises, street address, tax parcel number and a summary of violations known to exist together with the code section references;
2. A detailed description of the condition(s) constituting the violation(s) along with legal citation(s) of applicable code, statutory or regulatory provision(s);
3. Re-inspection date, if any;
4. The estimated cost of abatement together with costs of additional inspections and other incidental connected costs;
5. A description of the appeal process. Pursuant to A.R.S. § 9-499 (as amended), the responsible party may appeal both the notice and the assessments by requesting a hearing before the City Council within the time set for compliance. If no timely appeal is made, or the City Council affirms the abatement, the city may remove, abate, enjoin or cause the removal of the violation after the compliance time has elapsed; and
6. Name, business address and business phone number of the City Community Resource Officer and/or other city official who issued the notice.

(3) The costs for abatement, plus associated legal costs, shall be recorded as an assessment on the property and collected as provided in A.R.S. § 9-499 (as amended), including commencing a sale of the property and judgment of foreclosure in Superior Court. A prior assessment under the statute shall not be a bar to subsequent assessments, and any number of assessments on the same lot or tract of land may be enforced in the same action.

(4) Service of the notice to abate shall be deemed complete on the date it is hand delivered or mailed certified mail, return receipt requested, addressed to the property owner or responsible party. If personal service or mailed service is not practicable, service of notice also shall be deemed effective upon notification through a one-time public notice published in a newspaper of general circulation within the city and by posting a duplicate notice on the property for a period of 30 days. Nothing herein shall preclude the city from giving additional verbal or written notice at its discretion.

(5) Notice pursuant to § 91.09(A) shall occur prior to commencement of other enforcement proceedings, including civil or criminal proceedings. Abatement will not preclude also seeking civil or criminal enforcement actions.

(6) Statement of account: when the city has undertaken action to abate the nuisance, the City Community Resource Officer, or other authorized official, shall prepare a verified statement of the actual costs of abatement, including an administration charge of 5% and serve said statement in accordance

with the procedures as set forth within this chapter.

(7) Recording of violation and/or lien of assessment: the notice to abate and statement of account and any assessment lien recorded by the city shall run with the land. The city, at its sole discretion, may record a notice and order to abate or a statement of account with the County Recorder and thereby cause compliance by an entity thereafter acquiring such property. When the property is brought into compliance, a satisfaction of notice to abate shall be recorded with the County Recorder. When an assessment lien is paid off, a satisfaction of the lien shall be recorded.

(B) *Court ordered abatement.*

(1) In addition to any other abatement procedure provided in this chapter, in accordance with A.R.S. § 9-500.21 the City Manager or his or her designee, or the City Attorney's office, may apply to the Municipal Court for an order permitting the city to abate any condition that constitutes a violation of this Public Nuisance Code.

(2) After notice to the owner and any responsible party, the Judge or court hearing officer shall conduct a hearing. The hearing shall be informal and open to the public. Evidence may be taken from any interested party and considered in determining whether a condition in violation of the public nuisance ordinance exists and what, if any, abatement action should be permitted. Any person who fails to appear after notice of the hearing may be deemed to have waived any right to introduce evidence. The court's determination shall be based on the preponderance of evidence.

(3) If the city seeks court-ordered abatement as a remedy in addition to any sanction, penalty, incarceration, restitution or fine, it shall assess the abatement costs as set forth in this chapter and/or those established in the judgment and sentence. The court may allow an appropriate time for compliance and abatement by the responsible party, but compliance will not preclude the city from requesting criminal penalties depending on how the violators were charged. Failure by the defendant or responsible party to comply with abatement will result in the filing of an assessment lien on the property, as described in A.R.S. § 9-499 (as amended), and may also subject the party to additional criminal citations for interference with judicial proceedings under A.R.S. § 13-2810, as amended.

(4) Appeal: any party may appeal the judgment of the court to the Superior Court. Appeals from civil proceedings shall be in accordance with the Superior Court Rule of Appellate Procedure - Civil. Execution of any judgment shall be stayed pending appeal.
(1976 Code, § 9-1-8.2) (Ord. 593-12, passed 8-8-2012)

§ 91.11 CIVIL AND CRIMINAL ENFORCEMENT.

(A) Authority to issue civil and criminal citations: The City Community Resource Officer, any peace officer and any other city official authorized by the City Manager may issue a citation pursuant to this chapter.

(B) Civil or criminal enforcement in the City Magistrate Court may be commenced by the issuance

and filing with the court a uniform state traffic ticket complaint form.

(C) Long form complaint: any prosecutor, City Community Resource Officer, peace officer and any other city official authorized by the City Manager may file a long form complaint with the City Magistrate Court in accordance with the Arizona Rules of Criminal Procedure. (1976 Code, § 9-1-8.3) (Ord. 593-12, passed 8-8-2012)

§ 91.12 EMERGENCY ABATEMENT; VACATION OF PREMISES.

(A) *Imminent hazard.* If a situation presents an imminent hazard to life or public safety or immediate likelihood of physical harm, the City Manager may approve an emergency notice and order to take immediate action as is appropriate to correct or abate the condition. In addition, or instead, the City Manager may approve immediate action on the part of city officials to summarily and unilaterally correct or abate the condition or authorize the commencement of an action in Superior Court to enjoin the responsible party to abate the imminent hazard. The inability of city officials to find or contact the responsible party, despite reasonable efforts to do so, in no way affects the city's right or obligation under this section to summarily and unilaterally correct or abate the condition.

(B) *Costs of emergency abatement.* The city may recover its costs incurred in abating an imminent hazard under this section in the same manner and with the same procedures provided for in § ~~9-4-8.291-10~~ of this chapter.

(C) *Notice and appeal.* The notice and appeal provisions of this section do not apply to emergency abatement, except that the owner or occupant or other responsible party shall be served with and have the right to appeal any statement of account for costs of abatement as set forth in § 91.10.

(D) *Vacation of premises.*

(1) *Unfit for human habitation; declaration and order to vacate.* In the case where a building or structure which is determined to be unfit for human habitation as defined by applicable building, health and safety codes, statutes or regulations as defined in this chapter or any other applicable code, statute or regulation, the City Manager is authorized to approve the issuance of a declaration and order to vacate the premises. The declaration and order shall be in essentially the same form as a notice and order to abate.

(2) *Notice.* Service of the declaration shall be complete upon delivery to the occupant, posting in an obvious and conspicuous place on the premises and upon mailing by certified mail, return receipt requested to the owner at his or her last known address. The order to vacate shall not take effect until the time for appeal under this section has lapsed.

(3) *Appeal and stay.* The occupant or owner of the property may appeal the declaration and order to vacate to the City Magistrate Court by delivering to the Court Clerk a written statement of appeal within five days after service is complete. Timely delivery of a written statement of appeal operates as a stay on the order to vacate until the appeal can be heard. The appeal shall be heard and a determination

made by the City Magistrate or hearing officer within five days.

(4) *Violation; removal of posting.* Once a building or structure has been declared unfit for human habitation, it shall be a violation of this chapter to remove the posted notice unless and until it has been determined by the city that the conditions warranting the posting have been abated or the City Magistrate or hearing officer has ruled in favor of the responsible party on appeal.

(5) *Reoccupancy.* Once a building has become unoccupied as the result of a notice and order to vacate under this section, it shall remain unoccupied until reinspected and approved for occupancy by the city. The city shall reinspect within two business days of the receipt of a written request by the owner or responsible party.

(1976 Code, § 9-1-8.4) (Ord. 593-12, passed 8-8-2012)

CHAPTER 92: FIRE CODE; FIREWORKS

Section

Fire Code

- 92.01 Short title
- 92.02 Adoption of the International Fire Code, 2006 Edition
- 92.03 Adoption of the National Fire Protection Association Standards, 2007 Edition
- 92.04 Fire Code amendments
- 92.05 Adoption of fire permit fees

Fireworks

- 92.20 Definitions
- 92.21 Fireworks prohibited; exceptions
- 92.22 Sale of fireworks
- 92.23 Posting of signs by persons engaged in the sale of fireworks
- 92.24 Authority to enforce violations of this subchapter
- 92.25 Liability for emergency responses related to use of fireworks; definitions
- 92.26 Violations

FIRE CODE

§ 92.01 SHORT TITLE.

(A) This subchapter shall be known as the “City of Page Fire Code “, and may be cited as such.

(B) Where the designation “International Fire Code” or its abbreviation “IFC” appears in this subchapter, such shall be construed as referring to the ”International Fire Code” as adopted herein.

(C) Where the designation “National Fire Protection Association” or its abbreviation “NFPA” appears in this subchapter, such shall be construed as referring to the “National Fire Protection Association” Standards as adopted herein.

(1976 Code, § 4-3-1) (Ord. 548-09, passed 6-11-2009)

§ 92.02 ADOPTION OF THE INTERNATIONAL FIRE CODE, 2006 EDITION.

That certain code entitled “International Fire Code” 2006 edition, and Appendix A, B, C, D, E, F and G, contained therein, published by the international Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC, 20001, is hereby adopted as the City Fire Code and made a part of this subchapter the same as though said codes were specifically set forth in full herein, and a copy of said code shall be on file with the office of the City Clerk, as well as the City Fire Department, and kept available for public use and inspection at said locations.
(1976 Code, § 4-3-2) (Ord. 548-09, passed 6-11-2009)

§ 92.03 ADOPTION OF THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS, 2007 EDITION.

That certain code entitled “National Fire Protection Association Standards” 2007 edition, 1 Battery March Park Quincy, MA 02169-7471, is hereby adopted as part of the City Fire Code and made a part of this subchapter the same as though said codes were specifically set forth in full herein, and a copy of said code shall be on file with the Office of the City Clerk, as well as the City Fire Department, and kept available for public use and inspection at said locations.
(1976 Code, § 4-3-3) (Ord. 548-09, passed 6-11-2009)

§ 92.04 FIRE CODE AMENDMENTS.

(A) An automatic sprinkler system shall be installed throughout all buildings 4,000 square feet or greater in total area. For the purpose of this item, fire resistant walls and barriers shall not define separate buildings.

(B) An edition to any existing non-sprinklered building or structure which expands the total area to 4,000 square feet or greater shall contain an automatic sprinkler system.

(C) With the exception of special hazard areas as approved by the Fire Chief, if any fire area in a building or structure is provided with fire sprinklers, whether required or not, all fire areas in the building or structure shall be provided with fire sprinklers.

(D) All buildings requiring an exterior lock box for fire department access shall install a KNOX BOX in an approved location or locations. Existing buildings shall have up to five years to comply with this requirement upon approval of the Fire Chief.
(1976 Code, § 4-3-4) (Ord. 548-09, passed 6-11-2009)

§ 92.05 ADOPTION OF FIRE PERMIT FEES.

The Common Council shall periodically establish fire permit fees by separate resolution.

(1976 Code, § 4-3-5) (Ord. 548-09, passed 6-11-2009)

FIREWORKS

§ 92.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSUMER FIREWORKS. Those fireworks defined by A.R.S. § 36-1601.

DISPLAY FIREWORKS. Those fireworks defined by the A.R.S. § 36-1601.

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 the A.R.S. § 36-1601.

NOVELTY ITEMS. Federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices, sparklers and certain toys as defined by the A.R.S. § 36-1601.

PERMISSIBLE CONSUMER FIREWORKS. Those fireworks as defined by the A.R.S. § 36-1601, that may be sold within the city, even where the use of those items has been prohibited.

SUPERVISED PUBLIC DISPLAY. A monitored performance of display fireworks open to the public and authorized by permit by the Fire Chief or his or her designee.
(1976 Code, § 4-5-1) (Ord. 565-10, passed 12-20-2010)

§ 92.21 FIREWORKS PROHIBITED; EXCEPTIONS.

(A) The use, discharge or ignition of fireworks within the city is prohibited, except as provided for in this section.

(B) Nothing in this section or subchapter shall be construed to prohibit the use, discharge or ignition of novelty items.

(C) Permits may be granted by the Fire Chief or his or her designee 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 Chief or his or her designee has authority to impose conditions on any permits granted.

(1976 Code, § 4-5-2) (Ord. 565-10, passed 12-20-2010) Penalty, see § 10.99

§ 92.22 SALE OF FIREWORKS.

(A) No person shall sell, permit or authorize the sale of permissible consumer fireworks to a person who is under 16 years of age.

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

(1976 Code, § 4-5-3) (Ord. 565-10, passed 12-20-2010) Penalty, see § 10.99

§ 92.23 POSTING OF SIGNS BY PERSONS ENGAGED IN THE SALE OF FIREWORKS.

(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 city code, including permissible consumer fireworks, is prohibited; and

(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 fireworks are displayed for sale.

(C) The Fire Chief or his or her designee shall develop regulations concerning the size and color of the required signs and shall develop a model sign. The required sign regulations and model sign shall be posted on the city's website and with the Clerk's Office.

(1976 Code, § 4-5-4) (Ord. 565-10, passed 12-20-2010) Penalty, see § 10.99

§ 92.24 AUTHORITY TO ENFORCE VIOLATIONS OF THIS SUBCHAPTER.

The City Police Department may issue criminal complaints or summons to enforce the provisions of this subchapter.

(1976 Code, § 4-5-5) (Ord. 565-10, passed 12-20-2010)

§ 92.25 LIABILITY FOR EMERGENCY RESPONSES RELATED TO USE OF FIREWORKS; DEFINITIONS.

(A) A person who uses, discharges or ignites permissible consumer fireworks, 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 subchapter 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 division (A) above. 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 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; and

(2) ***REASONABLE COSTS*** includes the costs of providing police, firefighting, rescue and emergency medical services at the scene of an incident.
(1976 Code, § 4-5-6) (Ord. 565-10, passed 12-20-2010)

§ 92.26 VIOLATIONS.

Violating any prohibition or requirement imposed by this subchapter is a Class 3 misdemeanor.
(1976 Code, § 4-5-7) (Ord. 565-10, passed 12-20-2010) Penalty, see § 10.99

CHAPTER 93: PARKS AND RECREATION

Section

- 93.01 Definitions
- 93.02 Spirituous liquors prohibited
- 93.03 Exceptions
- 93.04 Permits
- 93.05 Glass containers prohibited

- 93.99 Penalty

Cross-reference:

Animals, see Chapter 90

Health; Nuisances, see Chapter 91

Offenses, see Chapter 130

§ 93.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARKS-RECREATION AREA. Any open or enclosed tract of land owned by the city, adopted for, set apart (whether by dedication or otherwise), maintained at public expense and devoted to the purposes of pleasure, recreation, ornament or light and air for the general public. By way of illustration, but not limiting, the definition includes John C. Page Memorial Park, Golliard Park, Vermillion Children's Park, Page Sports Complex, Amphitheatre, softball and baseball fields, tennis courts and City Hall facilities landscaped areas.

SPIRITUOUS LIQUOR. Includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor, malt beverage, absinthe or compound or mixture of any of them, or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than 0.5% of alcohol by volume.

(1976 Code, § 3-9-1) (Ord. 171, passed 11-13-1986)

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§ 93.02 SPIRITUOUS LIQUORS PROHIBITED.

No person shall possess or consume spirituous liquors on any city-owned or operated parks/recreation area.

(1976 Code, § 3-9-2) (Ord. 171, passed 11-13-1986) Penalty, see § 93.99

§ 93.03 EXCEPTIONS

(A) “Notwithstanding the provisions of § 93.02, the prohibitions contained herein shall not apply to the sale and consumption of alcoholic beverages at the Lake Powell National Golf Course and Country Club provided that the alcohol is purchased from the Lake Powell National Golf Course restaurant.”

~~Notwithstanding the provisions of § 93.02, the prohibitions contained herein shall not apply to the city property known as the City Municipal Golf Course or Glen Canyon Golf and Country Club.~~

(B) Section 93.02 also does not apply when a permit has been issued in accordance with § 93.04. (1976 Code, § 3-9-3) (Ord. 171, passed 11-13-1986)

§ 93.04 PERMITS.

The possession and consumption of a malt beverage by any person shall be permitted on any parks-recreation area if that person is in attendance at an activity for which a use permit has been secured from the City Manager or his or her designee in accordance with the following.

(A) *Rules and regulations.* The City Manager shall promulgate such rules and regulations as necessary to provide for the issuance, use and revocation of use permits.

(B) *Fees.* The Council shall establish fees for the issuance of use permits by resolution.

(C) *Use permit.* A use permit shall be issued upon completion of an application, payment of fees and verification of the required application information.

(D) *Revocation.* The Manager or his or her designee shall revoke any such use permit upon any violation by the permittee of this chapter, the rules and regulations promulgated hereunder, or any other state statute or city ordinance.

(1976 Code, § 3-9-4) (Ord. 171, passed 11-13-1986)

§ 93.05 GLASS CONTAINERS PROHIBITED.

No person shall bring any glass container into any park or recreation area in the city.

(1976 Code, § 3-9-5) (Ord. 147-85, passed 9-12-1985) Penalty, see § 93.99

§ 93.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter, shall be deemed guilty of a misdemeanor and each person shall be deemed guilty of a separate offense for each and every day a portion thereof during which any violation of the provisions of this chapter is committed, continued or permitted and upon conviction of any such violations, such persons shall be punishable by a fine of not more than \$300, or by imprisonment for not more than 90 days or by both such fine and imprisonment.

(1976 Code, § 3-9-6) (Ord. 171, passed 11-13-1986)

CHAPTER 94: SOLID FUEL-BURNING DEVICES

Section

- 94.01 Air quality, declaration of policy
- 94.02 Definitions
- 94.03 Unlawful to sell or burn unseasoned fuel
- 94.04 Regulation of new solid fuel-burning approved devices; required
- 94.05 Limitation on number of solid and non-solid fuel-burning devices in residential buildings
- 94.06 Elimination of nonconforming solid fuel-burning devices in existing dwelling units
- 94.07 Limitation on number of solid fuel-burning devices in commercial construction
- 94.08 Investigation and compliance
- 94.09 Appeals; Building Board of Appeals
- 94.10 Burning of coal prohibited
- 94.11 Permit required for installation of solid fuel-burning device
- 94.12 Fee
- 94.13 Application to install solid fuel-burning device
- 94.14 Unlawful to install, sell or operate
- 94.15 Nuisance; injunction

§ 94.01 AIR QUALITY, DECLARATION OF POLICY.

(A) The City Council hereby finds and declares air quality to be an important part of the health, safety and welfare of the community, and that the City Council has a duty to protect and improve air quality in and around the city, not only for the health, safety and general welfare of its citizens, but also because air pollution resulting from the use of solid fuel-burning devices reduces the desirability of the community as a resort thus affecting the aesthetic and economic welfare of the community.

(B) The City Council finds and declares present levels of air pollution to be unacceptable and recognizes the need to achieve the maximum practical degree of air purity possible by requiring the use of all available practical methods and techniques to control, prevent and reduce air pollution.

(C) It is the intent of the Council to require the installation of or conversion to approved solid fuel-burning devices, and prohibiting the burning of coal, all for the improvement of the air quality, aesthetic and economic environment of the city. It is to this end that this chapter is enacted.

(1976 Code, § 9-5-1) (Ord. 299-94, passed 6-23-1994)

§ 94.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVED NON-SOLID FUEL-BURNING DEVICE. Any device that operates with non-solid fuel (gas or liquid) which the city can verify as to particulate emissions of less than or equal to four grams per hour with testing, weather weighing and altitude adjustment and is installed in accordance with applicable city ordinances, which may include a properly installed firebox, flues and gas log apparatus.

APPROVED SOLID FUEL-BURNING DEVICE. A solid fuel-burning device which the city can verify as to particulate emissions of less than or equal to four grams per hour with testing, weather weighing and altitude adjustment and is installed in accordance with applicable city ordinances. The term

APPROVED SOLID FUEL-BURNING DEVICE includes pellet stoves which comply with the emission standard established herein.

COAL. A mineral substance consisting of carbonized vegetable matter.

CHARCOAL. Carbonized material obtained from heating wood or other organic substances in the absence of air, and which is normally used for outdoor cooking.

RATED DEVICE. A device that is certified by the city as meeting the particulate emission standards of this chapter.

STRUCTURE. Anything constructed or erected, which requires location on the ground and is a combination of roof and supporting walls and/or columns.

WOOD-BURNING DEVICE. Includes any solid fuel-burning device, including, but not limited to, free-standing fireplaces, air-tight stoves, Franklin stoves, conventional masonry fireplaces, prefabricated zero clearance fireplaces, any similar fireplace the operation of which requires it to be built in the structure as a component of the building, a fireplace insert or another device intended for use to heat interior habitable space or for aesthetic enjoyment, providing such device is capable of burning solid fuel such as wood, coal and/or any other solid fuel.

(1976 Code, § 9-5-2) (Ord. 172, passed 12-11-1986; Ord. 382-98, passed 10-1-1998)

§ 94.03 UNLAWFUL TO SELL OR BURN UNSEASONED FUEL.

It is unlawful to sell to a resident or to any person, firm or corporation of the city any combustible material for use in a solid fuel-burning device which is not in a dry, seasoned and burnable condition or for a resident or any person, firm or corporation of the city to burn any combustible material in a solid fuel-burning device which is not in a dry, seasoned and burnable condition.

(1976 Code, § 9-5-3) (Ord. 299-94, passed 6-23-1994) Penalty, see § 10.99

§ 94.04 REGULATION OF NEW SOLID FUEL-BURNING APPROVED DEVICES; REQUIRED.

No solid fuel-burning device shall be installed within any dwelling unit or commercial building within the city unless such device is an approved solid fuel-burning device.
(1976 Code, § 9-5-4) (Ord. 299-94, passed 6-23-1994) Penalty, see § 10.99

§ 94.05 LIMITATION ON NUMBER OF SOLID FUEL AND NON-SOLID FUEL-BURNING DEVICES IN RESIDENTIAL BUILDINGS.

(A) The number of approved solid fuel and non-solid fuel-burning devices installed in any new residential building, for which a building permit is issued after the effective date of this chapter, shall not exceed the following limits:

(1) Single-family homes: one approved solid fuel or non-solid fuel-burning device per dwelling, for the purposes hereof a dwelling includes the garage and all accessory buildings;

(2) Duplex or two-family homes: one approved solid fuel or non-solid fuel-burning device per dwelling, for the purposes hereof “dwelling” includes the garage and all accessory buildings; and

(3) Multi-family buildings, including, but not limited to, condominiums and townhouses - one approved solid fuel or non-solid fuel-burning device per dwelling; unless the total emissions of all of the approved solid fuel and liquid fuel-burning devices installed in each dwelling (including its garage and all accessory buildings) is less than or equal to four grams per hour with testing, weather weighing and altitude adjustment.

(B) In dwelling units existing on the effective date of this chapter, installation of additional solid fuel-burning devices is prohibited if the resulting emissions of all of the solid fuel-burning devices including existing and those to be installed exceeds the limitations contained in this section.
(1976 Code, § 9-5-5) (Ord. 382-98, passed 10-1-1998) Penalty, see § 10.99

§ 94.06 ELIMINATION OF NONCONFORMING SOLID FUEL-BURNING DEVICES IN EXISTING DWELLING UNITS.

All nonconforming wood-burning devices, except fireplaces, shall be converted to approved wood-burning devices; or converted to an approved non-solid fuel-burning device, prior to any transfer of ownership which occurs after the effective date of this chapter. Sufficient funds shall be escrowed prior to the closing by the seller to perform the removal or replacement prior to the closing of escrow.
(1976 Code, § 9-5-6) (Ord. 299-94, passed 6-23-1994)

§ 94.07 LIMITATION ON NUMBER OF SOLID FUEL-BURNING DEVICES IN COMMERCIAL CONSTRUCTION.

No more than one approved solid fuel-burning device shall be installed in any commercial building constructed after the effective date of this chapter. In commercial buildings in existence on the effective date of this chapter, which contain one or more solid fuel-burning devices, installation of additional solid fuel-burning devices is hereby prohibited.

(1976 Code, § 9-5-7) (Ord. 299-94, passed 6-23-1994) Penalty, see § 10.99

§ 94.08 INVESTIGATION AND COMPLIANCE.

(A) Compliance with the requirements of § 94.07 may be demonstrated by the final inspection report issued by the Building Department.

(B) The city may inspect solid fuel-burning devices to determine whether the building permit holder is in compliance with the provisions of this chapter. If a building permit holder or person operating the solid fuel-burning device refuses to consent to the city's inspection, the city may, upon a showing of reasonable grounds and for the purpose of inspecting solid fuel-burning devices only, apply for an appropriate court order.

(C) When the city has reasonable grounds based upon its investigation or upon written complaints sufficiently demonstrating reasonable grounds that a person has violated this chapter, the city shall issue a notice and order setting forth the alleged violations and the corrective action that needs to be taken. The notice shall be served personally, by certified mail or in any other manner provided by state law for the service of process and shall allow 30 days for the person to take necessary actions to comply with this chapter.

(1976 Code, § 9-5-8) (Ord. 299-94, passed 6-23-1994) Penalty, see § 10.99

§ 94.09 APPEALS; BUILDING BOARD OF APPEALS.

(A) An appeal of the city's order to comply may be filed with the Building Board of Appeals in writing no later than 30 days from the date of the city's order.

(B) Upon a timely filing of a notice of appeal to the Building Board of Appeals, the Board shall set a hearing date to review the order of the city. This hearing date shall be on a date not less than five days nor more than 30 days from the date of the notice of appeal. The hearing before the Board shall be informal. The city shall present information which it believes shows a violation of this chapter and the appellant shall be given the opportunity to respond. The Building Board of Appeals shall issue its decision and order within ten days of the date of the hearing.

(C) The Building Board of Appeals may affirm, modify, rescind or delay the compliance order, if any one or more of the following criteria are met:

(1) Owing to exceptional and extraordinary circumstances, literal enforcement of these regulations will result in extreme hardship. Such circumstances may include, but are not limited to, structural conditions which would impose extraordinary costs in order to comply with the provisions of these regulations;

(2) Compliance with the requirements of these regulations would create a threat to the health and safety of a homeowner or occupant; and/or

(3) There is imminent planned termination of operations or replacement of a noncomplying solid fuel-burning device with an approved device.

(D) The order of the Building Board of Appeals shall determine whether the ordinance was violated and shall state the time for compliance with the order.

(1976 Code, § 9-5-9) (Ord. 299-94, passed 6-23-1994)

§ 94.10 BURNING OF COAL PROHIBITED.

No coal shall be burned in any solid fuel-burning device after August 1, 1994, unless the solid fuel-burning device is the only heat source as of February 1, 1994 and such device was designed only for the use of coal as a fuel source.

(1976 Code, § 9-5-10) (Ord. 299-94, passed 6-23-1994) Penalty, see § 10.99

§ 94.11 PERMIT REQUIRED FOR INSTALLATION OF SOLID FUEL-BURNING DEVICE.

No person shall install a solid fuel-burning device without first obtaining a permit from the Building Department for such installation in accordance with the applicable provisions of the Uniform Building Code and Uniform Mechanical Code as adopted by the city. A solid fuel-burning device shall not be operated until after its inspection, upon completion, by a Building Inspector.

(1976 Code, § 9-5-11) (Ord. 299-94, passed 6-23-1994) Penalty, see § 10.99

§ 94.12 FEE.

The permit fee shall be in accordance with the applicable building and mechanical codes.

(1976 Code, § 9-5-12) (Ord. 299-94, passed 6-23-1994)

§ 94.13 APPLICATION TO INSTALL SOLID FUEL-BURNING DEVICE.

Before a permit is issued, the applicant shall be required to submit an application on such forms as provided by the city.

(1976 Code, § 9-5-13) (Ord. 299-94, passed 6-23-1994)

§ 94.14 UNLAWFUL TO INSTALL, SELL OR OPERATE.

It is unlawful to sell to a resident of the city or to any person, firm or corporation for installation within the city, a solid fuel-burning device which emits more than four grams per hour of particulates. (1976 Code, § 9-5-14) (Ord. 299-94, passed 6-23-1994) Penalty, see § 10.99

§ 94.15 NUISANCE; INJUNCTION.

Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided by this chapter, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction. (1976 Code, § 9-5-15) (Ord. 299-94, passed 6-23-1994) Penalty, see § 10.99

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. GENERAL PROVISIONS**
- 111. BUSINESS REGISTRATION AND REGULATION**
- 112. SOLICITORS**

CHAPTER 110: GENERAL PROVISIONS

Section

110.01 Model Sales Tax Code

§ 110.01 MODEL SALES TAX CODE.

“The City Tax Code of the City of Page” was adopted by Council through Ord. 186 and made a public record by Res. 417 on June 25, 1987. Copies of the Model Sales Tax Code can be found in the City Clerk’s office.

(1976 Code, § 8-2)

CHAPTER 111: BUSINESS REGISTRATION AND REGULATION

Section

- 111.01 Definitions
- 111.02 Registration of business
- 111.03 Business registration fee
- 111.04 Renewal
- 111.05 Transfer of business registration
- 111.06 Denial of business registration; revocation

- 111.99 Penalty

§ 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ENGAGING IN BUSINESS. Operating, conducting, engaging in, carrying on or pursuing any business, profession, occupation, trade, service or pursuit for the purpose of profit. The provisions of this chapter shall not apply to schools, churches, athletic groups and non-profit organizations, e.g., Boy and Girl Scout programs and Big Brothers/Sisters.

PERSON. Any individual, male or female, corporation, firm, company, partnership, joint venture, enterprise, association or other entity engaging in a business, profession, occupation or trade.

PLACE OF BUSINESS. Any location where the business is conducted within the city boundaries.

SOLICITOR. A person who goes from door to door of single-family dwellings, multi-family dwellings and/or businesses, or who is on the streets and parking lots of the city, for the purpose of selling goods, wares, merchandise or services, or to accept subscriptions or orders thereof, or to accept or request donations for any charitable purpose. ***SOLICITORS*** and ***SOLICITATION*** shall be regulated by Chapter 112.

(Prior Code, § 8-3-1) (Ord. 531-08, passed 4-22-2008)

§ 111.02 REGISTRATION OF BUSINESS.

(A) All persons proposing to engage in business within the city boundaries shall register and pay a business registration fee prior to engaging in business.

(B) Individuals shall provide name, business name or doing business as (DBA), local and permanent address, telephone number, contact person and North American Industry Classification System (NAICS) codes, Transaction Privilege Tax (TPT) license number and Employer Identification Number (EIN) number, if applicable.

(C) Corporations or other legal entities shall provide business name or DBA address, telephone number, name of an owner, officer, director or registered agent, and NAICS codes, TPT license number and EIN number, if applicable.

(D) Registration and fees shall be submitted to the City Clerk.
(Prior Code, § 8-3-2) (Ord. 531-08, passed 4-22-2008)

§ 111.03 BUSINESS REGISTRATION FEE.

There shall be a one-time business registration fee of \$25. Any person engaging in multiple business activities may register all businesses for the one-time fee of \$25. The registration fee may be adjusted from time to time by resolution of the Mayor and Common Council.
(Prior Code, § 8-3-3) (Ord. 531-08, passed 4-22-2008)

§ 111.04 RENEWAL.

Every person engaging in business shall annually confirm with the City Clerk that the registration information on file is current. While renewal fees will not be assessed annually, failure to maintain current registration information on file may result in penalties subject of § 111.99.
(Prior Code, § 8-3-4) (Ord. 531-08, passed 4-22-2008)

§ 111.05 TRANSFER OF BUSINESS REGISTRATION.

A business registration may not be transferred or assigned to any person, employee, successor or agent of the named registrant.
(Prior Code, § 8-3-5) (Ord. 531-08, passed 4-22-2008)

§ 111.06 DENIAL OF BUSINESS REGISTRATION; REVOCATION.

Business registrations may be summarily denied or revoked by the City Manager if necessary to protect the health, welfare and safety of the public. The determination may be predicated upon

misrepresentation or false statement contained in the application, misrepresentation or false statement made to a government agency, breach of the peace, conviction of a felony or crime of moral turpitude, refusal to pay the registration fee, or conduct in violation of federal, state or local laws and regulations. (Prior Code, § 8-3-6) (Ord. 531-08, passed 4-22-2008) NOTE: DO WE WANT THIS TO BE A REGISTRATION OR LICENSE? TYPICALLY, THERE IS NO DENIAL OF A REGISTRATION, IT IS SIMPLY FOR INFORMATIONAL PURPOSES. IF WE INTEND TO HAVE INSPECTIONS AND OTHER CONDITIONS FOR ISSUANCE THAT WE INTEND TO ENFORCE, WE SHOULD DELINEATE THE RULES FOR ISSUANCE AND ENFORCEMENT.

§ 111.99 PENALTY.

Any person served with a civil citation for violating the provisions of this chapter shall pay civil sanction in the amount of \$250.

(Prior Code, § 8-3-7) (Ord. 531-08, passed 4-22-2008)

CHAPTER 112: SOLICITORS

Section

- 112.01 Definitions
- 112.02 License required
- 112.03 License issuance
- 112.04 License fee
- 112.05 Denial of license; revocation
- 112.06 Prohibited acts
- 112.07 Exceptions

§ 112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON. Any individual, male or female, corporation, firm, company, partnership, joint venture, enterprise, association or other entity engaging in a business, profession, occupation, solicitation or trade.

SOLICITOR. A person who goes from door to door of single-family dwellings, multi-family dwellings and/or businesses, or who is on the streets and parking lots of the city, for the purpose of selling goods, wares, merchandise or services, or to accept subscriptions or orders thereof, or to accept or request donations for any charitable purpose.

(1976 Code, § 8-1-1) (Ord. 536-08, passed 4-22-2008)

§ 112.02 LICENSE REQUIRED.

Solicitors shall, before contacting persons located at residential or business premises or upon the streets and parking lots of the city, make application with the City Clerk and furnish:

(A) Name, business name or doing business as (DBA), local and permanent address, vehicle registration number, driver's license number, physical description and North American Industry Classification System (NAICS) codes, transaction privilege tax (TPT) license number and employer identification number (EIN), if applicable;

(B) Name, address and telephone number of a person, officer, director or registered agent of the organization, group, association, partnership or corporation who is the employer of or entity represented by the applicant, and NAICS codes, TPT license numbers and EIN number, if applicable;

(C) Nature of the goods, wares, merchandise or services offered for sale or the purpose for which solicitations will be made;

(D) A photo copy of the applicant's driver's license, passport photo or a one-inch by two-inch photograph of the applicant, to remain on file with the city; and

(E) Completion of a statement as to whether the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance in the preceding five years, the nature of the offense, and the punishment or penalty assessed therefor.
(1976 Code, § 8-1-2) (Ord. 536-08, passed 4-22-2008)

§ 112.03 LICENSE ISSUANCE.

(A) Upon receipt of the application, the original shall be referred to the Chief of Police, who shall, within 15 days, investigate the applicant's criminal history to determine if the person poses a risk to the health, welfare and safety of the public. If the applicant does not appear to pose a risk to the public, the Chief of Police shall approve the application and return same to the City Clerk. The City Clerk shall collect the prescribed fee and deliver the license to the applicant.

(B) A license issued under this chapter shall be issued for the calendar year. Solicitors shall possess the license at all times and shall display same to any person who requests to examine the license.
(1976 Code, § 8-1-3) (Ord. 536-08, passed 4-22-2008)

§ 112.04 LICENSE FEE.

A fee of \$50, to cover the cost of the investigation and processing, shall be paid to the City Clerk when the application is filed. The fee is non-refundable and may not be prorated for solicitations conducted for a portion of the year. The license fee may be adjusted from time to time by resolution of the Mayor and Common Council.
(1976 Code, § 8-1-4) (Ord. 536-08, passed 4-22-2008)

§ 112.05 DENIAL OF LICENSE; REVOCATION.

(A) If the Chief of Police determines an applicant poses a risk to the health, safety and welfare of the public, the City Clerk and City Manager shall be notified of the determination and, upon the concurrence of the City Manager, the application shall be denied.

(B) Licenses issued under the provisions of this chapter may be summarily revoked by the City Manager after a determination that revocation is necessary to protect the health, welfare and safety of the public. The determination may be predicated upon misrepresentation or false statement contained in the application, misrepresentation or false statement made by the solicitor in the course of conducting business, breach of the peace, subsequent conviction of a crime, or conduct in violation of federal, state and local laws and regulations.

(1976 Code, § 8-1-5) (Ord. 536-08, passed 4-22-2008)

§ 112.06 PROHIBITED ACTS.

It is unlawful for any person to:

(A) Solicit under false pretense;

(B) Remain at any residential or business premises after having been requested to leave by the owner or occupant;

(C) Solicit when the owner or occupant has displayed a “No Soliciting” or similar sign on the premises;

(D) Solicit without a license;

(E) Use or possess an altered, forged or fictitious solicitor’s license; or

(F) Obstruct the flow of commerce, traffic or pedestrian movement.

(1976 Code, § 8-1-6) (Ord. 536-08, passed 4-22-2008) Penalty, see § 10.99

§ 112.07 EXCEPTIONS.

The provisions of this chapter shall not apply to schools, churches, athletic groups and non-profit organizations, e.g., Boy and Girl Scout programs and Big Brothers/Sisters.

(1976 Code, § 8-1-7) (Ord. 536-08, passed 4-22-2008)

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES

131. GRAFFITI

CHAPTER 130: OFFENSES

Section

- 130.01 Abandoned refrigerators
- 130.02 Dangerous constructions
- 130.03 Damage to property
- 130.04 Deposits of injurious material on thoroughfares
- 130.05 Excavations to be covered
- 130.06 Explosives
- 130.07 False or misleading reports to police
- 130.08 Fences; electric
- 130.09 Furnishing weapons and other articles to prisoners
- 130.10 Littering
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- 130.12 Noise
- 130.13 Obstruction of streets
- 130.14 Obstruction of view
- 130.15 Offensive business
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- 130.17 Prostitution
- 130.18 Searchlights
- 130.19 Signs and banners
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- 130.22 Weapons
- 130.23 General offense
- 130.24 Public consumption or display of medical marijuana
- 130.25 Body piercing; misrepresentation of age
- 130.26 Aggressive solicitation

- 130.99 Penalty

§ 130.01 ABANDONED REFRIGERATORS.

It is unlawful for any person to abandon, discard, store or keep in any place accessible to children, or as the owner, lessee or manager to permit to remain on premises under his or her control, in any place accessible to children, a refrigerator, ice box, freezer cabinet or similar containers, of a capacity of not

less than one and one-half cubic feet, which is no longer used for refrigeration purposes, without the attached doors, hinges, lids or latches being removed.

(1976 Code, § 10-1-1) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.02 DANGEROUS CONSTRUCTIONS.

It is unlawful for any person to maintain or allow any signs, billboards, awnings and other similar structures over or on streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.

(1976 Code, § 10-1-2) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.03 DAMAGE TO PROPERTY.

(A) It is unlawful for any person to damage in any manner or attempt to damage or tamper with any pipe lines, water hydrants, street lamps or lights, or the fixtures and appliances thereunto belonging upon any of the poles or other objects for use in connection with the lighting of the streets of the city or any water pipes, hydrants or any appliances pertaining to the water or sewer works, or any other property of any and every character belonging to the city.

(B) It is unlawful for any person to deface, walk, ride or drive upon or over any sidewalk or street crossing composed of or containing cement, during the construction thereof, or before the same is opened to public use.

(C) It is unlawful for any person to damage in any manner any road, street or bridge in the city limits by using the same, by heavy vehicles, malicious destruction or by any act that will result in damage to any such road, street or bridge.

(D) It is unlawful to break or destroy any window, door or part of any building owned or occupied by another or to break or sever from any premises owned or occupied by another any gate, fence, railing, tree, brush or vine or any property whatsoever, or to deface, mutilate or injure the same.

(1976 Code, § 10-1-3) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.04 DEPOSITS OF INJURIOUS MATERIAL ON THOROUGHFARES.

It is unlawful for any person, either willfully and maliciously or carelessly and negligently to drop, throw, place or scatter upon any street, alley, sidewalk or public place in the city any nails, tacks, broken glass, glass bottles or any instrument or thing whatsoever of such nature as to be capable of injuring persons or property.

(1976 Code, § 10-1-4) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.05 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 city without providing a sufficient light at night and a temporary fence or suitable obstruction around such excavation during the day.

(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 providing substantial curbing, covering or protection of such excavation.

(1976 Code, § 10-1-5) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.06 EXPLOSIVES.

It is unlawful for any person within the limits of the city to blast or use powder, fireworks or other explosives without a permit in writing from the office of the City Manager.

(1976 Code, § 10-1-6) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.07 FALSE OR MISLEADING REPORTS TO POLICE.

It is unlawful for any person willfully to make to the Police Department of the city any false, fraudulent, misleading or unfounded report or statement, or willfully to misrepresent any fact for the purpose of interfering with the operation of the Police Department or with the intention of misleading any police officer.

(1976 Code, § 10-1-7) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.08 FENCES; ELECTRIC.

It is unlawful for any person to erect or maintain within the city any electric fence. Any such fence is a public nuisance and subject to abatement by order of the City Court.

(1976 Code, § 10-1-8) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

~~**§ 130.09 FURNISHING WEAPONS AND OTHER ARTICLES TO PRISONERS.**~~

~~It is unlawful for any person to furnish or attempt to furnish or take into jail or to deliver or attempt to deliver to any prisoner therein confined, or in the custody of any officer, any weapon, tool, intoxicating liquors, drug or other article without the consent of the officer in charge.~~

~~(1976 Code, § 10-1-9) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99~~

COVERED UNDER STATUTE

§ 130.10 LITTERING.

It is unlawful for any person to throw or deposit any litter in or upon any street, alley, public grounds, school grounds or church grounds.

(1976 Code, § 10-1-10) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.11 MINORS.

(A) It is unlawful for any person 13 to 17 years of age to idle or loiter upon the streets or public places between the hours of midnight and 5:00 a.m. unless such person is accompanied by a parent, guardian or some person of legal age having custody of such person. It is unlawful for any parent, guardian or other adult person having the care and custody of such person to encourage or allow such person to idle or loiter upon the streets or public places between the hours of midnight and 5:00 a.m. unless accompanied by such parent or guardian. The provisions of this section shall not apply when the person is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the person.

(B) It is unlawful for any person 12 years old or under to idle or loiter upon the streets or public places between the hours of 10:00 p.m. and 5:00 a.m. unless such person is accompanied by a parent, guardian or some person of legal age having custody of such person. It is unlawful for any parent, guardian or other adult person having the care and custody of such person to encourage or allow such person to idle or loiter upon the streets or public places between the hours of 10:00 p.m. and 5:00 a.m. unless accompanied by such parent or guardian. The provisions of this section shall not apply when the person is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the person.

(1976 Code, § 10-1-11) (Ord. 262-91, passed 10-10-1991; Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.12 NOISE.

(A) *Introduction.* Certain noise levels must be tolerated by all citizens in order for the normal functions of city life to continue; however, excessive noise is detrimental to the physical, mental and social well being of the citizens of the city as well as to their comfort, living conditions, general welfare and safety. Thus, any loud, unnecessary, or unusual noise that is excessive, disruptive and/or annoying is subject to regulation as provided herein.

(B) *Prohibited noises, standard.* The creating, permitting or allowing of any unreasonably loud and disturbing noise originating from sources within the city is hereby prohibited. An **UNREASONABLY LOUD AND DISTURBING NOISE** is hereby defined as noise of such character, intensity or duration as to be detrimental to the life or health or well-being of any individual, or as to disturb the public peace and quiet of a neighborhood, family or person. No person shall cause, suffer, allow or permit sound from any source which, when measured from the real property boundary of the source of the sound, is in excess of the following standards. As used herein, **A-WEIGHTED SOUND PRESSURE LEVEL** means the

sound pressure level in decibels as measured on a sound level meter using the A-weighting network, as defined in American National Standards Institute (ANSI) S1.4-1983 (R 2006). The level so read is designated dB(A). Impulsive sound, which repeats four or more times in any hour, shall be measured as continuous sound.

(1) *Residential use.*

(a) When the offending sound emanates from a residential use between the hours of 6:00 a.m. and 11:00 p.m., sound which has an A-weighted sound pressure level of 70 dB(A), or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(b) When the offending sound emanates from a residential use between the hours of 11:00 p.m. and 6:00 a.m., sound which has an A-weighted sound pressure level of 60 dB(A), or impulsive sound which has an A-weighted sound pressure level of 70 dB(A).

(2) *Commercial use.*

(a) When the offending sound emanates from a commercial use between the hours of 6:00 a.m. and 11:00 p.m., continuous or impulsive sound which has an A-weighted sound pressure level of 80 dB(A).

(b) When the offending sound emanates from a commercial use between the hours of 11:00 p.m. and 6:00 a.m., sound which has an A-weighted sound pressure level of 65 dB(A), or impulsive sound which has an A-weighted sound pressure level of 75 dB(A).

(3) *Industrial use.* When the offending sound emanates from an industrial use, continuous or impulsive sound which has an A-weighted sound pressure level of 85 dB(A).

(C) *Other prohibited noises.* In addition to, and consistent with the provisions of this section, it shall be unlawful for any person within the city limits to make, produce, cause, suffer, continue or allow to be produced or continued by human voice, machine, animal or device, or any combination of same, any unreasonably loud and disturbing noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or which otherwise injures or endangers the comfort, repose, health, peace, safety or welfare of others; the standards which shall be considered in determining whether a violation of this section exists shall include the following:

- (1) The volume of the noise;
- (2) Whether the nature of the noise is usual or unusual;
- (3) Whether the origin of the noise is natural or unnatural;
- (4) The proximity of the noise to residential sleeping facilities, which includes hotels;

- (5) The time of day the noise occurs;
- (6) The volume of background noise, if any; and
- (7) The duration of the noise.

(D) *Specific acts prohibited.* The following acts are declared to be unreasonably loud, unusual or unnecessary noises in violation of this section, even if the noises referred to do not violate the noise level standards set forth herein and are prohibited:

(1) The playing of any loudspeakers or other devices for reproduction or amplification of sound, from a public street, public property or public right-of-way, unless such person has first applied to and received permission from the Chief of Police to operate such equipment;

(2) Operating or permitting the operation of any radio, stereo, player or other sound device either in or on a vehicle or a self-contained non-vehicular device in such a manner that the sound is plainly audible at a distance of 50 feet between the hours of 7:00 a.m. and 10:00 p.m. or at a distance of 25 feet between the hours of 10:00 p.m. and 7:00 a.m.;

(3) Owning, possessing, harboring or permitting any animal or bird which frequently or for continuous duration howls, barks, meows, squawks or makes other sounds.

(a) Prima facie evidence of a violation of this division (D) shall include, but not be limited to:

1. Vocalizing (howling, yelping, barking, squawking and the like) for five minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or

2. Vocalizing for 20 minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

(b) It is an affirmative defense under this division (D) that the dog or other animal was intentionally provoked to bark or make any other noise.

(4) Operating a motor vehicle in such a manner as to cause the tire or tires to squeal or screech;

(5) Operating a motor vehicle that is not at all times equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise. It is unlawful for any person operating any motor vehicle to use a cut-out, by-pass or similar muffler elimination appliance;

(6) The use of any automobile, motorcycle or other vehicle so out of repair or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise;

(7) Outdoor noise occurring during the course of construction at a temporary construction site which is generated by blasting, excavation, generators or heavy equipment (including, but not limited to, backhoes, tractors, concrete trucks, dump trucks, jackhammers and air compressors) shall only be allowed between the hours of 6:00 a.m. through 8:00 p.m. Monday through Saturday, unless expanded hours of operation are specifically allowed by permit from the city, and in that event under such terms, conditions and limitations as set forth in the permit; and

(8) Yelling, shouting, whistling or singing on the public streets, or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any hospital, dwelling, hotel or other type of residence, or of any person in the vicinity.

(E) *Exceptions.* None of the terms or prohibitions as set forth in this section shall apply to or be enforced against:

(1) Any governmental vehicle or activity while engaged in necessary public business;

(2) Excavations or repairs of water or sewer lines, utilities or streets by or on behalf of a governmental entity or utility company when the public welfare and convenience renders it impracticable to perform such work during the day;

(3) Any private vehicle or activity while engaged in necessary public business at the request of a governmental entity, provided, however, that said private vehicle or activity shall not be exempt from the provisions of division (D)(7) above;

(4) Any special events, concerts, parades, sporting events and similar activities which are taking place on public property with the permission or consent of that public entity;

(5) Use of domestic power equipment (including, but not limited to, power lawn mowers, leaf blowers, trimmers, tillers, saws, sanders, drills or similar devices) between the hours of 7:00 a.m. and 10:00 p.m.;

(6) Attendant on-site noise connected with the actual performance of organized sporting events on school campuses and in publicly-owned parks or facilities;

(7) Human sounds emanating from children 12 years of age or under, including, but not limited to, speech and utterances of laughter, cries and sounds associated with play;

(8) Security alarms on structures or motor vehicles, except that such alarms must terminate operation within five minutes after activation for continuous airborne sound and within 15 minutes for impulsive sound unless otherwise provided in this code;

(9) Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation;

(10) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations or air traffic control instructions issued pursuant to or within duly adopted federal air regulations, together with any noise created by aircraft operated under, or pursuant to, declaration of an emergency under federal air regulations; or

(11) Any activities or actions that otherwise would violate this section may be conducted at different times and at higher noise levels than otherwise permitted, if upon written application, a permit is obtained beforehand from the city. The permit shall be kept on the site and shown to city officials or the city law enforcement agent on request and the City Manager or Council may prescribe in the permit such allowable conditions, times, restrictions and permissible noise emissions as he or she deems to be required in the public interest.

(F) *Violations.* Any person who violates any provision of this section shall, upon his or her first conviction (whether by admission, payment of the fine, by default or by judgment after hearing), be considered guilty of a petty offense. A person who commits a violation of this section after previously having been found responsible of a violation of this chapter within a 24-month period, shall be deemed a habitual offender and be guilty of a Class 2 misdemeanor, all punishable as set forth in this code and state law. For purposes of calculating the 24-month period under this section, the dates of the commission of the offenses are the determining factor.

(1) The remedies herein are cumulative, and the city may proceed under one or more such remedies.

(2) Each violation of this section shall be considered a separate offense, and any violation continuing more than one-half hour or recurring within one half hour shall be considered a separate offense for each half hour of violation.

(3) Nothing contained in this section shall be construed as requiring any warning to any person before the enforcement of the provisions of this section.

(4) A violation of this section is hereby declared to be a public nuisance. In the event of a continuing violation of this section, the City Attorney is hereby authorized to pursue a request for injunctive relief in a court of competent jurisdiction. In the event that an injunction is issued pursuant to this subsection, the court may also award reasonable attorney fees in favor of the city.

(1976 Code, § 10-1-12) (Ord. 614-14, passed 7-9-2014; Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.13 OBSTRUCTION OF STREETS.

(A) It is unlawful for any person to obstruct any public street, alley, sidewalk or park or other public grounds within the city by committing any act of, or doing anything which is injurious to the health or indecent or offensive to the senses, or to do in or upon any such streets, alleys, sidewalks, parks or other public grounds, any act or thing which is an obstruction or interference to the free use of property or with any business lawfully conducted by anyone, in or upon, or facing or fronting on any of such streets, alleys, sidewalks, parks or other public grounds in the city.

(B) It is unlawful for any person to place or construct any ramp in, on or across a city gutter or street except in conformity with a curb ramp policy that shall be maintained by the City Public Works Department. Said policy shall be on file with the City Public Works Department for public use and inspection.

(1976 Code, § 10-1-13) (Ord. 560-10, passed 6-10-2010; Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.14 OBSTRUCTION OF VIEW.

It is unlawful for any person to maintain or allow any tree, hedge, billboard or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

(1976 Code, § 10-1-14) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.15 OFFENSIVE BUSINESS.

It is unlawful for any person to establish or maintain any slaughterhouse or make a practice of slaughtering cattle, hogs, sheep or any other kind of animal, or establish or maintain any soap factory, render tallow, or pursue, maintain or carry on any other business or occupation offensive to the senses or prejudicial to the public health within the limits of the city.

(1976 Code, § 10-1-15) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.16 OFFENSIVE PREMISES.

It is unlawful for any person to suffer or permit any premises belonging to or occupied by him or her, or any cellar, privy, vault, pool, sewer or private drain therein to become nauseous, foul or offensive to the senses or prejudicial to the public health or comfort.

(1976 Code, § 10-1-16) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.17 PROSTITUTION.

It is unlawful for any person to practice prostitution or to solicit any person to visit or patronize a prostitute or place of prostitution.

(1976 Code, § 10-1-17) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.18 SEARCHLIGHTS.

(A) It is unlawful for any person to operate within the city any incandescent or arc type searchlight, beacon light or similar lighting device designed to and capable of projecting a beam of light into the sky for a distance in excess of one-half mile unless permission is obtained from the Council.

(B) The provisions of this section shall not apply to emergency searchlights or beacons operated pursuant to public authority.

(1976 Code, § 10-1-18) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.19 SIGNS AND BANNERS.

It is unlawful for any person to place any banner or sign upon any street light pole, traffic signal pole or utility pole within the city without first obtaining authorization from the Council.

(1976 Code, § 10-1-19) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.20 SPITTING.

It is unlawful for any person to spit upon any of the public sidewalks or crosswalks in the city or upon any public path, by-way or highway or in or on any public ground or park in the city, or upon the floor, exterior or interior of any public building in the city.

(1976 Code, § 10-1-20) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.21 WATER FLOW UPON STREETS.

It is unlawful for any person to willfully or negligently permit or cause the escape or flow of water in such quantity as to cause flooding, or to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic, or to cause damage to the public streets of the city.

(1976 Code, § 10-1-21) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.22 WEAPONS.

(A) It is unlawful for any person within the limits of the city to fire or discharge any ~~firearm~~, BB gun, air gun, pellet gun, dart gun, slingshot, ~~gas-operated gun~~ or other similar ~~gun or~~ instrument.

(B) The prohibitions of division (A) above shall not apply to the use of any such gun or instrument by:

- (1) A law enforcement officer or other duly authorized public official or employee in the

performance of any official duty;

(2) Any person to whom a license, permit or authority is issued by the Chief of Police of the city for the use of such ~~gun or~~ instrument for a valid and proper purpose and for use in a manner not likely to harm any person, animal or property;

(3) Any person when used only for the necessary protection of property, habitation or person in a manner authorized by the laws of the state under or within rights guaranteed by the Constitution of the state or the United States of America; or

(4) Any person on a rifle, pistol or shotgun range constructed and maintained in accordance with such rules and regulations as the Council may designate.

~~(C) It is unlawful for any person, except a peace officer in actual service and discharge of his or her duty, to have on or about his or her person a concealed weapon.~~

~~(1) **WEAPON**, as used in this section, means anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term **WEAPON** includes a firearm which is not loaded or lacks a clip or other component to render it immediately operable, and components which can readily be assembled into a weapon.~~

~~(2) A weapon is not concealed weapon as used in this section if:~~

~~(a) It is carried in a belt holster which is wholly or partially visible, or is carried in a scabbard or case designed for carrying weapons which scabbard or case is wholly or partially visible; or~~

~~(b) It is located in a closed trunk, luggage or glove compartment of a motor vehicle.~~

~~(D) It is unlawful for any person to recklessly or carelessly handle a weapon.~~

~~(E) Any person other than a peace officer on duty carrying a weapon, upon entering any public place or attending a public event, may be required by the operator of the establishment or the sponsor of the event to remove his or her weapon and place it in the custody of the operator of the establishment or the sponsor of the event.~~

~~(F) It is unlawful for any person to sell or give to a person under the age of 18 years, without written consent of the person's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.~~

~~(1976 Code, § 10-1-22) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99~~

ARIZONA REVISED STATUTES §13-3118 STATES THAT: EXCEPT FOR THE LEGISLATURE, THIS STATE AND ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE SHALL NOT ENACT OR IMPLEMENT ANY LAW, RULE OR ORDINANCE RELATING TO THE POSSESSION, TRANSFER, OR STORAGE OF FIREARMS OTHER THAN AS PROVIDED IN STATUTE.

§ 130.23 GENERAL OFFENSE.

It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by state law in so far as such laws are applicable to municipal government. (1976 Code, § 10-1-23) (Ord. 81, passed 2-22-1983; Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.24 PUBLIC CONSUMPTION OR DISPLAY OF MEDICAL MARIJUANA.

It is unlawful for any person to consume or display medical marijuana in a public place, including public buildings and facilities, public and private schools, public parks and playgrounds, churches, sidewalks, streets, thoroughfares and public gatherings. (1976 Code, § 10-1-24) (Ord. 567-11, passed 2-10-2011; Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.25 BODY PIERCING; MISREPRESENTATION OF AGE.

(A) It is unlawful for a person who is under 18 years of age to misrepresent his or her age to any person by means of a written instrument of identification with the intent to induce a person to perform body piercing.

(B) It is unlawful for a person who is under 18 years of age to use a fraudulent or false written instrument to obtain a body piercing.

(C) It is unlawful for a person who knowingly influences the performing of a body piercing by misrepresenting the age of or the familiar status with such person.

(D) For the purpose of this section, **BODY PIERCING** means cutting, injection, poking or insertion of instruments upon or under the skin for the purpose of attaching earrings, rings, jewelry, jeweled studs or any other metallic or plastic object for the purpose of wearing such object, excepting the piercing of earlobes.

(1976 Code, § 10-1-25) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.26 AGGRESSIVE SOLICITATION.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGGRESSIVE MANNER. Includes either individually or as a group:

(a) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;

(b) Approaching or following the person being solicited, if the conduct is:

1. Intended to or is likely to cause a reasonable person to fear imminent bodily harm to oneself or another, or damage to or loss of property, or the commission of a criminal act upon the person or property in the person's possession;

2. Intended to or is reasonably likely to intimidate a reasonable person being solicited into responding affirmatively to the solicitation;

3. Continuing to solicit within five feet of the person being solicited after the person has made a negative response to such solicitation;

4. Intentionally, knowingly or recklessly obstructing the safe or free passage of the person being solicited, or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's constitutional right to picket or legally protest, and acts authorized by a permit issued by the city, shall not constitute obstruction of pedestrian or vehicular traffic; or

5. Intentionally or recklessly using obscene or abusive language or gestures:

a. Intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon the person or property in the person's possession; or

b. Intended to or is reasonably likely to intimidate a reasonable person into responding affirmatively to the solicitation.

AUTOMATED TELLER MACHINE. A device, linked to a financial institution's account records, which is able to carry out transactions including, but not limited to: account transfers; deposits; cash withdrawals; balance inquiries and mortgage and loan payments.

AUTOMATED TELLER MACHINE FACILITY. The area comprised of one or more automated teller machines and any adjacent space which is made available to banking customers after regular banking hours. It shall be presumed that any automobile parking space within 25 feet of an automated teller machine is part of the ***AUTOMATED TELLER MACHINE FACILITY*** to provide access to bank customers.

BANK. A bank, credit union or other similar financial institution.

PUBLIC AREA. An area to which the public or a substantial group of persons has access and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

PUBLIC TRANSPORTATION VEHICLE. Any vehicle used for the transportation of passengers on scheduled routes on an individual passenger fare-paying basis.

SOLICIT. To request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The

SOLICITATION may be, without limitation, by the spoken, written or printed word, or by other means of communication.

(B) *Prohibited acts.* It shall be unlawful for any person or group to solicit money or other things of value, or to solicit the sale of goods or services:

(1) In an aggressive manner in a public area;

(2) In any public transportation vehicle or from any persons within 15 feet of any transit stop, bus stop, taxi stand, train station platform or the inside of the train station, except that the operator of public transportation vehicle may request or accept payment of a fare;

(3) Within 15 feet of any entrance or exit of any bank or automated teller machine facility, without the consent of the owner or other person legally in possession of such facility; or

(4) Immediately adjacent to the entrance of a business in a manner that physically interferes with ingress or egress to that business entrance.

(1976 Code, § 10-1-26) (Ord. 623-15, passed 2-25-2015) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Each day any violation of any provision of § 130.26 shall continue shall constitute a separate offense. A violation of § 130.26 shall be a Class 3 misdemeanor and upon conviction shall be punishable by a fine of up to \$500 and up to 30 days in jail.

(1976 Code, § 10-1-26.3) (Ord. 623-15, passed 2-25-2015)

CHAPTER 131: GRAFFITI

Section

- 131.01 Definitions
- 131.02 Graffiti prohibited
- 131.03 Accessibility to graffiti implements
- 131.04 Graffiti as nuisance; graffiti removal
- 131.05 Abatement procedures; notice; administrative review
- 131.06 Trust Fund established

- 131.99 Penalty

§ 131.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABATEMENT. The act of removal of graffiti.

AEROSOL PAINT CONTAINER. Any aerosol container that is adapted or made for the purposes of applying spray paint or other substances capable of defacing property.

BROAD-TIPPED MARKER. Any type of marker or similar instrument with a flat or angled writing surface of one-fourth inch or greater which contains ink or other pigmented liquid that is not water soluble.

BUSINESS DAYS. The days of the week of Monday through Friday, excluding legal holidays.

ETCHING EQUIPMENT. Any tool device or substance that can be used to make permanent marks on the surface of any property.

GRAFFITI. Any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the City Council.

GRAFFITI IMPLEMENT. An aerosol paint container, a broad-tipped marker, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or human-made surface when the tools are used in an overt criminal act.

PRIOR AUTHORIZATION. With prior permission of the owner, manager or other person in control of the private or public property.

RESPONSIBLE. Accountable, as for something within one's power.
(1976 Code, § 10-2-1)

§ 131.02 GRAFFITI PROHIBITED.

(A) No person may apply any graffiti to any natural or human-made surfaces on any publicly-owned property or any privately-owned property without the prior written consent of the owner or responsible party. The application of graffiti is deemed to be an act of malicious or willful misconduct.

(B) No person may possess aerosol paint containers, broad-tipped markers, etching equipment or any graffiti implements on any public property or private property with the intent to violate or in violation of this section.

(C) No minor may be in possession of aerosol paint containers, broad-tipped markers, etching equipment or any other graffiti implements on any public property, structure or facility, any school property, structure or facility, or any private property without prior written permission of the lawful owner or responsible party for the property. The provisions of this section do not apply to minors possessing such implements for classes or organized extracurricular activities that require the use of such implements and whose use is limited to legitimate activities.

(1976 Code, § 10-2-2) Penalty, see § 131.99

§ 131.03 ACCESSIBILITY TO GRAFFITI IMPLEMENTS.

(A) *Furnishing to minors prohibited.*

(1) No person may sell any aerosol paint containers or broad-tipped markers, nor shall anyone sell, give, lend or otherwise make available other graffiti implements to a minor unless that minor is accompanied by a parent or legal guardian at the time of purchase or transfer, and the purchase is for legitimate use in classes, organized extracurricular activities or other legitimate activities.

(2) No minor may furnish fraudulent evidence of majority at the time of purchase or transfer of any aerosol paint containers, broad-tipped markers or any other graffiti implements.

(B) *Display and storage.* Every person who owns, operates or manages a commercial retail establishment that sells aerosol paint containers or broad-tipped markers must store the implements in an area inaccessible to the public without employee or owner assistance, or that is continuously observable

through direct visual observation or surveillance equipment by the establishment's owner(s) or employees during the regular course of business.

(C) *Signs required.* Every person who operates a commercial retail establishment that sells graffiti implements shall:

(1) Place a sign at or near the display of such products stating: ~~A~~ "Graffiti is against the law. Any person who defaces property with paint, markers and other liquid or marking device is guilty of a crime punishable by imprisonment and/or fines as allowed by law and restitution~~;~~ and/or

(2) Place a sign in view of persons accepting customer payment for graffiti implements, stating: ~~A~~ "Selling aerosol paint containers or broad-tipped markers to persons under the age of 18 is against the law and punishable by an imprisonment and/or fines as allowed by law and restitution~~;~~".
(1976 Code, § 10-2-3) Penalty, see § 131.99

§ 131.04 GRAFFITI AS NUISANCE; GRAFFITI REMOVAL.

(A) *Graffiti as nuisance.* The existence of graffiti on public and private property in violation of this chapter is expressly declared to be a public nuisance.

(B) *Removal of graffiti by perpetrator.* Any person applying graffiti on public or private property must remove or pay for the removal of the graffiti in a manner approved by the property owner within 24 hours of notification. Failure of any person to remove or pay for removal of graffiti constitutes an additional violation of this chapter. If graffiti is applied by a minor, the parent(s) or legal guardian are also responsible for removal or payment for removal of graffiti.

(C) *Removal of graffiti by property owner.* It shall be unlawful for any person owning or otherwise in control of any real property within the city to maintain, permit or allow graffiti to remain on any property where the graffiti is visible from any street or other public or private property. The owner or other person in control of any public or private property shall remove or cause to be removed any graffiti on the property within three business days, excluding legal holidays and weekends, of the placement of the graffiti. Absenteeism from the property of the owner or person in control of the property or knowledge of the graffiti by the owner or person in control of the property shall be considered when determining a violation of this section.

(D) *Removal of graffiti by city.* The city is authorized, but not required, to use public funds for graffiti abatement on public or private property. The city is not required to paint, remove or repair an area more extensive than that covered by graffiti, unless the owner has made prior arrangements with the city and agreed to pay the costs for more extensive painting, removal or repair.
(1976 Code, § 10-2-4) Penalty, see § 131.99

§ 131.05 ABATEMENT PROCEDURES; NOTICE; ADMINISTRATIVE REVIEW.

(A) *Permission for entry; cost recovery by city.*

(1) *Permission from an owner.*

(a) If the owner or responsible party of the property signs a permission form, the city or its private contractor may enter the property to abate graffiti.

(b) The owner or responsible party shall be responsible for the cost of the abatement, unless prior agreement for the costs are made.

(2) *No permission from an owner.*

(a) If the property owner or responsible party refuses to sign a permission form or cannot be located and the city, at its sole discretion, deems it appropriate to abate graffiti on the property, the city will issue a notice of graffiti abatement.

(b) The notice may be served in person, by certified mail, by posting on the subject property, or publishing in a city newspaper of general circulation.

(B) *Notice.* The notice of graffiti abatement will contain the following information:

(1) Identify the property and describe the nature of the graffiti;

(2) A statement declaring that the property is a public nuisance;

(3) A statement declaring that abatement may commence within three business days from the date of the notice;

(4) Liability waived: neither the city or its private contractor shall be liable for any abatement of graffiti that does not match or resemble the original surface; and

(5) Cost recovery: the owner or persons in control of the property shall be responsible for the cost of the abatement, unless prior agreement for the costs are made.

(C) *Designation of Enforcement Authority and Hearing Officers.*

(1) All officers and investigators of the City Police Department, City Fire Department, the City Building Official, the Code Enforcement Officer, the Building Inspectors, Sanitation Inspector and the Code Enforcement specialist are authorized to issue notices of graffiti abatement for violations of this code within city jurisdiction.

(2) The City Council shall appoint a Hearing Officer for graffiti abatement to preside over an administrative review from persons interested from within the city. The Hearing Officer may be reappointed or replaced by majority vote of the Council at any regular City Council meeting.

(D) *Administrative review.*

(1) *Request for review.* An owner or responsible party may object to the notice of graffiti abatement by filing a written request for review with the Hearing Officer no later than three business days after receiving the notice of graffiti abatement.

(2) *Review process.* Upon timely receipt of the request for review, the Hearing Officer, will notify the enforcement authority to defer enforcement action until the review is final. The owner or responsible party must promptly supply the Hearing Officer with any additional information necessary to determine whether or not the property constitutes a nuisance. When the review is final, the Hearing Officer will notify the owner or responsible party and the enforcement authority of his findings within five business days. The owner or responsible party will be notified by certified mail.

(3) *Determinations of the Hearing Officer.* The determination by the Hearing Officer is final and not appealable, if the Hearing Officer determines that the property contains graffiti and is a public nuisance, the Hearing Officer will issue a written eradication order stating that the city may enter upon the property with 24 hours and abate the graffiti.

(1976 Code, § 10-2-5) Penalty, see § 131.99

§ 131.06 TRUST FUND ESTABLISHED.

(A) The City Council hereby creates the City Anti-Graffiti Trust Fund. The proportion of the penalties assessed against violators of this chapter that accrues to the city will be placed in the fund, along with any monetary donations received from persons wishing to contribute to the fund.

(B) The Council will direct the expenditures of monies in the fund. Expenditures are limited to payment for the cost of graffiti removal, rewards for information leading to the successful arrest and indictment of violators of this chapter, the costs of administering this chapter, and such other public purposes that are involved with graffiti abatement.

(1976 Code, § 10-2-6)

§ 131.99 PENALTY.

(A) Any person who violates any provision of this chapter shall be punished by a fine not exceeding \$300 or by imprisonment not exceeding six months or by both fine and imprisonment.

(B) A person who is convicted of a violation of § 131.02:

(1) Shall be punished by not less ~~than~~than 40 hours of community service involving the removal of graffiti within the community and a fine of not less than \$250 and/or by imprisonment of not less than 48 hours in jail;

(2) The court shall order restitution to the victim for damage or loss caused directly or indirectly by the ~~defendants~~defendant's offense in an amount equal to the damages and/or abatement thereof;

(3) Any person under the age of 18 will be punished as provided for in A.R.S. Title 8; and

(4) No judge shall suspend the imposition of any of the mandatory minimum penalties required by this section.

(1976 Code, ' 10-2-7)

*Reviewed
8/15/2016
SS*

THE CITY OF PAGE
FLOODPLAIN MANAGEMENT
ORDINANCE

May 2012



SECTION 1.0
STATUTORY AUTHORIZATION,
FINDINGS OF FACT,
PURPOSE AND METHODS

1.1 STATUTORY AUTHORIZATION

1.1 Pursuant to A.R.S. § 48-3610, the City of Page has been authorized to adopt regulations in conformance with A.R.S. § 48-3603 designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council of Page, Arizona, does ordain as follows:

assume the powers and duties of Floodplain management and

1.2 FINDINGS OF FACT

- 1.2
- ✓ A. The flood hazard areas of the City of Page are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 - ✓ B. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, cause damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage, also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

- 1.3
- ✓ It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - ✓ A. Protect human life and health;
 - ✓ B. Minimize expenditure of public money for costly flood control projects;
 - ✓ C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - ✓ D. Minimize prolonged business interruptions;
 - ✓ E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
 - ✓ F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize blight areas caused by flooding;
 - ✓ G. ~~Ensure that~~ ^{Notify} potential buyers are notified that property is in an area of special flood hazard;
 - ✓ H. ~~Ensure that~~ ^{notify} those who occupy the areas of special flood hazard assume responsibility for their actions,
 - ✓ I. ^{Participate in and} Maintain eligibility for disaster relief. [^] ^{flood insurance and}

1.4 METHODS OF REDUCING FLOOD LOSSES

- 1.4
- ✓ These regulations take precedence over any less restrictive conflicting local laws, ordinances and codes.
 - ✓ In order to accomplish its purposes, this ordinance includes methods and provisions to:

- ✓ A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- ✓ B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- ✓ C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- ✓ D. Control filling, grading, dredging, and other development which may increase flood damage; and
- ✓ E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

SECTION 2.0
DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

✓ **A zone.** See "Special Flood Hazard Area".

✓ **Accessory structure, ~~low-cost and small.~~** A structure that is ~~less than 120 square feet,~~ *on the same parcel of property as a principal structure, the use of which is incidental to the principal structure.*

✓ **Appeal.** A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

✓ **Area of shallow flooding.** A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

✓ **Area of Special Flood Hazard.** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. These areas are designated as Zone A, AE, AO, AH, and AI-30 on the FIRM and other areas determined by the criteria adopted by the Director of the Arizona Department of Water Resources. See "Special flood hazard area")

✓ **Base flood.** A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

Base Flood Elevation (BFE). *computed to which floodwater is anticipated to rise during the base flood.* The elevation ~~shown on the Flood Insurance Rate Map for Zones AE, AH, AI-30, VE and VI-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being~~ equaled or exceeded in any given year.

✓ **Basement.** Any area of the building having its floor sub-grade - i.e., below ground level - on all sides.

✓ **Building.** See "Structure."

✓ **Community.** Any state, area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction..

✓ **Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

✓ **Encroachment.** The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

✓ **Erosion.** The process of the gradual wearing away of landmasses. This peril is not, per se, covered under the Program.

✓ **Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of floodwaters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

No longer used
✓ **Flood Boundary and Floodway Map (FBFM).** The official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated both the areas of special flood hazards and the floodway.

- ✓ **Flood Insurance Rate Map (FIRM).** The official map on which the Federal Emergency Management Agency (FEMA) ~~or Federal Insurance Administration (FIA)~~ has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- ✓ **Flood Insurance Study (FIS).** The official report provided by the Federal Emergency Management Agency that includes flood profiles, Flood Insurance Rate Maps, ~~Flood Boundary and Floodway Maps~~ and the water surface elevation of the base flood.
- ✓ **Floodplain or flood-prone area.** Any land area susceptible to being inundated by water from any source. See "Flood or flooding."
- ✓ **Floodplain Administrator.** The community official designated by title to administer and enforce the floodplain management regulations.
- ✓ **Floodplain Board.** The City Council of Page, at such times as they are engaged in the enforcement of this ordinance.
- ✓ **Floodplain management.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
- ✓ **Floodplain management regulations.** The ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
- ✓ **Floodproofing.** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
- ✓ **Flood-Related Erosion.** The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.
- ✓ **Floodway.** The area of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."
- ✓ **Functionally dependent use.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.
- ✓ **Governing body.** The local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.
- ✓ **Hardship.** As related to Section 6.0 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The City Council of Page requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
- ✓ **Highest adjacent grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

✓ **Historic structure.** Any structure that is:

- ✓ 1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- ✓ 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- ✓ 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- ✓ 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - ✓ a. By an approved state program as determined by the Secretary of the Interior or
 - ✓ b. Directly by the Secretary of the Interior in states without approved programs.

✓ **Lowest floor.** The lowest floor of the lowest enclosed area, including the basement. See "Basement." An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

✓ **Manufactured home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

✓ **Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

✓ **Market value.** Defined in the substantial damage and substantial improvement procedures.

✓ **Mean sea level.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

✓ **New construction.** For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

✓ **Obstruction.** Including, but not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

✓ **One-hundred-year flood or 100-year flood.** The flood having a one percent chance of being equaled or exceeded in any given year. See "Base flood."

✓ **Person.** An individual or the individual's agent, a firm, partnership, association or corporation, or an agent of the aforementioned groups, or this state or its agencies or political subdivisions.

✓ **Recreational vehicle.** A vehicle which is:

- ✓ 1. Built on a single chassis;
- ✓ 2. 400 square feet or less when measured at the largest horizontal projection;
- ✓ 3. Designed to be self-propelled or permanently towable by a light-duty truck; and
- ✓ 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

✓ **Regulatory Flood Elevation (RFE).** An elevation one foot above the base flood elevation for a watercourse for which the base flood elevation has been determined and shall be determined by the criteria developed by the Director of the Arizona Department of Water Resources for all other watercourses.

✓ **Regulatory floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

✓ **Riverine.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

✓ **Sheet flow area.** See "Area of shallow flooding."

✓ **Special Flood Hazard Area (SFHA).** An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on a Flood Boundary and Floodway Map or Flood Insurance Rate Map as Zone A, AO, A1-A30, AE, A99, or, AH.

✓ **Start of construction.** Includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

✓ **Structure.** A walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

✓ **Substantial damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred; or Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. This is also known as "repetitive loss."

✓ **Substantial improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- ✓ 1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

- ✓ 2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

✓ **Variance.** A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

✓ **Violation.** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

✓ **Water surface elevation.** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

✓ **Watercourse.** A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

SECTION 3.0
GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

- 3.1 ✓ This ordinance shall apply to all areas of special flood hazards within the corporate limits of the City of Page.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

- 3.2 ✓ The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Coconino County, Arizona and Incorporated Areas dated September 3, 2010, with accompanying Flood Insurance Rate Maps (FIRMs) and ~~Flood Boundary and Floodway Maps (FBFMs)~~ dated September 3, 2010, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Floodplain Board by the Floodplain Administrator. The Floodplain Board, within its area of jurisdiction, shall delineate (or may, by rule, require developers of land to delineate) for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the Federal Emergency Management Agency and the Director of the Arizona Department of Water Resources. The FIS and FIRM panels are on file at the Page City Hall.

3.3 COMPLIANCE

- 3.3 ✓ All development of land, construction of residential, commercial or industrial structures, or future development within delineated floodplain areas is subject to the terms of this ordinance and other applicable regulations.

3.4 ABROGATION AND GREATER RESTRICTIONS

- 3.4 ✓ This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

3.5 In the interpretation and application of this ordinance, all provisions shall be:

- ✓ A. Considered as minimum requirements;
- ✓ B. Liberally construed in favor of the governing body; and
- ✓ C. Deemed neither to limit nor repeal any other powers granted under state statutes.

3.6 DISCLAIMER OF LIABILITY

- 3.6 ✓ The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City Council of Page, any officer or employee thereof, the State of Arizona or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

3.7 STATUTORY EXEPTIONS

In accordance with A.R.S. § 48-3609(H), unless expressly provided, this and any regulation adopted pursuant to this article do not affect:

- 3.7
- ✓ A. Existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of land or a building or structure is discontinued for six months, or destroyed to the extent of 50 percent of its value as determined by a competent appraiser, any further use shall comply with this article and regulations of the City Council of Page;
 - ✓ B. Reasonable repair or alteration of property for the purposes for which the property was legally used on August 3, 1984, or any regulations affecting such property takes effect, except that any alteration, addition or repair to a nonconforming building or structure which would result in increasing its flood damage potential by 50 percent or more shall be elevated to or above the regulatory flood elevation;
 - ✓ C. Reasonable repair of structures constructed with the written authorization required by A.R.S. § 48-3613; and
 - ✓ D. Facilities constructed or installed pursuant to a Certificate of Environmental Compatibility issued pursuant to A.R.S. Title 40, Chapter 2, Article 6.2.

Before any authorized construction begins for the exceptions listed below, the responsible person must submit plans for the construction to the Floodplain Board for review and comment. In accordance with A.R.S. § 48-3613, written authorization shall not be required, nor shall the Floodplain Board prohibit:

- ✓ E. The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting or crossing a watercourse;
- ✓ F. The construction of storage dams for watering livestock or wildlife, structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by A.R.S. Title 45, Chapter 6;
- ✓ G. Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations that will divert, retard or obstruct the flow of waters in any watercourse from complying with and acquiring authorization from the Floodplain Board pursuant to regulations adopted by the Floodplain Board under this article;
- ✓ H. Other construction upon determination by the Floodplain Board that written authorization is unnecessary;
- ✓ I. Any flood control district, county, city, town or other political subdivision from exercising powers granted to it under A.R.S. Title 48, Chapter 21, Article 1;
- ✓ J. The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision; and
- ✓ K. The construction and erection of poles, towers, foundations, support structures, guy wires and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.

In addition to other penalties or remedies otherwise provided by law, this state, a political subdivision or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to this Article. If a person is found to be in violation of this Section, the court shall require the violator to either comply with this Section if authorized by the Floodplain Board or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation including reasonable costs and attorney fees.

3.8 UNLAWFUL ACTS

- 3.8 ✓
- A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by A.R.S. § 48-3613. Where the watercourse is a delineated floodplain, it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by A.R.S. § 48-3613.
 - B. Any person found guilty of violating any provision of this ordinance shall be guilty of a misdemeanor. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

3.9 DECLARATION OF PUBLIC NUISANCE STATUTE

3.9 ✓ All development located or maintained within any area of special flood hazard after August 8, 1973, in violation of this ordinance, is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.

3.10 ABATEMENT OF VIOLATIONS

Within 30 days of discovery of a violation of this ordinance, the Floodplain Administrator shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to said violation. Within 30 days of receipt of this report, the Floodplain Board shall either:

- 3.10 ✓
- A. Take any necessary action to effect the abatement of such violation; or
 - B. Issue a variance to this ordinance in accordance with the provisions of Section 6.0 herein; or
 - C. Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator within 30 days of such order and the Floodplain Administrator shall submit an amended report to the Floodplain Board within 20 days. At the next regularly scheduled public meeting, the Floodplain Board shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of Section 6.0 herein; or
 - D. Submit to the Federal Emergency Management Agency a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

3.11 SEVERABILITY

3.11 ✓ This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

SECTION 4.0
ADMINISTRATION**4.1 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

4.1 ✓ The City Engineer is hereby appointed to administer, implement and enforce this ordinance by granting or denying development permits in accordance with its provisions.

4.2 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator shall include, but not be limited to:

A. PERMIT REVIEW

Review all development permits to determine that:

- 4.2.1 ✓
1. The permit requirements of this ordinance have been satisfied;
 2. All other required state and federal permits have been obtained;
 3. The site is reasonably safe from flooding;
 4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this ordinance, "adversely affect" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.

B. SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE PROCEDURES

- 4.2.2 ✓
1. Develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
 2. Assure procedures are coordinated with other departments and divisions and implemented by community staff.

C. USE OF OTHER BASE FLOOD DATA

4.2.3 ✓ When base flood elevation data has not been provided in accordance with Section 3.2, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Section 5.0. Any such information shall be consistent with the requirements of the Federal Emergency Management Agency and the Director of the Arizona Department of Water Resources and shall be submitted to the Floodplain Board for adoption.

D. OBTAIN AND MAINTAIN FOR PUBLIC INSPECTION

- 4.2.4 ✓
1. The certified regulatory flood elevation required in Section 5.1.C.1; → 5.5
 2. The elevation certification required for additional development standards, including subdivisions, in Section 5.4.A
 3. The floodway encroachment certification required in Section 5.7.A.
 4. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
 5. Obtain and maintain improvement calculations.

E. NOTIFICATION OF OTHER ENTITIES

- 4.2.5 ✓
2. Whenever a watercourse is to be altered or relocated:
 - ✓ a. Notify adjacent communities and the Arizona Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency through appropriate notification means; and
 - b. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse be maintained.
 3. Base flood elevation and rate of flow due to physical alterations:
 - ✓ a. Base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
 - ✓ b. Within one hundred twenty (120) days after completion of construction of any flood control protective works which changes the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of the Arizona Department of Water Resources.
 4. Corporate Boundary Changes:
 - ✓ a. Notify the Federal Emergency Management Agency ~~and the Arizona Department of Water Resources~~ of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

F. MAP DETERMINATIONS

4.2.6 ✓ Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 6.0.

G. REMEDIAL ACTIONS

4.2.7 ✓ Take actions on violations of this ordinance as required in Section 3.10 herein.

H. BIENNIAL REPORT

N/A Complete and submit a Biennial Report to the Federal Emergency Management Agency.

4.3 ESTABLISHMENT OF DEVELOPMENT PERMIT

4.3 ✓ A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- ✓ A. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures. In Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all structures;

- ✓ B. Base flood elevation data must be established for all subdivision proposals or other development.
- ✓ C. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

SECTION 5.0
PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 STANDARDS OF CONSTRUCTION

In all areas of special flood hazards the following standards are required:

A. Anchoring

- 5.1.1 ✓ 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
- ✓ 2. All manufactured homes shall meet the anchoring standards of section 5.5.B.

B. Construction Materials and Methods

- 5.1.2 ✓ 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- ✓ 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;
- ✓ 3. All new construction, substantial improvement and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
- ✓ 4. Within Zones AH or AO, adequate drainage paths shall be constructed around structures on slopes to guide floodwaters around and away from proposed structures.

C. Elevation

1. Residential construction

Residential construction, new or substantial improvement, shall have the lowest floor, including basement,

- 5.1.3.1 ✓ a. In an AO Zone, elevated to or above the regulatory flood elevation, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
- ✓ b. In an A Zone where a BFE has not been determined, elevated to or above the regulatory flood elevation or be elevated in accordance with the criteria developed by the Director of the Arizona Department of Water Resources.
- ✓ c. In Zones AE, AH and A1-30, elevated to or above the regulatory flood elevation.

✓ Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community's building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction

Nonresidential construction, new or substantial improvement, shall be elevated to or above the regulatory flood elevation.

3. Manufactured homes

- sticker OK ✓ a. Manufactured homes shall ~~also~~ meet the standards in Section 5.5.

*stricter
OK* 4. Garages and ~~low-cost~~ accessory structures

Attached garages, detached garages, structures and any accessory structure requiring a building permit, new or substantial improvement, shall have the lowest floor elevated to or above the regulatory flood elevation.

5.2 STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT

- 5.2* ✓ A. The storage or processing of materials that could be injurious to human, animal or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
- ✓ B. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

5.3 STANDARDS FOR UTILITIES

- 5.3* ✓ A. All new or replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- ✓ B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- ✓ C. Waste disposal systems shall not be installed wholly or partially in a regulatory floodway.

5.4 ADDITIONAL DEVELOPMENT STANDARDS, INCLUDING SUBDIVISIONS

- A. All new subdivision proposals and other proposed development (including proposals for single-lot development, manufactured home parks and subdivisions) shall:
- 5.4* ✓ 1. Identify the area of the special flood hazard area and the elevation of the base flood.
- ✓ 2. Identify on the final plans the elevation(s) of the proposed structure(s) and pads. If the site is filled above the base flood elevation, the final lowest floor and grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
- ✓ B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- ✓ C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- ✓ D. All subdivision proposals and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

5.5 STANDARDS FOR MANUFACTURED HOMES

All manufactured homes that are placed on site or substantially improved shall:

- 5.5* ✓ A. Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation; and
- ✓ B. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.6 STANDARDS FOR RECREATIONAL VEHICLES

All recreational vehicles placed on site shall:

- 5.6
- ✓ A. Be on site for fewer than 180 consecutive days, ~~or~~
 - ✓ B. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - ✓ C. Meet the permit requirements of Section 4.0 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 5.5.

5.7 FLOODWAYS

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- 5.7
- ✓ A. Prohibit encroachments, including fill, new construction, substantial improvements and other development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - ✓ B. If Section 5.7 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 5.0.

SECTION 6.0
VARIANCE PROCEDURE

6.1 NATURE OF VARIANCES

6.1 ✓ The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

6.1 ✓ It is the duty of the City of Page to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the regulatory flood elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

6.2 APPEAL BOARD

- 6.2 ✓ A. The Floodplain Board of the City Council of Page shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- 6.2 ✓ B. The Floodplain Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- 6.2 ✓ C. In passing upon such applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
- ✓ 1. The danger that materials may be swept onto other lands to the injury of others;
 - ✓ 2. The danger of life and property due to flooding or erosion damage;
 - ✓ 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - ✓ 4. The importance of the services provided by the proposed facility to the community;
 - ✓ 5. The necessity to the facility of a waterfront location, where applicable;
 - ✓ 6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - ✓ 7. The compatibility of the proposed use with existing and anticipated development;
 - ✓ 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - ✓ 9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - ✓ 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
 - ✓ 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system and streets and bridges.

- ✓ D. Upon consideration of the factors of Section 6.2(c) and the purposes of this ordinance, the Floodplain Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- ✓ E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 - ✓ 1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - ✓ 2. Such construction below the base flood level increases risks to life and property; and
 - ✓ 3. The land upon which the variance is granted shall be ineligible for exchange of state land pursuant to the flood relocation and land exchange program provided by A.R.S. Title 26, Chapter 2, Article 2. A copy of the notice shall be recorded in the office of the Coconino County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- ✓ F. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance and report such variances issued in its biennial report submitted to Federal Emergency Management Agency.

6.3 CONDITIONS FOR VARIANCES

- ✓ A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, provided the procedures of Sections 4.0 and 5.0 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- ✓ B. Variances may be issued for the repair, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structures continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- ✓ C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- ✓ D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- ✓ E. Variances shall only be issued upon a:
 - ✓ 1. Showing of good and sufficient cause;
 - ✓ 2. Determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - ✓ 3. Showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2.0 of this ordinance in the definition of "Functionally Dependent Use"; and,
 - ✓ 4. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

Kim Larson

From: Joshua Smith
Sent: Tuesday, August 23, 2016 7:40 AM
To: Kim Larson
Subject: FW: Scanned from a Xerox Multifunction Printer
Attachments: Scanned from a Xerox Multifunction Printer.pdf

Kim,
Here are my thoughts on the preliminary manuscript. Will you please forward to American Legal?
Thanks,

Joshua Smith
Page City Attorney
PO Box 1180
697 Vista Ave.
Page, AZ 86040

Email: jsmith@pageaz.gov
Phone: 928-645-4256

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-----Original Message-----

From: Xeroxch@pageaz.gov [mailto:Xeroxch@pageaz.gov]
Sent: Tuesday, August 23, 2016 7:30 AM
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Subject: Scanned from a Xerox Multifunction Printer

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PARALLEL REFERENCES

References to Arizona Revised Statutes
References to 1976 Code
References to Ordinances

REFERENCES TO ARIZONA REVISED STATUTES

<i>A.R.S. Reference</i>	<i>Code Section</i>
1-211 through 1-215	10.05
3-201	91.02
Title 4	31.40
Title 8	131.99
Title 9	152.001
9-240(B)(7)	35.35
9-240(B)(28)(b)	10.99
9-462	152.031
9-462.02	152.068
9-462.04	152.028
9-462.06	31.42
9-499	91.10
9-500.21	91.10
11-1014.C	90.07
Title 13, Chapter 34.1	31.40
Title 28, Chapter 3, Article 14	72.07
Title 28, Chapter 6, Article 5	31.40
28-1598	10.99
31-332 et seq.	35.19
Title 32, Chapter 9, Article 2	152.999
36-1601	92.20
38-260	30.007
36-2801(11)	152.010
36-2801(13)	152.010
36-2804(B)(1)(c)	152.068
38-431.02(J)	30.052, 30.055
38-431.03	30.052
38-431.06	30.52
38-466	31.58
38-847	31.25
42-5070	152.091
49-701	50.01

REFERENCES TO 1976 CODE

<i>1976 Code Reference</i>	<i>Code Section</i>
1-3	10.05
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