



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**STUDY SESSION
TUESDAY JANUARY 15, 2019
6:05 P.M.**

**Council Chambers
202 N. State Route 89
Chino Valley, Arizona**

AGENDA

- 1) CALL TO ORDER; ROLL CALL
- 2) Presentation and discussion regarding (1) proposed Property Maintenance and Public Nuisance Town Code Amendments and (2) the Chino Valley Cleanup Campaign. (Joe Duffy, Finance Director)
- 3) Presentation and discussion regarding a Water Management System. (Scott Bruner, Community Services Director)
- 4) Presentation and discussion regarding salary survey findings and recommendations for the Town of Chino Valley for fiscal year 2019/2020. (Laura Kyriakakis, Human Resources Director)
- 5) ADJOURNMENT

Dated this 10th day of January, 2019.

By: *Jami C. Lewis, Town Clerk*

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Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/agendacenter>, and in the Public Library and Town Clerk's Office.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____ Time: _____ By: _____
Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Study Session

2)

Meeting Date: 01/15/2019
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Estimated length 30 minutes
of Staff Presentation:
Physical location of item: n/a

Information

AGENDA ITEM TITLE:

Presentation and discussion regarding (1) proposed Property Maintenance and Public Nuisance Town Code Amendments and (2) the Chino Valley Cleanup Campaign. (Joe Duffy, Finance Director)

Attachments

Summary of Proposed Amendments
 Proposed Town Code Amdts

SUMMARY OF PROPOSED CODE AMENDMENTS

There are two ordinances prepared related to updating the Town Code and UDO with respect to property maintenance and nuisance abatement. The first ordinance simply removes the property maintenance provisions from the UDO. The second ordinance amends the Town Code. It clarifies, reorganizes, and updates property maintenance, public nuisance, and abatement provisions to conform to current state law.

AMENDMENT TO UNIFORM DEVELOPMENT CODE: The amendment to the UDO removes property maintenance and abatement provisions from the UDO. These matters are not zoning and land use matters usually governed by a zoning code because they relate to the exercise of police powers of the Town to maintain property free of nuisances and other property conditions that affect the health, welfare and safety of the community and its residents.

AMENDMENT TO THE TOWN CODE: The amendment to the Town code is summarized below:

1. Chapter 52 Removal of Rubbish, Trash and the Like. Chapter 52 is in Title 5 Public Works. Section 52.02 prohibits the willful or negligent escape or flow of water or earthen material onto public streets or adjacent properties. This does not fit with the Public Works provisions which generally relate to water, wastewater, and trash collection. Section 52.02 Water and Earthen Material Flow is deleted and incorporated into Section 130.02 Water; Flow upon Streets Prohibited. Chapter 52 is renamed to “Garbage and Trash Removal and Collection; Culvert Maintenance.”

2. Also in Chapter 52, Subchapter entitled “Removal of Rubbish, Trash and the Like; Dilapidated Structures” is deleted because dilapidated structures are property maintenance issues. The deleted Subchapter also contained Sections 52.15 through 52.19 which dealt with the removal and abatement of public nuisances. The procedures and requirements for removal and abatement of public nuisances are located in a separate chapter in new Title VIII Health and Safety.

3. Title VIII Health and Safety. Most town codes have a title or article devoted to health and safety. A new Title VIII is created consisting of Chapter 81 Health and Safety, Chapter 82 Declaration and Prohibition of Public Nuisances, Chapter 83 Property Maintenance, and Chapter 84 Abatement of Public Nuisances. Each of those Chapters is described below.

A. Chapter 81 Health and Safety. Chapter 81 consists of two sections, Section 81.01 Purpose and Applicability, which describes the purpose of the title to protect the public health, safety, and welfare, and the applicability of its provisions to all buildings, structures and lands within the Town without regard to the use, occupancy, or the date of acquisition, construction, improvement or alteration of such building, structure, or land. Section 81.02 Definitions contain all of the definitions that are used throughout the title. Many of these definitions are currently in Chapter 91 Health and Sanitation, which is being deleted (see below).

- B. Chapter 82 Declaration and Prohibition of Public Nuisances. This chapter combines all of the various provisions of the UDO and the Town Code that relate to public nuisances, including offensive premises, unsecured excavations, removal of rubbish, trash, garbage, weeds, filth, and debris, disposal of animal waste, overgrowth of weeds and noxious plants, unsafe structures, abandoned vehicles, light, abandoned refrigerators, litter, and construction debris. Most municipal codes describe such offenses as either criminal or civil violations and as public nuisances. This enables the Town to cite the violator in court and to abate the violation if it continues. In Chino Valley, these provisions were either missing, included in the UDO property maintenance provisions, or located elsewhere in the town code.

Many of the litter and the abatement of nuisances regulations were previously located in Title IX, Chapter 91 Health and Sanitation. The litter provisions in municipal codes, including Chino Valley's, were adopted many years ago pursuant to a state law that allowed municipalities to declare litter to be a public nuisance and to abate the nuisance. Several years ago, the legislature changed the state law to allow municipalities to declare many more items to be public nuisances and to abate public nuisances, not just litter. The provision regarding litter has now been changed to allow the governing body of the city or town to compel an owner, occupant or person in control of the property to remove "rubbish, trash, weeds, filth, debris, and dilapidated buildings" pursuant to A.R.S. § 9-499, and to declare such removal to be a public nuisance and provide for liens for costs of the abatement. References to litter were removed because litter is included in the removal of trash, etc. authorized by A.R.S. § 9-499.

- C. Chapter 83 Property Maintenance. This chapter sets forth a purpose for the property maintenance provisions and requires as the duty and responsibility of the owner, occupant, or person in control of the property to maintain the property in a safe and sanitary manner consistent with the provisions of the chapter and to maintain the premises free of litter, dilapidated or unsafe structures, abandoned or junked vehicles, and all public nuisances. It also contains a section providing exterior building standards, preventing pest infestations, maintaining swimming pools, prohibiting obstruction of sidewalks, maintaining landscaping in a condition so as not to endanger or impede the public and keeping property free from graffiti. It prohibits parking of commercial vehicles of a certain size on undeveloped and unsurfaced private property and sets forth penalties for violations, along with permitting abatement for these violations. Most of the provisions were located elsewhere in the current Code.
- D. Chapter 84 Abatement of Public Nuisances. This chapter provides procedures to abate public nuisances. It reiterates that the owner, occupant, or person in control is responsible for maintaining the premises and adjoining sidewalks free of public nuisances. It authorizes Town enforcement agents to inspect property either with the consent of the owner or pursuant to an authorization by a court of competent

jurisdiction. This will allow Town enforcement officers to obtain an administrative search warrant if necessary in order to inspect premises where a violation is reported or where the officers have reasonable belief that a violation has occurred. There is also a provision that makes it unlawful to interfere with an inspection and to provide false information or fail to provide evidence of identity. An emergency abatement procedure is set forth that is missing from the Town's current Code to allow the Town to abate a nuisance without going through the process where there is an imminent hazard to life or public safety. Section 84.07 states that in addition to or in lieu of filing a civil or criminal complaint, the town may file a notice to abate any nuisance. This allows the Town to proceed on two paths of enforcement: civil or criminal prosecution and/or abatement of the nuisance. Section 84.08 sets forth the actual procedures that the Town must follow in order to abate the nuisance. These procedures are statutory and provide due process for the alleged violation. Appeals of abatement orders are to the Town Council. There is a procedure set forth for such appeals, including what grounds required for an appeal. The final section of the chapter describes how assessments are paid and interest is accrued.

6. Title IX General Regulations, Chapter 91 Health and Sanitation is deleted because the litter provisions therein are outdated and no longer consistent with Arizona law.

7. Title IX General Regulations, Chapter 93 Abandoned Vehicles is deleted. Definitions set forth in this chapter if used are now in the definitions section of Title VIII. All of the other provisions are incorporated into new Section 82.07.

8. Title XIII General Offenses, Chapter 30 General Offenses, Section 130.01 Burning and Section 130.02 Water Flow upon the Streets Prohibited are amended to declare burning to be a public nuisance in order for the Town to abate it and to declare water and earthen material flowing upon the streets to be a public nuisance.

Town of Chino Valley

Property Maintenance and Public Nuisance Town Code Amendments

January 22, 2019

The Town Code of Chino Valley, Arizona, Title V Public Works, Chapter 52 Removal of Rubbish, Trash and the Like, and Culvert Maintenance, Subchapter General Provisions, Section 52.02 Water and Earthen Material Flow is hereby amended by changing the title of the chapter to Garbage and Trash Removal and Collection; Culvert Maintenance; by deleting Section 52.02 Water and Earthen Material Flow; and by renumbering Section 52.03 Culverts or Other Drainage Infrastructure; Installation and Maintenance to read as follows (additions shown in ALL CAPS; deletions shown in strikeout):

Chapter 52: GARBAGE AND TRASH Removal of Rubbish, Trash and COLLECTION; the Like, and Culvert Maintenance

* * *

§ 52.02 ~~Water and Earthen Material Flow~~

~~It is unlawful for any person to willfully or negligently permit or cause the escape or flow of water or earthen material onto public streets or adjacent properties in such a manner as to cause flooding or to endanger or impede vehicular traffic or pedestrian traffic. EARTHEN MATERIAL shall include, but shall not be limited to, soil, silt, clay, sand, gravel, rock, dirt, mud, organic material, or a combination thereof.~~

§ 52.0302 Culverts or Other Drainage Infrastructure, Installation and Maintenance.

* * *

The Town Code of Chino Valley, Arizona, Title V Public Works, Chapter 52 Garbage and Trash Removal and Collection; Culvert Maintenance, Subchapter Removal of Rubbish, Trash and the Like; Dilapidated Structures, is hereby deleted in its entirety.

The Town Code of Chino Valley, Arizona, is amended to add new Title VIII Health and Safety to read as follows (additions shown in ALL CAPS; deletions shown in strikeout):

TITLE VIII HEALTH AND SAFETY

CHAPTER 81: HEALTH AND SAFETY IN GENERAL

§ 81.01 PURPOSE AND APPLICABILITY

(A) THE PURPOSE OF THIS TITLE IS TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE TOWN BY PROVIDING FOR THE REMOVAL OF RUBBISH, TRASH, WEEDS, FILTH, DEBRIS, AND DILAPIDATED BUILDINGS; BY DEFINING, PROHIBITING AND SETTING FORTH THE PROCEDURES TO ABATE PUBLIC NUISANCES PURSUANT TO THE POLICE POWERS OF THE TOWN AND TO ENSURE PUBLIC HEALTH, SAFETY AND WELFARE IN SO FAR AS

THEY ARE AFFECTED BY PUBLIC NUISANCES; AND PROTECT NEIGHBORHOODS FROM BLIGHT BY SETTING MINIMUM REQUIREMENTS APPLICABLE TO BUILDING EXTERIORS AND REAL PROPERTY.

(B) THIS TITLE SHALL APPLY TO ALL BUILDINGS, STRUCTURES AND LANDS WITHIN THE TOWN WITHOUT REGARD TO THE USE, OCCUPANCY, OR THE DATE OF ACQUISITION, CONSTRUCTION, IMPROVEMENT OR ALTERATION OF SUCH BUILDING, STRUCTURE OR LAND.

§ 81.02 DEFINITIONS

FOR THE PURPOSE OF THIS TITLE, THE FOLLOWING DEFINITIONS SHALL APPLY UNLESS THE CONTEXT CLEARLY INDICATES OR REQUIRES A DIFFERENT MEANING.

ABATEMENT. THE REMOVAL, REMEDIATION, HALT, OR DESTRUCTION OF THAT WHICH CAUSES OR CONSTITUTES A PUBLIC NUISANCE, WHETHER BY BREAKING OR PULLING IT DOWN, OR OTHERWISE DESTROYING, REPAIRING, REPLACING, OR EFFACING IT.

ABANDONED VEHICLE. ANY VEHICLE, OTHER THAN ONE FALLING WITHIN THE CATEGORIES ENUMERATED BY ARIZONA REVISED STATUTES SECTIONS 28-2482 ET SEQ. AND 28-4832 ET SEQ. (I.E., HORSELESS CARRIAGES, CLASSIC CARS, HISTORIC VEHICLES, OR STREET ROD VEHICLES), WHICH IS WITHOUT CURRENT LICENSE PLATES OR TABS, OR IS INOPERABLE, STRIPPED, UNCLAIMED, JUNKED OR DISCARDED. THIS DEFINITION ALSO INCLUDES VEHICLES BEING REPAIRED, WHEN SUCH REPAIRS TAKE NINETY (90) DAYS OR MORE. FOR PURPOSES OF THIS CHAPTER, THE TERM "ABANDONED VEHICLE" ALSO REFERS TO TRAILERS AND DISMANTLED OR PARTIALLY DISMANTLED MOTOR VEHICLES WHICH BY REASON OF DISMANTLING, DISREPAIR, OR OTHER CAUSES, ARE INCAPABLE OF BEING PROPELLED UNDER THEIR OWN POWER.

AUTHORIZED PRIVATE RECEPTACLE. A STORAGE AND COLLECTION RECEPTACLE FOR RUBBISH, TRASH, WEEDS, FILTH, DEBRIS AND OTHER DISCARDED MATERIALS AS REQUIRED OR AUTHORIZED BY THE TOWN.

BLIGHT OR BLIGHTED. AN UNSIGHTLY OR UNSAFE CONDITION INCLUDING, BUT NOT LIMITED TO, ACCUMULATION OF FILTH, WEEDS, DEBRIS, DILAPIDATION, AND OTHER SIMILAR CONDITIONS OF NEGLECT, DISREPAIR AND DETERIORATION, REGARDLESS OF THE CONDITION OF OTHER PROPERTIES IN THE NEIGHBORHOOD.

BUILDING. A STRUCTURE HAVING A ROOF THAT IS USED, INTENDED TO BE USED, OR CAPABLE OF SUPPORTING, HOUSING, SHELTERING, OR ENCLOSING A PERSON, ANIMAL, OR TANGIBLE GOODS.

DEBRIS. THE REMAINS OF SOMETHING BROKEN DOWN, DESTROYED, OR DISCARDED THAT IS OF LITTLE OR NO APPARENT ECONOMIC VALUE.

DEFENSIBLE SPACE. THE AREA AROUND A BUILDING OR PROPERTY LINE IN WHICH VEGETATION, DEBRIS, AND OTHER TYPES OF COMBUSTIBLE FUELS HAVE BEEN TREATED, CLEARED OR REDUCED TO SLOW THE SPREAD OF FIRE.

DILAPIDATED STRUCTURE. ANY REAL PROPERTY STRUCTURE THAT IS DECAYED, DETERIORATED, OR HAS OTHERWISE FALLEN INTO PARTIAL RUIN AND WHOSE CONDITION POSES A DANGER TO LIFE, HEALTH, SAFETY OR PROPERTY OF THE PUBLIC.

FILTH. ANY ACCUMULATION OF GARBAGE, JUNK, OR LITTER, OR ANY OTHER ACCUMULATION OR CONDITION WHICH MAY CONSTITUTE A BREEDING PLACE FOR FLIES, RODENTS, MOSQUITOES AND OTHER INSECTS.

GARBAGE. PUTRESCIBLE ANIMAL, VEGETABLE, AND ORGANIC WASTE MATERIALS, RESULTING FROM THE HANDLING, PREPARATION, COOKING AND CONSUMPTION OF FOOD THAT IS SUBJECT TO RAPID DECOMPOSITION OR ROT.

HANDBILL. A PRINTED SHEET OR SHEETS OF PAPER OR SIMILAR MATERIAL DISTRIBUTED BY HAND.

HARDSHIP. A CONDITION THAT WOULD CAUSE SUBSTANTIAL SUFFERING OR PRIVATION DUE TO A LACK OF FINANCIAL RESOURCES, KNOWLEDGE, OR SUPPORT.

HAZARD. A CONDITION THAT MAY CAUSE SERIOUS PERSONAL HARM.

HEALTH HAZARD: THE PRESENCE OF ANY ITEM(S) WHICH ADVERSELY IMPACT OR JEOPARDIZE THE WELL-BEING OR HEALTH OF AN INDIVIDUAL. SUCH ITEMS MAY PROVIDE EVIDENCE OF OCCUPANCY WITHOUT ADEQUATE FACILITIES OR MAY BE INCLUSIVE OF HUMAN/ANIMAL WASTE, MEDICAL OR BIOLOGICAL WASTE, GASEOUS OR COMBUSTIBLE MATERIALS, RADIOACTIVE WASTE, DANGEROUS OR CORROSIVE CHEMICALS/LIQUIDS, FLAMMABLE AND/OR EXPLOSIVE MATERIALS, FRIABLE ASBESTOS, OFFAL AND DECAY/MATTER. SUCH ITEMS CONSTITUTE AN IMMINENT HAZARD.

IMMINENT HAZARD. A CONDITION THAT PRESENTS AN IMMEDIATE LIKELIHOOD FOR CAUSING SERIOUS PERSONAL HARM.

INFESTATION. THE PRESENCE OF UNPLEASANT, DAMAGING OR UNHEALTHFUL INSECTS, RODENTS OR REPTILES.

JUNK. AN ITEM THAT, IN ITS PRESENT STATE, IS OF LITTLE OR NO APPARENT ECONOMIC VALUE AND IS NOT CONFINED WITHIN A JUNK OR SALVAGE YARD, INCLUDING BUT NOT LIMITED TO LITTER AND SOLID WASTE. JUNK DOES NOT INCLUDE:

(1) A VEHICLE OR PART THEREOF WHICH IS COMPLETELY ENCLOSED WITHIN A BUILDING IN A LAWFUL MANNER WHERE IT IS NOT VISIBLE FROM THE STREET OR OTHER PUBLIC OR PRIVATE PROPERTY;

(2) A VEHICLE OR PART THEREOF WHICH IS STORED OR PARKED IN A LAWFUL MANNER ON PRIVATE PROPERTY FOR THE BUSINESS PURPOSES OF A DISMANTLER, VEHICLE DEALER, AUTOMOTIVE RECYCLER OR JUNKYARD THAT HOLDS A VALID CHINO VALLEY BUSINESS LICENSE;

(3) A VEHICLE WHICH IS ELIGIBLE FOR LICENSING WITH PERSONALIZED STREET ROD VEHICLE PLATES OR WITH LICENSE PLATES FOR VEHICLES OF HISTORIC VALUE;

(4) A MOTOR VEHICLE WHICH IS BEING REPAIRED IN SECTIONS OR REBUILT BY AN INDIVIDUAL OR BUSINESS ENTITY ENGAGED IN THE BUSINESS OF REPAIRING OR REBUILDING AUTOMOBILES; AND

(5) A MOTOR VEHICLE WHICH IS BEING REPAIRED, RESTORED OR REBUILT BY THE OWNER OF THE VEHICLE AT HIS OR HER PRIVATE RESIDENCE.

LITTER. TRASH, WEEDS, FILTH, DEBRIS, AND ALL OTHER WASTE MATERIAL, WHICH IS NOT DISPOSED OF OR CONTAINED IN A MANNER REQUIRED BY THIS CHAPTER OR IN ACCORDANCE WITH CHAPTER 52.

OCCUPANT. THE PERSON OR LEGAL ENTITY HAVING ACTUAL USE, POSSESSION, CONTROL, OR CUSTODY OF A STRUCTURE AND/OR PREMISES AS A LESSEE OR OTHERWISE.

OWNER. THE LEGAL ENTITY LISTED AS OWNER OF THE REAL PROPERTY IN THE OFFICIAL RECORDS OF THE YAVAPAI COUNTY RECORDER.

PARK. A PUBLIC AREA DEVOTED TO PUBLIC RECREATIONAL USE, INCLUDING RESERVATION, PLAYGROUND, OR RECREATION CENTER.

PERSON IN CONTROL. A PERSON WHO HAS RESPONSIBILITY FOR THE CARE AND MAINTENANCE OF THE PRIVATE PROPERTY, WHETHER OR NOT THAT PERSON HAS POSSESSION OR THE USE AND ENJOYMENT OF SAID PROPERTY. THE "PERSON IN CONTROL" MAY BE THE OWNER, OCCUPANT, PROPERTY MANAGER, OR DESIGNATED AGENT OF THE OWNER.

PRIVATE PREMISES. ANY REAL PROPERTY AND BUILDINGS AND STRUCTURES LOCATED THEREON THAT ARE NOT OWNED OR OPERATED BY A PUBLIC ENTITY OR OPENED TO USE BY THE PUBLIC.

PROPERTY. ANY REAL PROPERTY, LAND, PREMISES, STRUCTURE, OR ANYTHING ERECTED, GROWING ON OR AFFIXED THERETO.

PUBLIC PROPERTY. PUBLIC RIGHTS-OF-WAY, STREETS, SIDEWALKS, BOULEVARDS, ALLEYS OR OTHER PUBLIC WAYS AND ANY AND ALL PUBLIC PARKS, SQUARES, SPACES, GROUNDS AND BUILDINGS.

REFUSE. PUTRESCIBLE AND NON-PUTRESCIBLE SOLID WASTES, EXCEPT BODY WASTES, INCLUDING GARBAGE, RUBBISH, ASHES, STREET CLEANINGS, DEAD ANIMALS, ABANDONED, WRECKED OR JUNKED VEHICLES OR PARTS THEREOF AND SOLID MARKET AND INDUSTRIAL WASTES.

RUBBISH. NON-PUTRESCIBLE SOLID WASTES CONSISTING OF BOTH COMBUSTIBLE AND NON-COMBUSTIBLE WASTES, INCLUDING BUT NOT LIMITED TO, PAPER, WRAPPINGS, CIGARETTES, CARDBOARD, METAL CANS, YARD CLIPPINGS, LEAVES, METAL, WOOD, GLASS, BEDDING, CROCKERY AND SIMILAR MATERIALS.

SIDEWALK. THAT PAVED PORTION OF A RIGHT-OF-WAY BETWEEN THE CURB LINES OR LATERAL LINES OF THE STREET BED AND THE BOUNDARY LINE OF SUCH RIGHT-OF-WAY DESIGNED AND INTENDED FOR THE MOVEMENT AND USE OF PEDESTRIAN TRAFFIC.

STREET OR ROAD. THE ENTIRE WIDTH BETWEEN THE BOUNDARY LINES OF EVERY PUBLICLY MAINTAINED RIGHT-OF-WAY, WAY OR ROADWAY EASEMENT WHEN ANY PART THEREOF IS OPEN TO THE USE OF THE PUBLIC FOR PURPOSES OF VEHICULAR TRAVEL, INCLUDING THE ENTIRE DEDICATED PUBLIC RIGHT-OF-WAY, WHETHER THE RIGHT-OF-WAY IS PAVED OR NOT.

STRUCTURE. ANYTHING CONSTRUCTED OR ERECTED AND LOCATED ON THE GROUND OR ATTACHED TO SOMETHING LOCATED ON THE GROUND.

TRASH. RUBBISH, WASTE, DEBRIS, AND ALL OTHER NON-PUTRESCIBLE WASTES.

VACANT STRUCTURE. A STRUCTURE THAT IS UNOCCUPIED OR THAT IS ILLEGALLY OCCUPIED.

VEHICLE. EVERY DEVICE IN, UPON OR BY WHICH ANY PERSON OR PROPERTY IS OR MAY BE TRANSPORTED OR DRAWN UPON A HIGHWAY, INCLUDING DEVICES USED EXCLUSIVELY UPON STATIONARY RAILS OR TRACKS, EXCEPT FOR A DEVICE PROPELLED SOLELY BY HUMAN POWER.

CHAPTER 82: DECLARATION AND PROHIBITION OF PUBLIC NUISANCES

§ 82.01 OFFENSIVE PREMISES.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO SUFFER OR PERMIT PREMISES OWNED, OCCUPIED, OR CONTROLLED BY HIM OR ANY CELLAR, PRIVY, VAULT, CESSPOOL, POOL, SEWER OR PRIVATE DRAIN TO BECOME NAUSEOUS, FOUL OR OFFENSIVE TO THE SENSES OR PREJUDICIAL TO THE PUBLIC HEALTH OR COMFORT.

§ 82.02 UNSECURED EXCAVATIONS.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON IN CONTROL TO LEAVE UNGUARDED OR TO ABANDON ANY EXCAVATION, PIT, PRIVY, VAULT, SUMP, OR HOLE ON HIS PROPERTY THAT IS MORE THAN SIX INCHES (6") IN DIAMETER AND MORE THAN EIGHTEEN INCHES (18") DEEP. IF THE PERSON IN CONTROL PROTECTS ANY SUCH EXCAVATION FROM ACCESS BY THE PUBLIC BY EFFECTIVE BARRIER OR WARNING DEVICE, IT SHALL NOT BE DEEMED UNGUARDED OR ABANDONED.

§ 82.03 REMOVAL OF RUBBISH, TRASH, GARBAGE, WEEDS, FILTH, AND DEBRIS.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON IN CONTROL TO FAIL TO REMOVE ANY RUBBISH, TRASH, GARBAGE, WEEDS, OR OTHER ACCUMULATION OF FILTH OR DEBRIS THAT CONSTITUTES A HEALTH HAZARD OR SAFETY HAZARD, UNLESS SAID RUBBISH, TRASH,

GARBAGE, WEEDS, OR OTHER ACCUMULATION OF FILTH OR DEBRIS IS KEPT IN COVERED AUTHORIZED PRIVATE RECEPTACLES.

§ 82.04 DISPOSAL OF ANIMAL WASTE.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO DISPOSE OF ANIMAL MANURE OR WASTE IN ANY QUANTITY IN ANY MANNER WHICH IS NOT SECURELY PROTECTED FROM INSECTS AND THE ELEMENTS, OR TO KEEP OR HANDLE ANIMAL WASTE IN VIOLATION OF ANY ORDINANCE OF THE TOWN, YAVAPAI COUNTY, OR THE STATE OF ARIZONA; PROVIDED, HOWEVER, THAT NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT THE USE OF ANIMAL MANURE ON ANY FARM, GARDEN, OR RANCH IN SUCH A MANNER AND FOR SUCH PURPOSES ARE COMPATIBLE WITH CUSTOMARY METHODS OF GOOD HUSBANDRY.

§ 82.05 OVERGROWTH OF WEEDS OR NOXIOUS PLANTS.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON IN CONTROL OF PROPERTY:

(A) TO PERMIT UPON THE PROPERTY THE GROWTH OF POISON OAK, POISON IVY, OR ANY NOXIOUS OR TOXIC WEEDS OR UNCULTIVATED PLANTS (WHETHER GROWING OR OTHERWISE), WEEDS, TALL GRASS, UNCULTIVATED SHRUBS OR GROWTH HIGHER THAN 12 INCHES OR WHICH OTHERWISE PRESENT A FIRE HAZARD; OR

(B) TO PERMIT UPON THE PROPERTY PLANTS OR OTHER MATERIAL, WHICH ARE DEAD, DORMANT OR SO DRY AS TO BE READILY FLAMMABLE OR COMBUSTIBLE ON SUCH LAND THAT MAY CONSTITUTE A FIRE HAZARD OR OTHER THREAT TO THE PUBLIC HEALTH OR SAFETY.

(C) FOR RESIDENTIAL PROPERTY GREATER THAN 2 ACRES AND PROPERTY GREATER THAN 2 ACRES THAT IS ADJACENT TO ANY RESIDENTIAL PROPERTY, TO FAIL TO MAINTAIN A DEFENSABLE SPACE OF 25 FEET ALONG THE ADJACENT PROPERTY LINE.

(D) FOR COMMERCIAL PROPERTY WITH STREET FRONTAGE, TO FAIL TO MAINTAIN 25 FEET FROM PROPERTY LINE AND ALL ADJOINING PROPERTY LINES.

§ 82.06 UNSAFE STRUCTURES.

(A) IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO MAINTAIN OR ALLOW ANY STRUCTURE TO BECOME UNSAFE, UNSANITARY OR DEFICIENT.

(B) A STRUCTURE SHALL BE DEEMED UNSAFE, UNSANITARY OR DEFICIENT IF ANY OF THE FOLLOWING CONDITIONS ARE PRESENT:

- (1) INADEQUATE MEANS OF EGRESS FACILITIES;
- (2) INADEQUATE LIGHT OR VENTILATION;
- (3) IT CONSTITUTES A FIRE HAZARD;

(4) IT IS INFESTED WITH RODENTS, INSECTS OR OTHER PESTS THAT POSE A RISK TO PUBLIC HEALTH OR SAFETY;

(5) IT CONTAINS AN ACCUMULATION OF LITTER, GARBAGE, REFUSE, TRASH OR OTHER UNSANITARY MATERIAL;

(6) IT IS OTHERWISE DANGEROUS TO HUMAN LIFE OR THE PUBLIC WELFARE;

(7) IT INVOLVES ILLEGAL OR IMPROPER OCCUPANCY;

(8) IT HAS MISSING OR BROKEN EXTERIOR WINDOWS, DOORS, OR FENCES, OR OTHER INADEQUATE MAINTENANCE TO THE DEGREE THAT IT POSES A DANGER OF PHYSICAL INJURY TO ANY PERSON OR ANIMAL;

(9) IT IS A VACANT STRUCTURE AND IS NOT SECURED AGAINST ENTRY.

§ 82.07 ABANDONED VEHICLES.

IT IS UNLAWFUL AND A PUBLIC NUISANCE TO PERMIT AN ABANDONED, INOPERABLE, STORED OR JUNKED MOTOR VEHICLE, OR PARTS THEREOF, TO REMAIN ON PRIVATE PROPERTY UNLESS SUCH VEHICLE, OR PARTS THEREOF, ARE CONCEALED FROM PUBLIC VIEW BY FENCES OR GARAGES CONSISTENT WITH THE TOWN'S ZONING ORDINANCE REQUIREMENTS, EXCEPT VEHICLES STORED ON COMMERCIAL PROPERTY WHERE THEY ARE ACTIVELY BEING REPAIRED OR RESTORED.

§ 82.08 LIGHT.

IT IS UNLAWFUL AND A PUBLIC NUISANCE TO CAUSE, ALLOW, OR PERMIT ANY ARTIFICIAL ILLUMINATION OF SUCH INTENSITY AS TO INTERFERE SUBSTANTIALLY AND UNNECESSARILY WITH THE USE AND ENJOYMENT OF PUBLIC OR PRIVATE PROPERTY BY ANY CONSIDERABLE NUMBER OF PEOPLE, OR WITH THE LAWFUL USE OF ANY SCHOOL, PUBLIC PLACE OR PUBLIC STREET, OR WITH ANY GOVERNMENTAL OR PUBLIC FUNCTION OF THE TOWN, OR AS TO CONSTITUTE A HAZARD OR THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE PEOPLE OF THE TOWN. THIS SECTION SHALL NOT APPLY WHERE THE PERSON RESPONSIBLE FOR THE ARTIFICIAL ILLUMINATION IS AUTHORIZED BY THE TOWN MANAGER, ANY SCHOOL WITHIN THE TOWN, THIS CODE OR VALID ORDINANCE OF THE TOWN.

§ 82.09 ABANDONED REFRIGERATORS.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO LEAVE OR PERMIT TO REMAIN OUTSIDE OF ANY DWELLING, BUILDING OR OTHER STRUCTURE, OR WITHIN ANY UNOCCUPIED OR ABANDONED BUILDING, DWELLING OR OTHER STRUCTURE UNDER THE CONTROL OF ANY PERSON AND IN A PLACE ACCESSIBLE TO CHILDREN, ANY ABANDONED, UNATTENDED OR DISCARDED ICEBOX, REFRIGERATOR OR OTHER CONTAINER WHICH HAS AN AIRTIGHT DOOR OR LID, SNAP LOCK OR OTHER LOCKING DEVICE WHICH MAY NOT BE RELEASED FROM THE INSIDE, WITHOUT FIRST REMOVING THE DOOR OR LID.

§ 82.10 LITTER; CONSTRUCTION DEBRIS.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO:

(A) THROW, DEPOSIT, SWEEP LITTER, REFUSE, GARBAGE, OR OTHER DEBRIS ONTO, INTO OR UPON ANY GUTTER, STREET, SIDEWALK OR OTHER PUBLIC PLACE OR UPON ANY PRIVATE PREMISES WITHIN THE TOWN EXCEPT TO DEPOSIT INTO PUBLIC RECEPTACLES, OR IN AUTHORIZED PRIVATE RECEPTACLES FOR COLLECTION.

(B) TO NOT CONTAIN CONSTRUCTION DEBRIS AT ALL TIMES UPON THE PREMISES WHERE THE CONSTRUCTION IS OCCURRING.

§ 82.11 HANDBILLS ON VEHICLES AND POSTED PREMISES PROHIBITED.

(A) IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO THROW OR DEPOSIT ANY HANDBILL, LEAFLET, CIRCULAR, PAMPHLET, BROCHURE, OR OTHER SUCH ITEM IN OR UPON ANY PARKED VEHICLE.

(B) IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO THROW, DEPOSIT OR DISTRIBUTE ANY HANDBILL, LEAFLET, CIRCULAR, PAMPHLET, BROCHURE, OR OTHER SUCH ITEM UPON ANY PRIVATE PREMISES, IF REQUESTED BY THE PERSON IN CONTROL OF THE PREMISES NOT TO DO SO, OR IF NOTICE IS CONSPICUOUSLY POSTED ON THE PREMISES SAYING "NO TRESPASSING," "NO PEDDLERS OR AGENTS," "NO ADVERTISEMENT," "NO SOLICITING," OR ANY SIMILAR NOTICE INDICATING THAT THE PERSON IN CONTROL DOES NOT DESIRE TO HAVE ANY SUCH ITEM LEFT UPON THE PREMISES.

§ 82.12 VIOLATIONS; PENALTIES; ABATEMENT

(A) CIVIL PENALTY. ANY PERSON FOUND TO BE IN VIOLATION OF ANY PROVISION OF THIS CHAPTER SHALL BE GUILTY OF A CIVIL VIOLATION, PUNISHABLE BY IMPOSITION OF A CIVIL SANCTION NOT LESS THAN \$100.00 AND NOT TO EXCEED \$500.00.

(B) EACH DAY A SEPARATE VIOLATION. EACH DAY A VIOLATION CONTINUES SHALL BE CONSIDERED A SEPARATE VIOLATION.

(C) PROCEDURES. HEARINGS AND APPEALS SHALL BE CONDUCTED IN ACCORDANCE WITH THE RULES OF PROCEDURE IN CIVIL TRAFFIC VIOLATION CASES AS SET FORTH IN THE ARIZONA REVISED STATUTES, RULES OF PROCEDURE IN CIVIL TRAFFIC CASES.

(D) REINSPECTIONS COSTS. IN ADDITION TO ANY PENALTIES OR CIVIL SANCTIONS IMPOSED BY THE COURT, THE TOWN MAY IMPOSE FEES IN AN AMOUNT SET SEPARATELY BY RESOLUTION APPROVED BY THE TOWN COUNCIL FOR REINSPECTION OF THE PREMISES AT THE REQUEST OF THE PROPERTY OWNER TO DETERMINE WHETHER THE PROPERTY HAS BEEN BROUGHT INTO COMPLIANCE AFTER INITIATION OF ENFORCEMENT OR PROSECUTION OF THE PROVISIONS SET FORTH IN THIS TITLE.

(E) HABITUAL OFFENDER. A PERSON WHO COMMITS A VIOLATION OF THIS CHAPTER AFTER PREVIOUSLY HAVING BEEN FOUND RESPONSIBLE FOR COMMITTING TWO OR MORE CIVIL VIOLATIONS OF THIS CHAPTER WITHIN AN 18-MONTH PERIOD, WHETHER BY ADMISSION, BY PAYMENT OF THE SANCTION, BY DEFAULT, OR BY JUDGMENT AFTER HEARING, SHALL BE GUILTY OF A CLASS ONE MISDEMEANOR. FOR PURPOSES OF CALCULATING THE 18-MONTH PERIOD UNDER THIS SECTION, THE DATES OF THE COMMISSION OF THE OFFENSES ARE THE DETERMINING FACTOR.

(F) ABATEMENT. IN ADDITION TO OR SEPARATE FROM ACTIONS FOR CIVIL OFFENSES, VIOLATIONS OF THIS CHAPTER MAY BE ABATED PURSUANT TO THE PROVISIONS SET FORTH IN CHAPTER 84, BY INJUNCTIVE OR OTHER EQUITABLE RELIEF. THE IMPOSITION OF A PENALTY OR CIVIL SANCTION DOES NOT PREVENT ABATEMENT OR EQUITABLE RELIEF.

CHAPTER 83: PROPERTY MAINTENANCE

§ 83.01 PURPOSE; APPLICABILITY.

(A) PURPOSE. THE PURPOSE OF THIS CHAPTER IS TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE TOWN BY ESTABLISHING AND REQUIRING MINIMUM STANDARDS FOR THE EXTERIOR CONDITION OF BUILDINGS AND REAL PROPERTY TO PROTECT NEIGHBORHOODS BY ELIMINATING CONDITIONS THAT CONTRIBUTE TO BLIGHT AND DETERIORATION.

(B) SCOPE. THIS CHAPTER SHALL APPLY TO ALL BUILDINGS, STRUCTURES AND LANDS WITHIN THE TOWN WITHOUT REGARD TO THE USE, DATE OF CONSTRUCTION OR ALTERATION.

§ 83.02 DUTY TO MAINTAIN PREMISES.

(A) IT IS THE DUTY AND RESPONSIBILITY OF EACH PERSON IN CONTROL OF ANY PREMISES TO MAINTAIN THE PREMISES IN A SAFE AND SANITARY MANNER, CONSISTENT AND IN COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER AND TO MAINTAIN THE PREMISES FREE OF LITTER, DILAPIDATED OR UNSAFE STRUCTURES, ABANDONED OR JUNK VEHICLES, AND ALL PUBLIC NUISANCES. IN ADDITION TO ANY OTHER PENALTIES WHICH MAY BE IMPOSED, FAILURE TO MAINTAIN A PREMISES AS REQUIRED BY THIS CHAPTER IS A PUBLIC NUISANCE, SUBJECT TO THE ABATEMENT PROCEDURES SET FORTH IN CHAPTER 84.

(B) ALL PERSONS OWNING ANY BUILDING, LOT OR PREMISES WITHIN THE TOWN SHALL MAINTAIN AND REPAIR ALL SIDEWALKS, DRIVEWAY CULVERTS AND STREETS ADJACENT TO SAID BUILDING, LOT OR PREMISES IN A SAFE AND SOUND CONDITION, FREE OF DECAY AND DEFECT.

§ 83.03 EXTERIOR BUILDING STANDARDS.

(A) EVERY EXPOSED EXTERIOR SURFACE, OPENING, FOUNDATION, WALL AND ROOF SHALL BE MAINTAINED IN STRUCTURALLY SOUND CONDITION, ABLE TO SUPPORT ITSELF UNDER REASONABLE LOADING OR WEATHER CONDITIONS, FREE FROM DECAY OR DEFECT AND IN SUCH A MANNER AS TO NOT BECOME A BLIGHTED EXTERIOR.

(B) EVERY WINDOW AND OTHER EXTERIOR SURFACE CONSTRUCTED OF OR CONTAINING GLASS SHALL BE MAINTAINED FREE FROM BREAKAGE SO AS TO PREVENT ACCESS TO THE INTERIOR AND PEST INFESTATION. EVERY BROKEN WINDOW SHALL BE REPAIRED OR COVERED WITH GLASS, PLEXIGLAS OR OTHER SECURE AND NON-COMBUSTIBLE MATERIAL AND GLAZED TO BE WEATHER TIGHT. THE REPLACEMENT MATERIAL SHALL BE DESIGNED AND OF SUCH COLOR SO AS TO BLEND WITH THE FINISH OF THE BUILDING.

(C) OUTDOOR STAIRS, PORCHES AND RAILINGS SHALL BE MAINTAINED TO BE SAFE AND STRUCTURALLY SOUND. SUPPORTS FOR RAILINGS, STAIRS AND PORCHES SHALL BE STRUCTURALLY SOUND, MAINTAINED IN SAFE CONDITION AND CAPABLE OF SUPPORTING A LOAD THAT NORMAL USE MAY PLACE THEREON.

(D) BUILDING SERVICE, EQUIPMENT AND UTILITIES SUCH AS PLUMBING, PIPING, AND FIXTURES THAT CONVEY OR DISPOSE OF LIQUID OR WASTE, ELECTRIC WIRING, COMPONENTS OR FIXTURES, MECHANICAL HEATING AND COOLING EQUIPMENT, DUCTWORK AND FIXTURES SHALL BE MAINTAINED IN A SAFE AND FUNCTIONING MANNER IN ACCORDANCE WITH APPLICABLE CODES.

(E) EVERY FENCE, SCREEN WALL AND RETAINING WALL ON THE PREMISES SHALL BE SAFE AND STRUCTURALLY SOUND. A FENCE, SCREEN WALL, OR RETAINING WALL THAT IS LEANING, DAMAGED, MISSING SLATS, BLOCKS, OR OTHER MATERIALS OR ARE OTHERWISE BROKEN OR DAMAGED IN A MANNER TO APPEAR DETERIORATED OR BLIGHTED SHALL BE DEEMED TO BE UNSAFE AND NOT STRUCTURALLY SOUND.

§ 83.04 PREVENTION OF PEST INFESTATION.

THE PERSON IN CONTROL OF A PROPERTY SHALL KEEP THE PREMISES FREE FROM INFESTATION BY INSECTS, RODENTS, OR OTHER NOXIOUS PESTS. THIS PROVISION SHALL NOT REQUIRE ACTION TO DISTURB THE NATURAL OR CULTIVATED ACTIVITY OF BEES, RABBITS OR OTHER INSECTS AND ANIMALS WHERE SUCH ACTIVITY IS NOT A DANGER OR NUISANCE TO ANY RESIDENT OR RESIDENCE OF THE AREA, OR WHERE OTHER APPLICABLE LEGAL REQUIREMENTS ARE MET.

§ 83.05 SWIMMING POOLS.

THE PERSON IN CONTROL SHALL MAINTAIN ALL SWIMMING POOLS AND SIMILAR BODIES OF WATER FREE FROM STAGNATION, POLLUTION, OR OTHER CONDITION OFFENSIVE TO THE SENSES, UNSAFE FOR ITS INTENDED USE, OR THAT MAY BE A BREEDING GROUND FOR INSECTS.

§ 83.06 OBSTRUCTION OF SIDEWALKS PROHIBITED.

THE PERSON IN CONTROL OF A RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL PROPERTY SHALL KEEP THE SIDEWALK OR OTHER PUBLIC PLACE FRONTING OR BORDERING THE PREMISES FREE OF GARBAGE, JUNK, OBSTRUCTIONS, AND WEEDS, AND GRASS IN EXCESS OF TWELVE (12) INCHES IN HEIGHT.

§ 83.07 LANDSCAPING.

THE PERSON IN CONTROL SHALL MAINTAIN TREES, SHRUBS, OR OTHER PLANT GROWTH ON THE PREMISES IN A CONDITION SO AS NOT TO ENDANGER, IMPEDE, OBSTRUCT OR INTERFERE WITH VEHICULAR OR PEDESTRIAN USE OF ANY STREET, SIDEWALK, ALLEY, OR OTHER PUBLIC WAY, OR VISIBILITY OF ANY TRAFFIC CONTROL DEVICE. THE PREMISES SHALL BE FREE FROM VEGETATION THAT IS SUBSTANTIALLY DEAD, DAMAGED, OR CHARACTERIZED BY UNCONTROLLED GROWTH, NEGLIGENCE, LACK OF MAINTENANCE OR SIMILAR CONDITION.

§ 83.08 GRAFFITI.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON IN CONTROL OF PROPERTY TO PERMIT GRAFFITI ON THE BUILDING OR STRUCTURE OR FAIL TO ERADICATE GRAFFITI FROM THE BUILDING OR STRUCTURE WITHIN THIRTY (30) DAYS OF NOTICE THEREOF.

§ 83.09 PARKING OF COMMERCIAL VEHICLES AND EQUIPMENT.

NO PERSON SHALL PARK OR ALLOW TO BE PARKED, ANY COMMERCIAL VEHICLE OR HEAVY EQUIPMENT HAVING A GROSS VEHICLE WEIGHT RATING (GVWR) EXCEEDING THIRTEEN THOUSAND (13,000) POUNDS, ON ANY PRIVATE PROPERTY IN THE TOWN, EXCEPT WHEN NECESSARY TO CONDUCT AN AUTHORIZED COMMERCIAL PURPOSE ON THE PROPERTY OR WHEN AUTHORIZED BY A CONDITIONAL USE PERMIT ISSUED PURSUANT TO THE UNIFIED DEVELOPMENT CODE.

§ 83.10 VIOLATIONS; PENALTIES; ABATEMENT.

(A) VIOLATIONS OF THIS CHAPTER ARE DECLARED TO BE PUBLIC NUISANCES.

(B) VIOLATIONS OF THIS CHAPTER ARE ALSO PUNISHABLE AS SET FORTH IN SECTION 82.12 AS CIVIL VIOLATIONS.

(C) IN ADDITION TO CIVIL SANCTIONS AND CRIMINAL PENALTIES THAT MAY BE IMPOSED ON HABITUAL OFFENDERS, VIOLATIONS MAY BE ABATED PURSUANT TO THE PROVISIONS SET FORTH IN CHAPTER 84 OR BY INJUNCTIVE OR OTHER EQUITABLE RELIEF. THE IMPOSITION OF A PENALTY DOES NOT PREVENT ABATEMENT OR EQUITABLE RELIEF.

CHAPTER 84 ABATEMENT OF PUBLIC NUISANCES

§ 84.01 PURPOSE AND FINDINGS.

(A) PURPOSE: THE PURPOSE OF THIS CHAPTER IS TO PROVIDE PROCEDURES TO ABATE PUBLIC NUISANCES PURSUANT TO THE POLICE POWERS OF THE TOWN AND TO ENSURE THE PUBLIC HEALTH, SAFETY AND WELFARE IN SO FAR AS THEY ARE AFFECTED BY A PUBLIC NUISANCE.

(B) FINDINGS: THE TOWN COUNCIL FINDS THAT THE FAILURE OF A PERSON IN CONTROL TO MAINTAIN PROPERTY IN A SAFE AND SANITARY MANNER, AS REQUIRED BY THIS TITLE CREATES A PUBLIC NUISANCE AND IS HAZARDOUS TO THE PUBLIC HEALTH, SAFETY AND

WELFARE. PUBLIC NUISANCES PROMOTE THE SPREAD OF DISEASE, ENDANGER THE PHYSICAL SAFETY OF PERSONS, AND CAUSE NEIGHBORHOOD BLIGHT.

§ 84.02 APPLICABILITY.

THE PROCEDURES SET FORTH IN THIS CHAPTER APPLY TO ALL PUBLIC NUISANCES, AS DEFINED AND DECLARED IN THIS CODE, WHEREVER FOUND IN THE TOWN.

§ 84.03 OWNER, OCCUPANT, OR PERSON IN CONTROL TO MAINTAIN PREMISES.

THE PERSON IN CONTROL OF ANY PRIVATE PROPERTY IS RESPONSIBLE, AT ALL TIMES, FOR MAINTAINING THE PREMISES AND ADJOINING SIDEWALKS FREE OF PUBLIC NUISANCES.

§ 84.04 AUTHORITY TO INSPECT.

(A) TOWN COMPLIANCE AGENTS ARE HEREBY AUTHORIZED TO INSPECT PROPERTY FOR VIOLATIONS OF THIS TITLE IN THE NORMAL COURSE OF JOB DUTIES, IN RESPONSE TO A CITIZEN COMPLAINT THAT ALLEGES A VIOLATION OF THIS TITLE ON THE PROPERTY; OR WHEN THE COMPLIANCE AGENT PROBABLE CAUSE TO BELIEVE THAT A VIOLATION HAS BEEN OR IS BEING COMMITTED.

(B) IN ORDER TO DETERMINE COMPLIANCE WITH THIS TITLE, PRIVATE PROPERTY MAY BE ENTERED WITH THE CONSENT OF THE PERSON IN CONTROL OF THE PROPERTY OR AS AUTHORIZED BY A COURT OF COMPETENT JURISDICTION.

(C) THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE REGULAR INSPECTIONS OF PREMISES BY THE TOWN, NOR SHALL THE TOWN HAVE AN OBLIGATION TO ABATE ANY PUBLIC NUISANCE, REPORTED OR UNREPORTED WITHIN A SPECIFIC TIME PERIOD. NEITHER THE TOWN NOR ANY OF ITS OFFICERS OR OFFICIALS SHALL BE LIABLE IN ANY MANNER FOR INJURIES OR DAMAGES WHICH RESULT OR ARE ALLEGED TO HAVE RESULTED FROM ANY DELAY OR FAILURE TO ENFORCE THE PROVISIONS OF THIS TITLE.

§ 84.05 INSPECTION AND INVESTIGATION: INTERFERENCE, FALSE INFORMATION; FAILURE TO PROVIDE EVIDENCE OF IDENTITY.

(A) IT IS UNLAWFUL AND A VIOLATION OF THIS CODE FOR ANY PERSON TO:

(1) INTERFERE, PREVENT, OR ATTEMPT TO INTERFERE WITH OR PREVENT, AN INDIVIDUAL EMPLOYED OR CONTRACTED BY THE TOWN FROM INVESTIGATING AN ALLEGED VIOLATION OF THIS TITLE, OR FROM CORRECTING OR ABATING A VIOLATION OF THIS TITLE; OR

(2) KNOWINGLY MAKE A FALSE OR FRAUDULENT STATEMENT, OR KNOWINGLY MISREPRESENT A FACT, OR MISLEAD AN INDIVIDUAL EMPLOYED OR CONTRACTED BY THE TOWN WHEN THAT INDIVIDUAL IS INVESTIGATING, CORRECTING OR ABATING A VIOLATION OF THIS TITLE; OR

(3) FAIL OR REFUSE TO PROVIDE EVIDENCE OF HIS IDENTITY TO AN INDIVIDUAL EMPLOYED OR CONTRACTED FOR BY THE TOWN WHEN THAT INDIVIDUAL IS

INVESTIGATING AN ALLEGED VIOLATION OF THIS TITLE AND HAS REASONABLE CAUSE TO BELIEVE THAT THE PERSON COMMITTED A VIOLATION OF THIS TITLE. EVIDENCE OF IDENTITY UNDER THIS SECTION SHALL CONSIST OF A PERSON'S FULL NAME, RESIDENCE ADDRESS AND DATE OF BIRTH.

(B) A PERSON FOUND TO BE IN VIOLATION OF THIS SECTION IS GUILTY OF A CLASS ONE MISDEMEANOR, PUNISHABLE AS SET FORTH IN § 10.99(C).

§ 84.06 EMERGENCY ABATEMENT.

(A) IF A PUBLIC NUISANCE PRESENTS AN IMMINENT HAZARD TO LIFE OR PUBLIC SAFETY, THE TOWN MAY DO ONE OR MORE OF THE FOLLOWING:

(1) ISSUE A NOTICE TO ABATE THE NUISANCE, DIRECTING THE PERSON IN CONTROL TO IMMEDIATELY TAKE SUCH ACTION AS IS APPROPRIATE TO CORRECT OR ABATE THE NUISANCE UPON NOTICE BY THE COMPLIANCE AGENT TO THE PERSON IN CONTROL.

(2) ACT TO CORRECT OR ABATE THE NUISANCE, WHETHER OR NOT THE TOWN IS ABLE TO CONTACT THE PERSON IN CONTROL.

(B) THE PERSON IN CONTROL MAY APPEAL AN ORDER TO ABATE TO THE TOWN COUNCIL. UPON NOTICE AND REQUEST BY THE PERSON IN CONTROL, A HEARING BEFORE THE TOWN COUNCIL SHALL BE SCHEDULED AS SOON AS PRACTICABLE. SUCH APPEAL SHALL IN NO CASE STAY THE ABATEMENT OR CORRECTION OF A NUISANCE DEEMED TO POSE AN IMMINENT HAZARD.

(C) THE TOWN MAY RECOVER ITS COSTS INCURRED IN ABATING A NUISANCE THAT IT DEEMS TO PRESENT AN IMMINENT HAZARD UNDER THIS SECTION IN THE SAME MANNER AS PROVIDED FOR IN THIS CHAPTER TO THE EXTENT PRACTICABLE UNDER THE CIRCUMSTANCE.

§ 84.07 ABATEMENT IN LIEU OF OR IN ADDITION TO CIVIL OR CRIMINAL COMPLAINT.

IN ADDITION TO OR IN LIEU OF FILING A CIVIL OR CRIMINAL COMPLAINT, THE TOWN MAY FILE A NOTICE TO ABATE ANY NUISANCE AS DEFINED IN THIS CODE. SUCH ABATEMENT SHALL PROCEED INDEPENDENTLY OF ANY CIVIL OR CRIMINAL VIOLATION FILED. THE TOWN COMPLIANCE OFFICER, TOWN PROSECUTOR AND TOWN ATTORNEY ARE AUTHORIZED TO FILE CIVIL OR CRIMINAL COMPLAINTS TO ABATE A PUBLIC NUISANCE.

§ 84.08 ABATEMENT PROCEDURES.

(A) NOTICE TO ABATE:

(1) IF, AFTER AN INSPECTION, THE TOWN FINDS ONE OR MORE VIOLATIONS OF THIS TITLE, AND THE TOWN ELECTS TO USE THE ABATEMENT PROCESS, THE TOWN SHALL, IN WRITING, NOTIFY THE PERSON IN CONTROL OF THE PROPERTY. IF THE PERSON IN CONTROL IS NOT THE OWNER, NOTICE SHALL BE SENT TO THE OWNER AS SHOWN ON THE MOST RECENT RECORDS OF THE YAVAPAI COUNTY ASSESSOR'S OFFICE. SUCH NOTICE SHALL BE ACTUAL

NOTICE, AS EVIDENCED BY A SIGNED CERTIFIED MAIL RETURN RECEIPT OR AFFIDAVIT OF SERVICE.

(2) THE NOTICE TO ABATE SHALL SET FORTH THE FOLLOWING INFORMATION:

- (a) THE PERSON IN CONTROL HAS 30 DAYS FROM THE MAILING OF THE NOTICE TO ABATE OR CORRECT THE VIOLATION.
- (b) LOCATION OF THE PROPERTY IN VIOLATION BY STREET ADDRESS IF KNOWN AND, IF UNKNOWN, BY BOOK, MAP AND PARCEL NUMBER.
- (c) STATEMENT OF THE VIOLATION(S) IN SUFFICIENT DETAIL TO ALLOW A REASONABLE PERSON TO IDENTIFY AND CORRECT THE VIOLATION(S).
- (d) AN ESTIMATE OF THE COST OF ABATEMENT BY THE TOWN PLUS TEN PERCENT (10%) FOR THE COSTS OF INSPECTION AND OTHER INCIDENTAL COSTS ASSOCIATED WITH ABATING THE NUISANCE.
- (e) RE-INSPECTION DATE AND TIME.
- (f) NAME, ADDRESS AND TELEPHONE NUMBER OF THE TOWN COMPLIANCE AGENT WHO SENT THE NOTICE TO ABATE.
- (g) A WARNING STATING THAT IF THE VIOLATION IS NOT CORRECTED WITHIN 30 DAYS OF THE DATE OF THE NOTICE, THE TOWN MAY ABATE THE NUISANCE AND ASSESS THE PERSON IN CONTROL THE COST OF SUCH ABATEMENT AND RECORD A LIEN AGAINST THE PROPERTY FOR PAYMENT OF THE ASSESSMENT.
- (h) A STATEMENT THAT THE PERSON IN CONTROL MAY APPEAL THE ABATEMENT ORDER IN WRITING TO THE TOWN COUNCIL WITHIN 15 DAYS FROM THE DATE OF THE NOTICE.
- (i) THE 15-CALENDAR-DAY NOTICE SET FORTH IN THIS SECTION SHALL NOT APPLY TO EMERGENCY ABATEMENTS.

(3) THE TOWN MANAGER MAY EXTEND THE TIME LIMITS SET FORTH IN SUBSECTION (A)(1) OF THIS SECTION IF THE PERSON IN CONTROL DEMONSTRATES TO THE SATISFACTION OF THE TOWN MANAGER THAT COMPLYING WITH THE NOTICE OF VIOLATION OR NOTICE TO ABATE IS A HARDSHIP AND IF THE PERSON IN CONTROL AGREES IN WRITING TO A SCHEDULE FOR CORRECTING THE VIOLATION BRINGING THE PROPERTY INTO COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE AND COMPLIES WITH THE SCHEDULE.

(4) THE NOTICE REQUIREMENTS SET FORTH IN THIS SUBSECTION DO NOT APPLY IN AN EMERGENCY ABATEMENT SITUATION.

(B) SERVICE OF NOTICES:

(1) ANY NOTICE REQUIRED TO BE GIVEN UNDER THIS SECTION SHALL BE ACCOMPLISHED BY A COMPLIANCE AGENT OF THE TOWN DELIVERING THE NOTICE TO THE PERSON IN CONTROL OF THE PROPERTY, OR BY MAILING THE NOTICE TO THE PERSON IN CONTROL BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. IF THE PROPERTY OWNER IS NOT THE OCCUPANT OR PERSON IN CONTROL, A DUPLICATE NOTICE SHALL BE MAILED TO HIM BY CERTIFIED RETURN RECEIPT REQUESTED MAIL AT HIS LAST KNOWN ADDRESS.

(2) NOTICE IS DEEMED EFFECTIVE ON THE DATE IT IS HAND DELIVERED OR DEPOSITED IN THE UNITED STATES MAIL.

(3) NOTHING HEREIN SHALL PRECLUDE THE TOWN FROM GIVING ADDITIONAL ORAL OR WRITTEN NOTICE AT ITS DISCRETION. IF THE TOWN ELECTS TO GIVE ADDITIONAL NOTICE IN ANY INSTANCE, IT SHALL NOT THEREBY BECOME OBLIGATED TO GIVE SUCH ADDITIONAL NOTICE THEREAFTER IN THE SAME OR OTHER SITUATION.

(C) RECORDING A NOTICE TO ABATE: THE NOTICE TO ABATE SHALL RUN WITH THE LAND. THE TOWN, AT ITS SOLE OPTION, MAY RECORD A NOTICE TO ABATE WITH THE COUNTY RECORDER AND THEREBY CAUSE COMPLIANCE BY AN ENTITY THEREAFTER ACQUIRING SUCH PROPERTY. THE NON-FILING OF ANY NOTICE TO ABATE SHALL IN NO WAY AFFECT THE VALIDITY OF SUCH NOTICE AS TO ENTITIES SO NOTIFIED. WHEN THE PROPERTY IS BROUGHT INTO COMPLIANCE BY THE PERSON IN CONTROL A SATISFACTION OF NOTICE TO ABATE SHALL BE FILED WITH THE COUNTY RECORDER.

(D) APPEALS TO THE COUNCIL:

(1) A NOTICE TO ABATE OR ASSESSMENT MAY BE APPEALED TO THE TOWN COUNCIL.

(2) AN APPEAL MUST BE FILED WITHIN 15 CALENDAR DAYS OF THE SERVICE OF THE NOTICE TO ABATE OR ASSESSMENT AND MUST BE FILED WITH THE TOWN CLERK'S OFFICE.

(3) FAILURE TO TIMELY FILE AN APPEAL SHALL CONSTITUTE A WAIVER OF THE RIGHT TO A HEARING OF THE APPEAL BEFORE THE TOWN COUNCIL. ANY PERSON WHO FAILS TO TIMELY FILE AN APPEAL SHALL BE ESTOPPED FROM DENYING THE VALIDITY OF ANY NOTICE OR ASSESSMENT THAT COULD HAVE BEEN TIMELY APPEALED.

(4) THE NOTICE OF APPEAL SHALL SET FORTH, IN WRITING, THE OWNER'S REASON FOR BELIEVING HE IS NOT IN VIOLATION OF THIS TITLE OR THAT THE ASSESSMENT IS EXCESSIVE OR UNJUST.

(5) THE NOTICE OF APPEAL SHALL BE ACCOMPANIED BY AN APPEAL FEE OF TWENTY-FIVE DOLLARS (\$25.00), TO BE DEPOSITED IN THE GENERAL FUND OF THE TOWN.

(6) IN CASE OF FINANCIAL HARDSHIP, AS DETERMINED BY THE TOWN CLERK, THE APPEAL FEE MAY BE SUSPENDED UNTIL THE DECISION ON APPEAL IS RENDERED.

THE TOWN COUNCIL MAY EITHER WAIVE THE FEE UPON A FINDING OF FINANCIAL HARDSHIP OR FIND NO FINANCIAL HARDSHIP AND REQUIRE THE FEE TO BE PAID.

(E) GROUND FOR APPEAL: THE FOLLOWING SHALL CONSTITUTE REASONABLE GROUND FOR APPEAL OF A NOTICE TO ABATE OR ASSESSMENT:

(1) A CLAIM THAT THE PROPERTY OR BUILDING SUBJECT TO THE NOTICE IS NOT IN VIOLATION OF THE ORDINANCE.

(2) A CLAIM THAT THE TRUE INTENT OF THE CODE SECTION ALLEGEDLY VIOLATED OR STANDARDS DESCRIBED IN THAT SECTION WERE INCORRECTLY INTERPRETED; OR

(3) A CLAIM THAT THE STATEMENT OF COSTS FOR CORRECTING OR ABATING THE VIOLATION IS EXCESSIVE.

(F) PROCEDURE ON APPEAL:

(1) THE TOWN CLERK SHALL SET A DATE FOR HEARING AN APPEAL WITHIN FORTY CALENDAR (40) DAYS OF RECEIPT BY THE TOWN CLERK OF THE NOTICE OF APPEAL.

(2) THE TOWN COUNCIL SHALL HEAR TESTIMONY FROM ALL PARTIES TO THE APPEAL. THE PARTIES MAY, IF THEY CHOOSE, BE REPRESENTED BY AN ATTORNEY.

(3) THE TOWN COUNCIL SHALL PREPARE A WRITTEN SUMMARY OF THE HEARING AND SHALL SET FORTH THE DECISION REACHED. THE FINDINGS AND DECISION SHALL BE MAILED TO ALL PARTIES TO THE APPEAL.

(G) CONFLICTING PROVISIONS; SPECIAL ASSESSMENT:

(1) CONFLICT OF ORDINANCES.

(a) IN ANY CASE WHERE A PROVISION OF THIS TITLE IS IN CONFLICT WITH A PROVISION OF ANY ZONING, BUILDING, FIRE, SAFETY OR HEALTH ORDINANCE OR CODE OF THE TOWN EXISTING ON THE EFFECTIVE DATE OF THIS TITLE, THE PROVISION WHICH ESTABLISHES THE HIGHER STANDARD FOR PROMOTING AND PROTECTING PUBLIC HEALTH AND SAFETY SHALL PREVAIL.

(b) THIS TITLE IS NOT INTENDED TO REPEAL, ABROGATE, ANNUL OR IN ANY WAY IMPAIR OR INTERFERE WITH EXISTING PROVISIONS OF OTHER LAWS OR ORDINANCES, EXCEPT THOSE SPECIFICALLY REPEALED BY THIS TITLE, OR WITH PRIVATE RESTRICTIONS PLACED UPON THE PROPERTY BY COVENANT, DEED, OR OTHER PRIVATE AGREEMENT.

(c) IN CASES WHERE TWO (2) OR MORE PROVISIONS OF THIS TITLE ARE IN CONFLICT, THE MOST STRINGENT OR RESTRICTIVE SHALL PREVAIL.

(2) SPECIALASSESSMENT LIEN.

(a) IF THE TOWN IS REQUIRED TO CORRECT OR ABATE A VIOLATION PURSUANT TO THIS SECTION, THE TOWN SHALL PREPARE A VERIFIED STATEMENT AND ACCOUNT OF THE ACTUAL COST OF SUCH CORRECTION OR ABATEMENT, INCLUDING AN ADDITIONAL TEN PERCENT (10%) OF THE ACTUAL COSTS FOR INSPECTION AND OTHER INCIDENTAL COSTS INCURRED IN CONNECTION WITH SUCH CORRECTION OR ABATEMENT. THE VERIFIED STATEMENT AND ACCOUNT SHALL BE AN ASSESSMENT UPON THE PROPERTY ON WHICH THE TOWN CORRECTED OR ABATED THE VIOLATIONS AND SHALL BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS OTHER TOWN ASSESSMENTS ARE COLLECTED. SUCH ASSESSMENT SHALL BE RECORDED IN THE OFFICE OF THE YAVAPAI COUNTY RECORDER AND FROM THE DATE OF ITS RECORDING SHALL BE A LIEN ON THE PROPERTY. SUCH LIEN SHALL BE SUBJECT TO AND INFERIOR TO THE LIEN FOR GENERAL TAXES AND TO ALL PRIOR RECORDED MORTGAGES. A SALE OF THE PROPERTY TO SATISFY A LIEN OBTAINED UNDER THE PROVISIONS OF THIS SECTION SHALL BE MADE UPON JUDGMENT OF FORECLOSURE AND ORDER OF SALE. THE TOWN MAY INSTITUTE AN ACTION TO ENFORCE THE LIEN IN THE YAVAPAI COUNTY SUPERIOR COURT AT ANY TIME AFTER THE RECORDING OF THE ASSESSMENT. FAILURE TO ENFORCE THE LIEN BY SUCH ACTION SHALL NOT AFFECT ITS VALIDITY. THE RECORDED ASSESSMENT SHALL BE PRIMA FACIE EVIDENCE OF THE TRUTH OF ALL MATTERS RECITED THEREIN AND OF THE REGULARITY OF ALL PROCEEDINGS PRIOR TO THE RECORDING THEREOF.

(b) A PRIOR ASSESSMENT PURSUANT TO THIS TITLE SHALL NOT BE A BAR TO A SUBSEQUENT ASSESSMENT, AND ANY NUMBERS OF LIENS ON THE SAME LOT OR TRACT OF LAND MAY BE ENFORCED IN THE SAME ACTION.

§ 84.09 ASSESSMENTS; HOW PAID; ACCRUAL OF INTEREST.

(A) ASSESSMENTS THAT ARE IMPOSED PURSUANT TO THIS TITLE SHALL RUN WITH THE LAND UNTIL PAID AND ARE DUE AND PAYABLE AS FOLLOWS:

(1) ASSESSMENTS OF LESS THAN FIVE HUNDRED DOLLARS (\$500.00) SHALL BE PAID WITHIN ONE (1) YEAR AFTER THE ASSESSMENT IS RECORDED.

(2) ASSESSMENTS OF FIVE HUNDRED DOLLARS (\$500.00) OR MORE, BUT LESS THAN ONE THOUSAND DOLLARS (\$1,000.00), SHALL BE PAID WITHIN TWO (2) YEARS AFTER THE ASSESSMENT IS RECORDED.

(3) ASSESSMENTS OF ONE THOUSAND DOLLARS (\$1,000.00) OR MORE, BUT LESS THAN FIVE THOUSAND DOLLARS (\$5,000.00), SHALL BE PAID WITHIN THREE (3) YEARS AFTER THE ASSESSMENT IS RECORDED.

(4) ASSESSMENTS OF FIVE THOUSAND DOLLARS (\$5,000.00) OR MORE, BUT LESS THAN TEN THOUSAND (\$10,000.00), SHALL BE PAID WITHIN SIX (6) YEARS AFTER THE ASSESSMENT IS RECORDED.

(5) ASSESSMENTS OF TEN THOUSAND DOLLARS (\$10,000.00) OR MORE SHALL BE PAID WITHIN TEN (10) YEARS AFTER THE ASSESSMENT IS RECORDED.

(B) EACH ASSESSMENT SHALL CONTAIN A PAYMENT SCHEDULE WHICH REQUIRES PAYMENT OF THE ASSESSMENT OVER THE ABOVE TIME PERIODS IN SUBSTANTIALLY EQUAL YEARLY INSTALLMENTS.

(C) AN ASSESSMENT THAT IS PAST DUE SHALL ACCRUE INTEREST AT THE LEGAL RATE AS PRESCRIBED BY ARIZONA REVISED STATUTES SECTION 44-1201, AS MAY BE AMENDED FROM TIME TO TIME.

The Town Code of Chino Valley, Arizona, Title IX General Regulations is amended by deleting Chapter 91 Health and Sanitation in its entirety and reserving the Chapter for future use.

The Town Code of Chino Valley, Arizona, Title IX General Regulations, Chapter 93 Abandoned Vehicles, is hereby deleted in its entirety.

The Town Code of Chino Valley, Arizona, Title XIII General Offenses, Chapter 130 General Offenses, Section 130.01 Burning and Section 130.02 Water; Flow upon Streets Prohibited is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in strikeout):

§ 130.01 Burning.

It is unlawful AND A PUBLIC NUISANCE for any person, firm or corporation to kindle any grass, trash, brush, rubbish or crop fire within the town without first securing a written permit from the Fire Chief, his or her duly authorized assistant or other designated town officer. The permit may contain any conditions necessary for the protection of life and property, unless such fire is contained within a suitable container to prevent the escape of sparks or burning materials.

§ 130.02 Water; AND EARTHEN MATERIAL Flow upon Streets Prohibited.

It is unlawful AND A PUBLIC NUISANCE for any person to willfully or negligently permit or cause the escape or flow of water OR EARTHEN MATERIAL ONTO PUBLIC STREETS ~~from any source~~ in such MANNER ~~quantity~~ as to cause flooding, or to ENDANGER OR impede vehicular or pedestrian traffic, ~~to create a hazardous condition to such traffic~~, to create a condition which constitutes a threat to the public health and safety, or to cause damage to the public streets of the town. EARTHEN MATERIAL SHALL INCLUDE, BUT NOT BE LIMITED TO SOIL, SILT, CLAY, SAND, GRAVEL, ROCK, DIRT, MUD, ORGANIC MATERIAL, OR A COMBINATION THEREOF.

Penalty, see ~~§130.99~~.



**TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT**

Town Council Study Session 3)

Meeting Date: 01/15/2019

Contact Person: Scott Bruner, Community Services Director
Phone: 928-636-2687 x-1237

Department: Community Services

Estimated length of Staff Presentation: 10 minutes

Physical location of item: N/A

Information

AGENDA ITEM TITLE:
Presentation and discussion regarding a Water Management System. (Scott Bruner, Community Services Director)

Attachments

Water Management

WATER MANAGEMENT SYSTEM

Evapotranspiration

Simply put, evapotranspiration (Eto) is the total amount of water lost through evaporation in the soil and transpiration ("breathing") of the plants. In a drought-prone state, it is of utmost importance to understand this concept and its implications.

- ▶ Water Management
- ▶ Save \$\$\$
- ▶ Ability to operate from 1 central controlled source
 - ▶ Computer
 - ▶ Cell phone
 - ▶ Tablet

BENEFITS OF A WATER MANAGEMENT (ETO) SYSTEM

- ▶ Precision ET weather stations measure 5 climate conditions to manage irrigation use
 - ▶ Solar energy
 - ▶ Wind
 - ▶ Humidity
 - ▶ Temperature
 - ▶ Rain

HOW DO THEY WORK?

$$\lambda \text{ ET} = \frac{\frac{\Delta}{\gamma}(R_n - G)}{(1 + \frac{\Delta}{\gamma} + \frac{r_g}{r_a})} + \frac{\frac{\rho \lambda}{r_a} \delta q_a}{(1 + \frac{\Delta}{\gamma} + \frac{r_g}{r_a})}$$

Δ the derivative of the Clausius Clapeyron law: known if air temperature is known

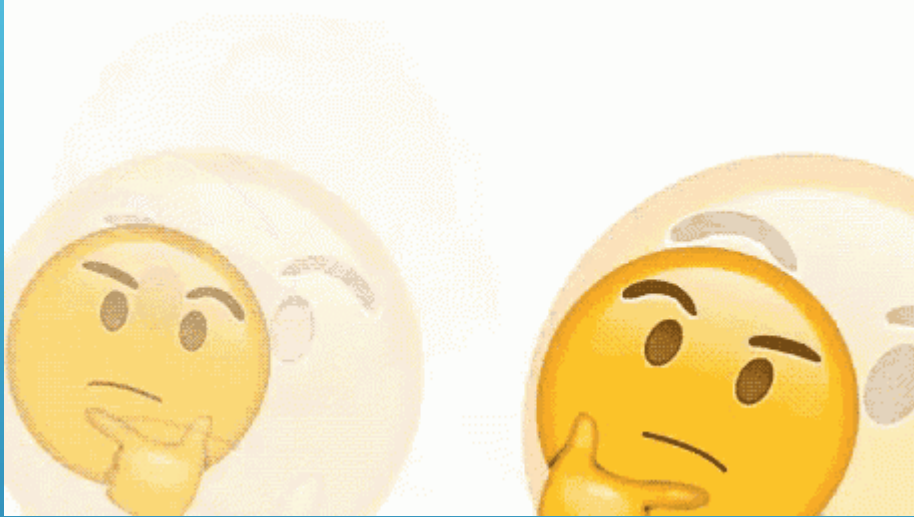
γ : known from the water properties and if the atmospheric pressure is known

δq_a : known if the air temperature is known (for the saturated specific humidity) and the air humidity is known

r_a the aerodynamic resistance, known if the windspeed and the equivalent roughness of the surface (function of the height of vegetation and buildings) are known

r_g the resistance to evaporation induced by the soil: it can be estimated if the soil water content is known

HOW WE FIGURE OUT HOW MUCH WATER IS NEEDED WITHOUT AN ET₀ SYSTEM?



WE GUESSTIMATE

HOW DO WE WATER NOW?

Technology has changed our world. We can do just about everything better, faster, and with more efficiency than ever before. Baseline is an industry leader in commercial irrigation control systems that leverage the latest technology. This allows landscape managers to take care of more sites with fewer resources, maintain healthy landscapes with less water, and spend less money on the equipment to make it all happen.

- ▶ Baseline's BaseStation 3200™ irrigation controller is at the pinnacle of intelligent irrigation systems.
- ▶ advanced flow management features
- ▶ flexible communication options
 - ▶ Radio
 - ▶ Ethernet
 - ▶ Wi-Fi
 - ▶ Cellular
- ▶ industry leading water management solutions
- ▶ When operated in conjunction with BaseManage Plus and WeatherAccess
 - ▶ meets the EPA WaterSense program's water-efficiency and performance criteria.

BASE STATION 3200

- ▶ The BaseStation 3200 combines Baseline's soil moisture sensor-based intelligent watering technology with the industry's best practices for weather-based irrigation into a single user interface.
- ▶ Utilizes a Master Valve
- ▶ Shorten water windows and find leaks fast
- ▶ In the event of unexpected high or low flow, the controller will automatically determine which zone is at fault and alert you without interrupting the rest of the watering cycle
- ▶ Baseline irrigation controllers can protect your site from mainline breaks with configurable high and low flow shutdown settings.

BENEFITS OF BASE STATION 3200

► The BaseStation 3200 could help reduce water use by

► up to 62 percent

#1 REASON FOR BASE STATION 3200

- ▶ More than an irrigation controller, it's a site management controller
- ▶ 4G Modem
- ▶ can operate up to 99 concurrent zones and 99 programs
- ▶ opportunities for your site to run lighting zones, water features, bathroom door locks, and branded signage
- ▶ Mapping

WHY BASE STATION 3200

- ▶ BaseManager™ is a powerful cloud-based central control and remote access platform that allows any BaseStation 3200 controller to be managed remotely over the Internet
- ▶ BaseManager, you'll be able to do everything you normally have to do at the controller from the convenience of any Internet connected device.

CONTINUED

- ▶ \$32,000 (Community Center and Memory Park)
 - ▶ 48 Station Controller
 - ▶ Stainless Steel pedestal
 - ▶ Cellular Modem
 - ▶ Ethernet Switch
 - ▶ 4" Hydrometer
 - ▶ 12 Station Controller
 - ▶ Wire kits
- ▶ \$5,000
 - ▶ Installation

WHAT DOES IT COST?

- ▶ \$199/year per controller

RE-OCCURRING FEES



QUESTIONS?

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Study Session

4)

Meeting Date: 01/15/2019
Contact Person: Laura Kyriakakis, Human Resources Director
 Phone: 928-636-2646 x-1204
Department: Human Resources
Estimated length of Staff Presentation: 20 minutes
Physical location of item: N/A

Information

AGENDA ITEM TITLE:

Presentation and discussion regarding salary survey findings and recommendations for the Town of Chino Valley for fiscal year 2019/2020. (Laura Kyriakakis, Human Resources Director)

SITUATION & ANALYSIS:

The Town of Chino Valley entered into an agreement with Public Sector Personnel Consultants, in August 2018 to conduct a compensation study update for the Town of Chino Valley. Below is a brief summary of our findings and recommendations. Attached is a comprehensive report and presentation which provides survey methodology and additional details related to findings and recommendations.

Market data was collected for sixty-nine benchmark job classes. Sixty-three of these benchmarks are based on the Town's job classes and job content and six classifications represent generic and commonly found occupations included for salary comparison and salary planning purposes only.

A. SUMMARY OF FINDINGS:

1. Twenty-one of the Town's survey benchmark job classes (33% of survey benchmarks) are more than 5% behind the prevailing rates.
2. The current salaries of seven employees are below the Minimum of the recommended salary range for their position, with a salary competitiveness policy at 100% of the prevailing rates, for a cost of \$13,106 (0.37% of current base payroll) to bring them to Minimum.
3. Twenty-one tenured employees are below the target range placement for their length of service with the Town. Cost to adjust range placement is \$18,706 (0.53% of current base payroll).
4. Total cost of implementation is 31,812 (0.90% of current base payroll).

B. SUMMARY OF RECOMMENDATIONS

1. Confirm the Town's salary competitiveness policy at 100% (midpoint) of the estimated prevailing rates.
2. Utilize the FY 2019 Proposed Open Range Salary Structure.
3. Adopt the FY 2019 base salary range assignments.
4. Bring the salaries of all employees to at least the Minimum of the salary range for their position's

- job class on the plan's effective date.
5. Adopt a one-time implementation salary increase plan to place employees closer to the prevailing rates on the basis of their length of service with the Town and available funds for FY 2019.
 6. Develop and implement a comprehensive program and materials to communicate the Town's updated FY 2019 salary plan to all employees.

Attachments

Salary Survey PPP

Salary Survey Report

Salary Survey Findings and Recommendations for the FY 2019 Salary Plan

For the Town of Chino Valley
January 2019

Project Overview

- Market survey and analysis of competitiveness
- Review of current salary administration practices
- Salary structure review and recommendation
- Analysis of internal alignment
- Fiscal impact of proposed salary plan
- Implementation

Market Survey and Analysis of External Competitiveness

- Market competitors include those employers with whom the Town competes to obtain and retain qualified employees
- Competitors may vary by position
- Jobs are being compared not the employers
- Private sector data included where applicable

Market Comparators

Camp Verde

Cottonwood

Prescott

Prescott Valley

Yavapai County

Page

Payson

Sedona

Show Low

Wickenburg

Williams

Winslow

Private sector data obtained from Economic Research Institute (ERI) private sector survey for Flagstaff and the surrounding area

Selection of Benchmark Positions

- Benchmark positions are those jobs that are commonly utilized by competitor employers
- Job content includes similar duties, responsibilities, and complexity

Results of Survey

	No. of Benchmarks	% of Sample
More than 5% BELOW	21	33%
Comparable - within 5%	34	54%
More than 5% AHEAD	8	13%
Total	63	100%

Salary Range Assignments

Assignment of Job Classes to Salary Ranges – Each benchmark job class was assigned to the salary range whose Midpoint is closest to the Market Rate.



Assignment of Non-benchmark Job Classes – Each non-benchmark job is assigned a salary range based on its relative complexity to a benchmark job in its occupational family.



Relative worth is determined using the Town's job descriptions.



Draft review and critique was performed by the HR Director and the Town Manager to determine the final internal relationships.

Initial Implementation Steps

- Adjust employee salaries so no one is paid below the new range minimum
 - Cost to implement Market Adjustments – approximately \$19,000
- Adjust salary placement in range to better reflect length of service with Town
 - Cost of in-range adjustments - \$13,000

Salary Plan Maintenance

- Periodically update the salary survey data
- Identify the level of market competitiveness of each benchmark job class
- Assign jobs below Market to a Market competitive salary range
- Adjust internal alignment of non-benchmark jobs if needed
- Adjust employee salaries that fall below the new minimum
- Adjust salary compression if necessary

TOWN OF CHINO VALLEY

**SALARY SURVEY FINDINGS AND
RECOMMENDATIONS FOR THE FY 2019
SALARY PLAN**

JANUARY 2019

TOWN OF CHINO VALLEY

SALARY SURVEY FINDINGS AND RECOMMENDATIONS FOR THE FY 2019 SALARY PLAN

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1. EXECUTIVE SUMMARY

It is with substantial pleasure that we present this report describing the results of the FY 2019 Compensation Study for the Town of Chino Valley. This section includes a summary of our findings and recommendations. The next few sections of this report provide the survey methodology and additional details related to findings and recommendations.

A. SUMMARY OF FINDINGS

1. Market data was collected for sixty-nine benchmark job classes. A complete list of benchmarks is provided in Table 1 (page 6). Sixty-three of these benchmarks are based on the City's job classes and job content and six classifications represent generic and commonly found occupations included for salary comparison and salary planning purposes only.
2. Twenty-one of the Town's survey benchmark job classes (33% of survey benchmarks) are more than 5% behind the prevailing rates (page 5).
3. The current salaries of seven employees are below the Minimum of the recommended salary range for their position, with a salary competitiveness policy at 100% of the prevailing rates, for a cost of \$13,106 (0.37% of current base payroll) to bring them to Minimum (Table 4, page 12).
4. Twenty-one tenured employees are below the target range placement for their length of service with the Town. Cost to adjust range placement is \$18,706 (.% of current base payroll) (Table 5, page 13).

B. SUMMARY OF RECOMMENDATIONS

1. Confirm the Town's salary competitiveness policy at 100% (midpoint) of the estimated prevailing rates.
2. Utilize the FY 2019 Proposed Open Range Salary Structure located in the Appendix.
3. Adopt the FY 2019 base salary range assignments in Tables 3 (pages 9 - 11).
4. Bring the salaries of all employees to the Minimum of the salary range for their position's job class on the plan's effective date.
5. Adopt a one-time implementation salary increase plan to place employees closer to the prevailing rates on the basis of their length of service with the Town and available funds for FY 2019.
6. Develop and implement a comprehensive program and materials to communicate the Town's updated FY 2019 salary plan to all employees.

2. EXTERNAL COMPETITIVENESS COMPARISONS

The following paragraphs and tables compare the Town's current salary structure (salary range Midpoint) to those for similar occupations at public employers with whom the Town competes to obtain and retain high quality staff.

A. SOURCES OF EXTERNAL DATA - PAY PLANS OF LOCAL AND REGIONAL COUNTIES, CITIES, AND TOWNS

The Town typically competes for employees within the local and regional employment market. Many of the Town's jobs are municipal specific jobs which are found only at other government employers. We obtained the complete salary plans from the following public employers and extracted data on their job classes matching the Town's salary survey benchmarks.

Camp Verde	Payson
Cottonwood	Sedona
Prescott	Show Low
Prescott Valley	Wickenburg
Yavapai County	Williams
Page	Winslow

B. PRIVATE EMPLOYERS IN THE FLAGSTAFF AREA

For Town occupations also utilized by private sector employers, we extracted salary data for similar job classes from the Economic Research Institute (ERI) Salary Assessor for the Flagstaff and surrounding area. Data in ERI's database represents data from hundreds of private sector employers for thousands of occupations.

C. SALARY RANGE MIDPOINT COMPARISON

We utilized the standard "structure-to-structure" method to compare the Town's salary structure to the prevailing rates. The Town's salary structures and the prevailing rates are represented by their Midpoints, which are the amounts employers pay for sustained competent job performance.

The Midpoint is the most objective, occupation-specific and consistent component of salary structures among employers, as the varying widths of salary ranges are too great to utilize Minimum or Maximum. Midpoint is not affected by actual salary averages which may reflect longevity, pay-for-performance, and a myriad of subjective salary plan administration characteristics of the comparator employers. When individual salary plans were comprised of steps, the beginning and ending steps were added and the sum divided by two (2) to calculate a true midpoint.

Midpoints for each survey benchmark were averaged to obtain the prevailing rate for each benchmark job class.

D. EXTERNAL PREVAILING RATE COMPARISON

Table 1, on the next page, summarizes the comparison of the Town's current salary structure midpoints for all benchmark job classes to the prevailing rates of all the comparator employers.

NOTE: Relationship of +/- 5% to the prevailing rates is considered comparable to the prevailing rates.

	No. of Benchmarks	% of Sample
More than 5% BELOW	21	33%
Comparable - within 5%	34	54%
More than 5% AHEAD	8	13%
Total	63	100%

The Town is not a competitive employer (more than 5% below the prevailing rates) for one-third of the benchmark job classes.

Table 1 - Market Summary

Current Job Class Title	TOCV Midpoint	Market Midpoint	Variance	
			\$	%
Shaded boxes represent job classes BEHIND the Market data by more than 5%				
Bold only variances are AHEAD of the Market data by more than 5%.				
Information Technology Support Technician (new)	\$41,991	\$51,529	-\$9,538	-22.71%
Animal Control Officer FT	\$32,901	\$39,124	-\$6,223	-18.91%
Cashier	\$22,269	\$25,916	-\$3,647	-16.38%
Information Technology Manager	\$62,040	\$71,815	-\$9,775	-15.76%
Library Manager	\$48,610	\$56,219	-\$7,609	-15.65%
Facilities Maintenance Worker, Senior	\$38,087	\$42,923	-\$4,836	-12.70%
Inactive - Assistant Town Manager	\$122,835	\$137,561	-\$14,726	-11.99%
Lifeguard	\$24,551	\$27,419	-\$2,868	-11.68%
Recreation Lead	\$38,087	\$42,117	-\$4,030	-10.58%
Facilities Maintenance Worker	\$32,901	\$36,265	-\$3,364	-10.22%
Inactive - Fleet Supervisor	\$56,272	\$61,832	-\$5,560	-9.88%
Librarian, Technical Services	\$36,274	\$39,794	-\$3,520	-9.70%
Utilities Manager	\$65,142	\$70,792	-\$5,650	-8.67%
Chief Building Official	\$65,142	\$70,681	-\$5,539	-8.50%
Inactive - Assistant Public Works Director / Assistant Town Engineer	\$87,297	\$92,677	-\$5,380	-6.16%
Accountant, Senior	\$56,272	\$59,605	-\$3,333	-5.92%
Town Clerk	\$75,410	\$79,757	-\$4,347	-5.76%
Town Manager	\$142,197	\$150,118	-\$7,921	-5.57%
Roads Foreman	\$56,272	\$59,363	-\$3,091	-5.49%
Custodian	\$27,068	\$28,512	-\$1,444	-5.33%
Planner	\$59,086	\$62,227	-\$3,141	-5.32%
-- Job classes above these lines are Behind the Market by more than 5%. --				
Inactive - Library Director	\$75,410	\$79,107	-\$3,697	-4.90%
Utilities Maintenance Technician	\$38,087	\$39,943	-\$1,856	-4.87%
Library Clerk	\$31,334	\$32,849	-\$1,515	-4.84%
Fleet Mechanic	\$41,991	\$43,960	-\$1,969	-4.69%
Economic Development Project Manager	\$65,142	\$67,898	-\$2,756	-4.23%
Public Works Manager	\$65,142	\$67,455	-\$2,313	-3.55%
Administrative Technician (various)	\$36,274	\$37,411	-\$1,137	-3.13%
Planner, Senior	\$65,142	\$67,060	-\$1,918	-2.94%
Utilities Operations Specialist - Wastewater	\$56,272	\$57,665	-\$1,393	-2.48%
Court Administrator	\$56,272	\$57,647	-\$1,375	-2.44%
Crime Scene Technician (Property & Evidence/Crime Scene Technicia	\$41,991	\$42,946	-\$955	-2.27%
Inactive - Utilities Maintenance Technician, Senior	\$44,091	\$44,969	-\$878	-1.99%
Administrative GIS Technician	\$41,991	\$42,635	-\$644	-1.53%
Parks Supervisor	\$48,610	\$49,353	-\$743	-1.53%
Community Services Director	\$96,244	\$97,256	-\$1,012	-1.05%
Human Resources Analyst	\$53,593	\$53,849	-\$256	-0.48%
Inactive - Recreation Specialist Aquatics Supervisor	\$44,091	\$44,266	-\$175	-0.40%
Plans Examiner/Inspector	\$53,593	\$53,794	-\$201	-0.38%
Customer Service Manager	\$65,142	\$65,354	-\$212	-0.33%
Parks Maintenance Worker, Lead	\$38,087	\$38,190	-\$103	-0.27%
Inactive - Development Services Director	\$96,244	\$96,206	\$38	0.04%
Kitchen Assistant	\$25,779	\$25,767	\$12	0.05%
Human Resources Director	\$96,244	\$95,911	\$333	0.35%
Administrative Technician, Senior - Assistant Town Manager	\$41,991	\$41,843	\$148	0.35%
Code Compliance Officer	\$46,295	\$45,662	\$633	1.37%
Recreation Coordinator	\$34,546	\$33,766	\$780	2.26%
Roads Maintenance Worker, Senior	\$44,091	\$42,981	\$1,110	2.52%
Paralegal	\$48,610	\$47,204	\$1,406	2.89%
Assistant Town Engineer	\$79,181	\$76,772	\$2,409	3.04%
Court Clerk	\$39,992	\$38,545	\$1,447	3.62%
Police Civilian Operations Supervisor	\$56,272	\$54,072	\$2,200	3.91%
Cook	\$32,901	\$31,454	\$1,447	4.40%
Public Works Inspector	\$56,272	\$53,708	\$2,564	4.56%
Finance Director	\$111,415	\$106,216	\$5,199	4.67%
-- Job classes below these lines are Ahead of the Market by more than 5%. --				
Inactive - Town Engineer	\$91,661	\$86,680	\$4,981	5.43%
Parks Maintenance Worker	\$32,901	\$30,966	\$1,935	5.88%
Permit Technician	\$41,991	\$39,495	\$2,496	5.94%
Town Clerk Assistant/Records Technician	\$39,992	\$37,442	\$2,550	6.38%
Roads Maintenance Worker	\$36,274	\$33,763	\$2,511	6.92%
Accounting Technician II	\$46,295	\$42,580	\$3,715	8.02%
Public Works Director	\$111,415	\$102,296	\$9,119	8.18%
Building Inspector	\$53,593	\$48,177	\$5,416	10.11%
Data for Salary Planning Purposes:				
Water Treatment Plant Operator (FYI)	--	\$40,457	--	--
Accountant (FYI)	--	\$52,546	--	--
Librarian (FYI)	--	\$56,287	--	--
Planner, Assistant (entry level, FYI)	--	\$48,926	--	--
Deputy Town Clerk (FYI)	--	\$48,960	--	--
Wastewater Treatment Plant Operator (FYI)	--	\$43,526	--	--

3. RECOMMENDED SALARY RANGE STRUCTURE

The Town currently uses a grade-and-step salary structure. Each grade consists of twelve salary steps with 2.5% increase between consecutive steps. Salary grades are separated by 5% between consecutive grades.

A. CONVERT CURRENT GRADE-STEP STRUCTURE TO OPEN RANGE STRUCTURE

We recommend the Town convert its existing grade-step structure to an open-range structure by eliminating steps 2 through 11 and maintaining Step 1, as the entry rate of pay, and Step 12, as the Maximum rate of pay. This change aligns with the Town's current salary administration practice and allows the Town to provide increase amounts outside of the current 2.5% step increment.

B. SALARY INCREASES

We recommend the Town continue to provide employee salary increases based upon the Town's current performance evaluation program.

C. MARKET ADJUSTMENTS

Periodically, we recommend the Town conduct a survey update to identify prevailing rate changes. Job classes will be individually reassigned to different salary ranges to reflect the varying movement in the external prevailing rate (if any) for each job class. The Town's salary range structure should not be adjusted by blanket percentages or flat dollar amounts, as that will adversely impact the Town's external competitiveness and the internal equity of the salary plan.

4. RECOMMENDED FY 2019 BASE SALARY PLAN

The following sections describe the recommended FY 2019 salary plan for the Town and its estimated fiscal impact. Supporting tables are contained in the Appendix section of this report.

A. RECOMMENDED FLEXIBLE SALARY COMPETITIVENESS POLICY PERMANENT PREVAILING RATE SALARY POLICY

Salary policy is the Town's expression of where it will place its salary levels in relation to the prevailing rates, expressed as a percentage of the external prevailing rates.

We recommend that the Town adopt a permanent policy to place its salary competitiveness policy at 100% of the prevailing rates. "At the prevailing rates" is defined as +/- 5% of the survey jobs' averages matching the Town's benchmark job classes. An illustrative prevailing rate resolution wording is:

It is the policy of the Town of Chino Valley to place its salary range assignments at 100% of the prevailing rates paid for similar occupations by the employers with whom we compete for high quality staff, if financially feasible, based on the non-weighted average rates of the designated comparator employers.

This flexible policy will permit the Town to consider significant factors relating to internal occupational group relationships, supply and demand in the marketplace for specific occupations, and financial constraints.

B. ASSIGNMENT OF JOB CLASSES TO SALARY RANGES

Tables 3, following this page, contains the recommended FY 2019 salary range placement for each of the Town's salary range order. Benchmark job classes were placed as close to the prevailing rates for comparable job classes as was practical, by matching the Town's salary range Midpoints to the survey benchmark rates.

We utilized our professional judgment to prevent illogical relationships that could result from survey data directly linked into salary ranges, as there is no automatic logical job content relationship among survey data collected from various employers. Non-benchmark job classes were linked to benchmark job classes by professional judgment.

Table 3 - Proposed Ranges - Salary Range Order

Job Class Title	Grade	Min	Midpoint	Max
Town Manager	44	\$129,153	\$149,307	\$169,460.00
	43	\$123,003	\$142,197	\$161,391
Assistant Town Manager	42	\$117,146	\$135,426	\$153,706
	41	\$111,567	\$128,977	\$146,386
	40	\$106,255	\$122,835	\$139,415
	39	\$101,195	\$116,986	\$132,777
Finance Director	38	\$96,376	\$111,415	\$126,454
General Services Director	38	\$96,376	\$111,415	\$126,454
Public Works Director	38	\$96,376	\$111,415	\$126,454
	37	\$91,787	\$106,109	\$120,432
	36	\$87,416	\$101,057	\$114,697
Community Services Director	35	\$83,253	\$96,245	\$109,236
Development Services Director	35	\$83,253	\$96,245	\$109,236
Human Resources Director	35	\$83,253	\$96,245	\$109,236
Presiding Magistrate	35	\$83,253	\$96,245	\$109,236
Protem Judge	35	\$83,253	\$96,245	\$109,236
Assistant Public Works Director / Assistant Town Engineer	34	\$79,289	\$91,661	\$104,034
Town Engineer	34	\$79,289	\$91,661	\$104,034
	33	\$75,513	\$87,297	\$99,080
	32	\$71,917	\$83,140	\$94,362
Assistant Town Engineer	31	\$68,493	\$79,180	\$89,868
Town Clerk	31	\$68,493	\$79,180	\$89,868
Library Director	30	\$65,231	\$75,410	\$85,589
	29	\$62,125	\$71,819	\$81,513
Chief Building Official	28	\$59,167	\$68,399	\$77,632
Economic Development Project Manager	28	\$59,167	\$68,399	\$77,632
Information Technology Manager	28	\$59,167	\$68,399	\$77,632
Public Works Manager	28	\$59,167	\$66,551	\$73,935
Utilities Manager	28	\$59,167	\$68,399	\$77,632
Assistant Community Services Director	27	\$56,349	\$60,109	\$63,868
Customer Service Manager	27	\$56,349	\$65,142	\$73,935
Planner, Senior	27	\$56,349	\$65,142	\$73,935
Planner	26	\$53,666	\$62,040	\$70,414
Accountant, Senior	25	\$51,110	\$59,086	\$67,061
Planner, Associate	25	\$51,110	\$59,086	\$67,061
Court Administrator	24	\$48,677	\$56,272	\$63,868
Fleet Supervisor	24	\$48,677	\$56,272	\$63,868
Police Civilian Operations Supervisor	24	\$48,677	\$56,272	\$63,868
Public Works Inspector	24	\$48,677	\$56,272	\$63,868

Job Class Title	Grade	Min	Midpoint	Max
Roads Foreman	24	\$48,677	\$56,272	\$63,868
Utilities Operations Specialist - Wastewater	24	\$48,677	\$56,272	\$63,868
Utilities Operations Specialist - Water	24	\$48,677	\$56,272	\$63,868
Water Resources Associate Planner	24	\$48,677	\$56,272	\$63,868
Building Inspector	23	\$46,359	\$53,592	\$60,826
Human Resources Analyst	23	\$46,359	\$53,592	\$60,826
Library Manager	23	\$46,359	\$53,592	\$60,826
Paralegal	23	\$46,359	\$53,592	\$60,826
Plans Examiner/Inspector	23	\$46,359	\$53,592	\$60,826
Information Technology Support Technidan, Senior (new)	22	\$44,151	\$51,041	\$57,930
Parks Supervisor	21	\$42,049	\$48,610	\$55,171
Senior Services Administrator	21	\$42,049	\$48,610	\$55,171
Accounting Technician II	20	\$40,046	\$46,295	\$52,544
Code Compliance Officer	20	\$40,046	\$46,295	\$52,544
Information Technology Support Technidan	20	\$40,046	\$46,295	\$52,544
Animal Control Officer	19	\$38,139	\$44,091	\$50,042
Customer Service Supervisor	19	\$38,139	\$44,091	\$50,042
Recreation Specialist Aquatics Supervisor	19	\$38,139	\$44,091	\$50,042
Roads Maintenance Worker, Senior	19	\$38,139	\$44,091	\$50,042
Utilities Maintenance Mechanic	19	\$38,139	\$44,091	\$50,042
Utilities Maintenance Technidan, Senior	19	\$38,139	\$44,091	\$50,042
Fleet Mechanic & Services Coordinator (new)	19	\$38,139	\$44,091	\$50,042
Administrative GIS Technidan	18	\$36,323	\$41,991	\$47,659
Administrative Technician, Senior - Assistant Town Manager	18	\$36,323	\$41,991	\$47,659
Administrative Technician, Senior - Public Works	18	\$36,323	\$41,991	\$47,659
Bailiff	18	\$36,323	\$41,991	\$47,659
Civilian / Training Officer	18	\$36,323	\$41,991	\$47,659
Facilities Maintenance Worker, Senior	18	\$36,323	\$41,991	\$47,659
Fleet Mechanic	18	\$36,323	\$41,991	\$47,659
Planning Assistant	18	\$36,323	\$41,991	\$47,659
Permit Technician	18	\$36,323	\$41,991	\$47,659
Property & Evidence/Crime Scene Technician	18	\$36,323	\$41,991	\$47,659
Civilian Officer	17	\$34,593	\$39,992	\$45,390
Court Clerk	17	\$34,593	\$39,992	\$45,390
Deputy Town Clerk/Records Technician	17	\$34,593	\$39,992	\$45,390
Recreation Lead	17	\$34,593	\$39,992	\$45,390
Animal Control Officer	16	\$32,946	\$38,087	\$43,228
Librarian, Technical Services	16	\$32,946	\$38,087	\$43,228
Librarian, Children's	16	\$32,946	\$38,087	\$43,228
Parks Maintenance Worker, Lead	16	\$32,946	\$38,087	\$43,228

Job Class Title	Grade	Min	Midpoint	Max
Utilities Maintenance Technician	16	\$32,946	\$38,087	\$43,228
Administrative Technician - Various	15	\$31,377	\$36,274	\$41,170
Administrative Technician, Customer Service	15	\$31,377	\$36,274	\$41,170
Roads Maintenance Worker	15	\$31,377	\$36,274	\$41,170
Facilities Maintenance Worker	14	\$29,883	\$34,546	\$39,209
Recreation Coordinator	14	\$29,883	\$34,546	\$39,209
Cook	13	\$28,460	\$32,901	\$37,342
Parks Maintenance Worker	13	\$28,460	\$32,901	\$37,342
Administrative Technician Town Hall PT	12	\$27,105	\$31,334	\$35,564
Library Clerk	12	\$27,105	\$31,334	\$35,564
Adoption Specialist/Shelter Technician	11	\$25,814	\$29,842	\$33,870
Pool Manager	11	\$25,814	\$29,842	\$33,870
Custodian	10	\$24,585	\$28,421	\$32,258
Aquatics Instructor	9	\$23,414	\$27,068	\$30,722
Assistant Cook	9	\$23,414	\$27,068	\$30,722
Cashier	8	\$22,299	\$25,779	\$29,259
Head Life Guard	8	\$22,299	\$25,779	\$29,259
Kitchen Assistant	8	\$22,299	\$25,779	\$29,259
Administrative Aide- PT Senior Center	7	\$21,840	\$24,853	\$27,865
Lifeguard	7	\$21,840	\$24,853	\$27,865

C. ESTIMATED FISCAL IMPACT OF THE RECOMMENDED SALARY PLAN

1. Table 4, below, summarizes the estimated fiscal impact for the total salary plan. Should the Town decide to position itself at 100% of the market place, it will cost an estimated \$13,106 (0.18% of base payroll) to bring the seven employees to the recommended Minimum for their salary range.

Table 4 - Estimated Fiscal Impact of FY 2019 Salary Plan

		@ 100%
Number of Employees		71
Total Base Payroll		\$3,558,010
Number of Employees Below Minimum		7
As % of total employees		9.81%
Total \$ below Minimum Step	+	\$13,106
As % of total Base Payroll		0.37%
Average amount below Minimum Step		\$1,872
Number of Employees Between Minimum and Midpoint		55
As % of total employees		77.11%
Number of Employees Between Midpoint and Maximum		7
As % of total employees		10.28%
Number of Employees Below Target C/R for YOS		21
As % of total employees		30.84%
Total \$ below Target C/R	+	\$18,706
As % of total Base Payroll		0.53%
Average amount below Nearest Step		\$850
Total Cost of Initial Implementation	=	\$31,811
As % of total Base Payroll		0.90%

2. Table 5 below summarizes the estimated fiscal impact for the total salary plan by department/division.

Table 5 - Fiscal Impact of FY 2019 Salary Plan by Department

Department	# of Employees	Total Payroll of Department	# of Employees Below Min Step	Total \$ Below Min Step	# of Employees Below Nearest Step	Total \$ Below Nearest Step	# of Employees Above Max	Total \$ over Max	# of Employees Below Target	Total \$ Below Target
Animal Control	4	\$69,485	2	\$5,273	4	\$11,021	0	\$0	1	\$5,844
Building Inspection	2	\$126,485	0	\$0	1	\$2,068	0	\$0	0	\$0
Development Services	0	\$83,253	0	\$0	0	\$0	0	\$0	0	\$3,848
Customer Service	7	\$290,534	0	\$13	3	\$26,589	0	\$0	0	\$13
Engineering	4	\$314,974	0	\$0	2	\$6,828	0	\$0	0	\$0
Facilities Maintenance	3	\$104,395	0	\$0	1	\$2,076	0	\$0	3	\$3,379
Finance	3	\$212,222	0	\$0	2	\$8,224	0	\$0	2	\$1,502
Human Resources	2	\$146,286	0	\$0	2	\$3,551	0	\$0	0	\$0
Information Tech	2	\$104,998	1	\$2,648	2	\$7,048	0	\$0	0	\$2,648
Library	9	\$291,918	0	\$0	9	\$19,196	0	\$0	7	\$1,189
Municipal Court	4	\$141,091	0	\$0	4	\$15,320	0	\$0	2	\$760
Parks Maintenance	3	\$120,120	0	\$0	1	\$2,845	0	\$0	0	\$0
Planning	1	\$52,520	1	\$1,146	1	\$8,374	0	\$0	1	\$1,765
Police	5	\$213,616	0	\$0	5	\$6,622	0	\$0	0	\$0
Prosecutor	1	\$56,659	0	\$0	0	\$0	0	\$0	1	\$2,025
Recreation	2	\$63,710	1	\$1,646	2	\$9,181	0	\$0	0	\$1,646
Roads	7	\$291,616	0	\$0	5	\$18,905	0	\$0	2	\$2,395
Senior Center	5	\$138,742	1	\$2,373	5	\$15,259	0	\$0	1	\$3,023
Sewer	2	\$116,771	0	\$0	2	\$7,900	0	\$0	0	\$0
Town Clerk	2	\$115,648	0	\$0	1	\$3,737	0	\$0	1	\$1,767
Town Manager	4	\$259,709	0	\$6	2	\$10,646	0	\$0	0	\$6
Vehicle Maintenance	2	\$99,757	0	\$0	0	\$0	2	\$2,056	0	\$0
Water	3	\$143,499	0	\$0	1	\$515	0	\$0	0	\$0
Totals:	77	\$3,558,010	6	\$13,106	55	\$185,906	2	\$2,056	21	\$31,812

5. INITIAL IMPLEMENTATION OF FY 2019 SALARY PLAN

The initial implementation of the Town's updated salary plan for FY 2019 will be controlled by the Town's financial resources and therefore balanced between the Town's desire to pay all employees at the prevailing rates for their occupations and available funds.

A. SALARIES BELOW MINIMUM

We recommend that the salaries of all employees whose current amount is less than the Minimum of the salary range for their position's job class be increased to that Minimum amount on the effective date of the updated salary plan.

B. IN-RANGE ADJUSTMENTS BASED ON LONGEVITY

Each employee's compa-ratio (salary as a percentage of the Midpoint) was compared to his or her length of service with the Town. Assuming a typical modest salary growth rate of 1% per year of service, there are a number of employees with significant tenure who fall to the bottom of the salary range. Table 6 depicts an approach to adjust these employees deeper into the salary range based on their service with the Town. Adjustments will be made after the plan's effective date (and after all salaries have been adjusted up to Minimum) based upon each employee's individual salary anniversary date. This approach places individuals at specific positions within the salary range based on their years of Town service and does not decrease their current salary amount if it exceeds the designated compa-ratio.

Should the Town adopt this one-time in-range adjustment approach, it will cost an estimated \$14,857 (.53% of current base payroll) to adjust employee's salary range placement based on length of service.

Table 6 – Range Placement “Typical” (Compa-ratio) Based on Length of Service

Time-in-Position (Years)	All Employees	%	Cost to Target Compa-Ratio (1% per year)			
			Target C/R	No. EE's Below Target	% of EE's	Cost
0	2	3%	86.50%	0	0%	\$0
1	11	15%	86.50%	1	1%	\$10
2	14	19%	87.50%	3	4%	\$1,269
3	8	10%	88.50%	0	0%	\$0
4	4	5%	89.50%	1	1%	\$571
5	6	8%	90.50%	4	5%	\$5,579
6	4	5%	91.50%	0	0%	\$0
7	5	6%	92.50%	2	3%	\$162
8	4	5%	93.50%	2	3%	\$750
9	3	4%	94.50%	3	4%	\$2,380
10	0	0%	95.50%	0	0%	\$0
11	1	1%	96.50%	0	0%	\$0
12	0	0%	97.50%	0	0%	\$0
13	3	4%	98.50%	1	1%	\$0
14	4	5%	99.50%	3	4%	\$4,192
15	3	4%	100.50%	0	0%	\$0
16	0	0%	101.50%	0	0%	\$0
17	1	1%	102.50%	1	1%	\$1,767
18	0	0%	103.50%	0	0%	\$0
19	2	3%	104.50%	0	0%	\$0
20	0	0%	105.50%	0	0%	\$0
21	0	0%	106.50%	0	0%	\$0
22	0	0%	107.50%	0	0%	\$0
23	0	0%	108.50%	0	0%	\$0
24	1	1%	109.50%	1	1%	\$2,025
25	0	0%	110.50%	0	0%	\$0
26	0	0%	111.50%	0	0%	\$0
27	0	0%	113.50%	0	0%	\$0
28	0	0%	113.50%	0	0%	\$0
29	1	1%	113.50%	0	0%	\$0
30	0	0%	113.50%	0	0%	\$0
Total No. of EE's: Current Base Payroll:	77		Total No. of EE's/Cost	22		\$18,706
			% of EE's/Base Payroll:		28%	0.53%

6. SALARY ADMINISTRATION

Following are several key salary plan maintenance procedures.

A. FUNDING INITIAL IMPLEMENTATION AND ANNUAL UPDATES

We recommend the Town's salary plan be established and subsequent updates made on the basis of the external prevailing rates.

B. ANNUAL PLAN UPDATE STEPS

1. Secure re-affirmation of the Town's prevailing rate salary policy.
2. Obtain latest comparator salary plans for employers listed in section 2A.
3. Compute the prevailing rate for each of the benchmark job classes.
4. Re-assign the benchmark job classes to the salary ranges whose Midpoints most closely match the prevailing rates.
5. Re-assign the non-benchmark job classes by adjusting them by the same number of salary ranges as their linked benchmark job class.
6. Utilize professional judgment in job class re-assignment to prevent internal inequities and relationships not supported by relative job complexity.
7. Identify employees whose current salary is less than their job's new Minimum.
8. Compute the total amount of dollars, and percentage of current payroll, required to bring all employees to the Minimum of their new salary range.
9. Provide information to the Town Council for budgeting purposes.
10. Obtain approved prevailing rate maintenance (PRM) budget from the Town Council.
11. Bring all salaries up to Minimum on the updated plan's effective date (7/1/19, 7/1/20).