



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

REGULAR MEETING
Tuesday February 12, 2019
6:00 P.M.

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

A majority of the Councilmembers may attend a private invocation in the Council Conference Room immediately prior to the Council meeting. No Town business will be discussed.

AGENDA

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL

2. INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a.** Presentation of Lifesaving Award to Officer Newton and Commendation to Officer Sellers.
(Chuck Wynn, Police Chief)

3. CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

4. RESPONSE TO THE PUBLIC

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

- a.** Request for clarification about whether or not proposed property tax dollars will be spent on roads created by land divisions, and what the Town intended to do about drainage issues associated with such roads as well as between properties.
- b.** Comments regarding concerns about a proposed zone change near 2.5 acre minimum properties, water supply, screening, traffic, a protected wash, and discrepancies in the number of stated units.

5. CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

- a. Status reports by Mayor and Council regarding current events.
- b. Status report by Town Manager Cecilia Grittmann regarding Town accomplishments, and current or upcoming projects.
- c. Quarterly status report on residential and commercial building permits, code compliance matters, and UDO rewrite. (Joe Duffy, Finance Director)

6. CONSENT AGENDA

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

- a. Consideration and possible action to continue the following item to the March 26, 2019 Regular Meeting per the applicant's request: Adoption of Ordinance 2019-856 to rezone 12.35 acres (approx. 535,788 sq. ft.) of real property, Assessor's Parcel No. 306-14-003S, located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North from SR-1 (Single Family Residential-1 acre minimum) zoning district to CL (Commercial Light) zoning district to allow wholesale nursery. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)
- b. Consideration and possible action to continue the following item to the March 26, 2019 Regular Meeting per the applicant's request: Approval of a Conditional Use Permit (CUP18-006) for 12.35 acres (approx. 535,788 sq. ft.) of real property, Assessor's Parcel No. 306-14-003S, located approximately .25 miles east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North to allow the existing single family residential use within the CL (Commercial Light) zoning district. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)
- c. Consideration and possible action to approve the First Amendment to the Agreement for Professional Services, dated August 8, 2017, between the Town of Chino Valley and Kimley-Horn and Associates, Inc. for additional services related to the Solids Drying Beds Project in the not-to-exceed amount of \$13,540. (Frank Marbury, Public Works Director/Town Engineer)
- d. Consideration and possible action to appoint applicants to the Planning and Zoning Commission, Board of Adjustment, Parks and Recreation Advisory Board, and Industrial Development Authority per recommendation of the Appointments Subcommittee. (Jami Lewis, Town Clerk)

- e. Consideration and possible action to accept the January 15, 2019 study session minutes. (Jami Lewis, Town Clerk)
- f. Consideration and possible action to accept the January 22, 2019 regular meeting minutes. (Jami Lewis, Town Clerk)

7. ACTION ITEMS

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a. Consideration and possible action to adopt two ordinances relating to property maintenance matters in the Unified Development Ordinance (UDO) and Town Code as follows:
 (1) Adopt Ordinance No. 2019-862 amending the UDO by deleting Sub-subsection 1.11.10 Abatement of Hazards to Public Health and Safety and Civil Sanctions Pursuant to A.R.S. §9-499, and amending Sub-subsection 1.6.2. Powers and Duties [of the Zoning Administrator and Assistant Zoning Administrator], and deleting Section 6 Property Maintenance; and
 (2) Adopt Ordinance No. 2019-864 declaring the document entitled "Town of Chino Valley Property Maintenance and Public Nuisance Town Code Amendments Dated January 22, 2019" as a public record; adopting said document; and amending Town Code Title V Public Works, Chapter 52 Removal of Rubbish, Trash and the Like, and Culvert Maintenance, repealing Title V Chapter 52 subchapter Removal of Rubbish, trash and the Like; Dilapidated Structures, adding new Title VIII Health and Safety, and amending Title XIII General Offenses. (Joe Duffy, Finance Director)

Recommended Action: Adopt Ordinance No. 2019-862 and Ordinance No. 2019-864 to amend the Unified Development Ordinance and Town Code with regard to property maintenance matters.

- b. Update regarding status of the 50th Anniversary Committee activities. (Councilmember Mike Best)

Recommended Action: Direction to staff or Anniversary Committee.

8. EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

9. ACTION ITEMS RESUMED

After the Executive Session, Council will reconvene the Regular Meeting.

10. ADJOURNMENT

Dated this 7th day of February, 2019.

By: *Jami C. Lewis, Town Clerk*

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

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 Regular Meeting

6.a.

Meeting Date: 02/12/2019

Contact Person: Alex Lerma, Associate Planner
Phone: 928-626-4427 x-1295

Department: Development Services

Item Type: Consent

Estimated length of staff presentation: None

Physical location of item: Located approximately .25 miles east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North.

AGENDA ITEM TITLE:

Consideration and possible action to approve Ordinance 2019-856 to rezone 12.35 acres (approx. 535,788 sq. ft.) of real property, Assessor's Parcel No. 306-14-003S, located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North from SR-1 (Single Family Residential-1 acre minimum) zoning district to CL (Commercial Light) zoning district to allow wholesale nursery. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

RECOMMENDED ACTION:

Continue this item to the March 26, 2019 Regular Council Meeting per the applicant's request.

SITUATION AND ANALYSIS:

The applicant has formally requested that this item be rescheduled for the March 26, 2019 Town Council meeting.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

ORD 2019-856 - Cox Rezone

ORDINANCE NO. 2019-856

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 12.35 ACRES OF REAL PROPERTY GENERALLY LOCATED APPROXIMATELY .25 MILE EAST OF THE SOUTHEAST CORNER OF NORTH ROAD 1 WEST AND WEST ROAD 4 NORTH, AT 683 WEST ROAD 4 NORTH, FROM SR-1 (SINGLE FAMILY RESIDENTIAL-1 ACRE MINIMUM) TO CL (COMMERCIAL LIGHT) ZONING DISTRICT.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the "Town Council") desires to amend the Town of Chino Valley Official Zoning Map for a ± 12.35 acre parcel zoned SR-1 (Single Family Residential-1 acre minimum) to CL (Commercial Light); and

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission recommended denial of the rezoning; and

WHEREAS, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this Ordinance.

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

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. The Official Zoning Map is hereby amended for property consisting of approximately 12.35 acres, described in Exhibit 1 and shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by this reference, to rezone it from SR-1 (Single Family Residential-1 acre minimum) to CL (Commercial Light). The Property described herein shall be used in accordance with the Town of Chino Valley Unified Development Ordinance, and subject to the following stipulations:

1. No more than two residential structures will be allowed on the property.
2. A second residence shall be limited to no more than 12,000 square feet of livable space.

Section 3. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 12th day of February, 2019.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2019-856 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on February 12, 2019, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

EXHIBIT 1
TO
ORDINANCE NO. 2019-856

[Legal Description]

See following pages.

All that portion of Section 10, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the North Quarter Corner of said Section 10;

Thence South 90°00'00" West, along the North line of said section, a distance of 493.90 feet;

Thence South 00°02'04" East, a distance of 40.00 feet;

Thence South 90°00'00" West, a distance of 413.42 feet to the TRUE POINT OF BEGINNING;

Thence Continuing South 90°00'00" West, a distance of 413.42 feet;

Thence South 00°08'14" West, a distance of 1283.88 feet;

Thence North 89°59'35" East, a distance of 415.35 feet;

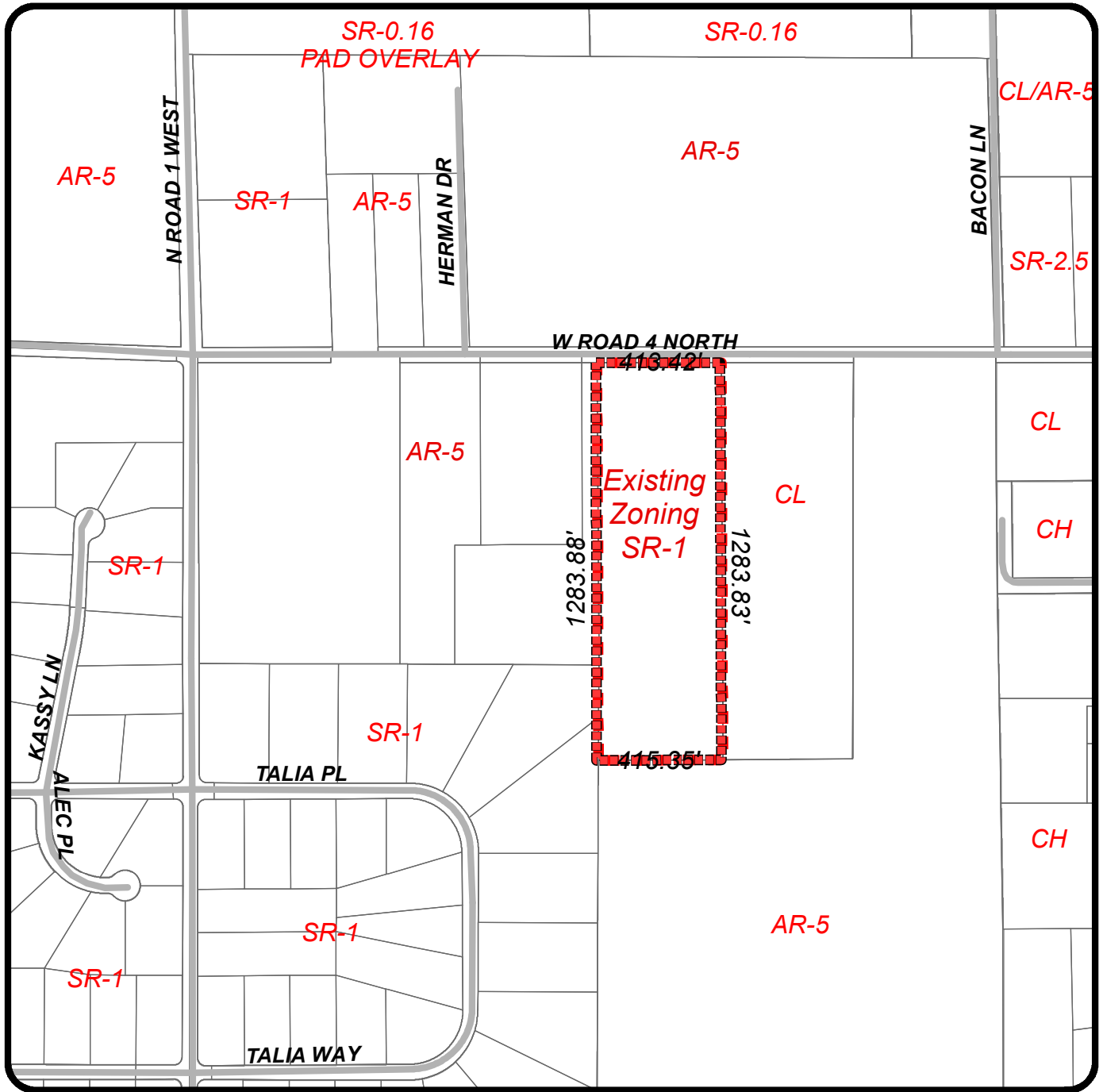
Thence North 00°03'05" East, a distance of 1283.83 feet to the POINT OF BEGINNING.

EXHIBIT 2
TO
ORDINANCE NO. 2019-856

[Zoning Exhibit]

See following pages.

Zoning Exhibit 2



Z18-000019: COX

■ ■ ■ Subject Property

Applicant: Catherine Cox

Request: Rezone 12.35 acres from SR-1 zoning district to CL zoning district.

Location: 683 West Road 4 North Chino Valley, Arizona, 86323

APN: 306-14-003S



Not to Scale

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.b.

Meeting Date: 02/12/2019

Contact Person: Alex Lerma, Associate Planner
Phone: 928-626-4427 x-1295

Department: Development Services

Item Type: Consent

**Estimated length
of staff presentation:** None

Physical location of item: Located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North.

AGENDA ITEM TITLE:

Consideration and possible action to approve a Conditional Use Permit (CUP18-006) for 12.35 acres (approx. 535,788 sq. ft.) of real property, Assessor's Parcel No. 306-14-003S, located approximately .25 miles east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North to allow the existing single family residential use within the CL (Commercial Light) zoning district. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

RECOMMENDED ACTION:

Continue this item to the March 26, 2019 regular Town Council meeting per the applicant's request.

SITUATION AND ANALYSIS:

The applicant has formally requested that this item be rescheduled for the March 26, 2019 Town Council meeting.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

No file(s) attached.

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.c.

Meeting Date: 02/12/2019

Contact Person: Steven Sullivan, Assistant Engineer
Phone: 928-636-7140 x-1308

Department: Public Works

Item Type: Consent

Estimated length of staff presentation: None

Physical location of item: Town of Chino Valley Water Reclamation Facility

AGENDA ITEM TITLE:

Consideration and possible action to approve the First Amendment to the Agreement for Professional Services, dated August 8, 2017, between the Town of Chino Valley and Kimley-Horn and Associates, Inc. for additional services related to the Solids Drying Beds Project in the not-to-exceed amount of \$13,540.

RECOMMENDED ACTION:

Approve the First Amendment to the Agreement for Professional Services, dated August 8, 2017, between the Town of Chino Valley and Kimley-Horn and Associates, Inc. for additional services related to the Solids Drying Beds Project in the not-to-exceed amount of \$13,540.

SITUATION AND ANALYSIS:

On August 8, 2017, the Town of Chino Valley entered into a Professional Services Agreement with Kimley-Horn and Associates, Inc. for the preparation of construction drawings and estimate (excluding construction specifications) for the addition of new concrete solids/sludge drying beds at the Town's Water Reclamation Facility for a not-to-exceed amount of \$8,900. The new concrete drying beds would be primarily utilized for maintenance operations to include dewatering of solids removed during high pressure water jet rodding of the gravity sewer pipelines and sewer lift station vacuum extracted solids. The design of the sludge drying beds will allow for the dewatered liquid to route to the wastewater headworks for processing through the treatment facility.

During the design process, Kimley-Horn came to the realization that a small lift station would be required to lift liquids from the drying beds to the existing wastewater drain line. The original scope of work did not include design of the necessary electrical improvements for the lift station as well as an on-site light pole. This first amendment will include the addition of electrical design and upgrade to support a new sludge handling lift station. The amendment will also include the relocation of the sludge drying bed north-west of the original location, the development construction specifications, and a final construction cost estimate.

The full additional compensation for this first amendment to Kimley-Horn would be \$13,540 resulting in an overall contract increase from \$8,900 to \$22,440. The term of the agreement would be extended through June 30, 2019.

Fiscal Impact

Fiscal Impact?: 13,540

If Yes, Budget Code: 06-83-5477

Available: 13,540

Funding Source:

The Town Budgeted \$120,000 for the Drying Bed Project

Attachments

A1-Kimley Horn-First Amendment

**FIRST AMENDMENT
TO
AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES
BETWEEN
THE TOWN OF CHINO VALLEY
AND
KIMLEY-HORN AND ASSOCIATES, INC.**

THIS FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES (this “First Amendment”), is entered into as of February 12, 2019, between the Town of Chino Valley, an Arizona municipal corporation (the “Town”), and Kimley-Horn and Associates, Inc., a North Carolina corporation (the “Consultant”).

RECITALS

A. The Town and the Consultant entered into an Agreement for Professional Consulting Services, dated August 8, 2017, for the Consultant to provide professional consulting services for the Town on the Solids Drying Beds Project (the “Project”). All capitalized terms not otherwise defined in this First Amendment have the same meanings as contained in the Agreement.

B. The Town has determined that additional services are necessary in connection with the Project (the “Additional Services”).

C. The Town and the Consultant desire to enter into this First Amendment to (i) extend the term of the Agreement, (ii) modify the scope of work to include the Additional Services and (iii) provide for the increase in compensation to the Consultant for the Additional Services.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing introduction and recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and the Consultant hereby agree as follows:

1. Term of Agreement. The term of the Agreement is hereby extended and shall remain in full force and effect until June 30, 2019, unless terminated as otherwise provided pursuant to the terms and conditions of the Agreement.
2. Scope of Work. Consultant shall provide the Additional Services as set forth in the Additional Scope of Work attached hereto as Exhibit 1 and incorporated herein by reference.
3. Compensation. The Town shall increase the compensation to Consultant by \$13,540.00 for the Additional Services at the rates set forth in the Additional Fee Proposal

attached hereto as part of Exhibit 1, resulting in an increase of the aggregate not-to-exceed compensation from \$8,900.00 to \$22,440.00.

4. Effect of Amendment. The Agreement is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the Agreement shall remain in full force and effect.

5. Non-Default. By executing this First Amendment, the Consultant affirmatively asserts that (i) the Town is not currently in default, nor has been in default at any time prior to this First Amendment, under any of the terms or conditions of the Agreement and (ii) any and all Consultant claims, known and unknown, relating to the Agreement and existing on or before the date of this First Amendment are forever waived.

6. Conflict of Interest. This First Amendment and the Agreement may be canceled by the Town pursuant to ARIZ. REV. STAT. § 38-511.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date and year first set forth above.

“Town”

TOWN OF CHINO VALLEY,
an Arizona municipal corporation

Darryl Croft, Mayor

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

“Consultant”

KIMLEY-HORN AND ASSOCIATES, INC.,
a North Carolina corporation

By:_____

Name:_____

Title:_____

EXHIBIT 1
TO
FIRST AMENDMENT
TO
AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES
BETWEEN
THE TOWN OF CHINO VALLEY
AND
KIMLEY-HORN AND ASSOCIATES, INC.

[Additional Scope of Work and Fee Proposal]

See following pages.



January 20, 2019

Mr. Steve Sullivan
 Assistant Town Engineer
 Town of Chino Valley
 1982 Vos Drive, #201
 Chino Valley, Arizona 86323

Re: Chino Valley Water Reclamation Facility
 Sludge Drying Beds Design – Additional Services

Dear Mr. Sullivan:

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "Consultant") is pleased to submit this proposal to the Town of Chino Valley to provide professional engineering services to support the construction of new Sludge Drying Beds at the Chino Valley Water Reclamation Facility. Our project understanding, scope of services, schedule and fees are detailed below.

PROJECT UNDERSTANDING

Kimley-Horn had previously been asked to develop design plans for the addition of dedicated sludge drying beds at the existing wastewater facility. The new sludge drying beds would be initially utilized for maintenance operations to include dewatering of solids removed during high pressure water jet rodding of the gravity sewer pipelines and sewer lift station vacuum extracted (Vactor) solids. The design of the sludge drying beds will allow for the dewatered liquid to route to the wastewater headworks for processing through the treatment facility.

Previously completed design has been reviewed and comments were provided by the Town of Chino Valley in December 2018. The intent of the additional services requested are detailed in the Scope of Services.

SCOPE OF SERVICES

Kimley-Horn will provide the services specifically set forth below.

TASK 1 – CONSTRUCTION DOCUMENTS

Task 1.1 – Plans, Specifications and Revised Cost Estimate. Kimley-Horn will modify the existing plan set to include the following modifications, as requested by the Town of Chino Valley.

- Addition of electrical design and upgrade to support a new sludge handling lift station
- Relocation of sludge drying bed approximately 45-ft south of the northern existing chain link fence to the bed's northern edge, and approximately 45-ft east of the western existing chain link fence to the bed's western edge

- Development of Construction Specifications for contractor bid purposes
- Geotechnical investigation and topographic survey information was provided by the Town of Chino Valley and not completed by Kimley-Horn.

Services Not Included and Assumptions

Any other services, including but not limited to the following, are not included in this Agreement but can be added through a contract modification or by a cost-plus basis as outlined in Additional Services below:

- Additional submittals
- Data collection
- Topographic Survey
- Geotechnical investigation

Additional Services

Any services not specifically provided for in the above scope will be billed as additional services and performed at our then current hourly rates. Additional services we can provide include, but are not limited to, the following: preliminary design, final design of proposed system, survey, value engineering, booster and tank design, well design, electrical engineering, and roadway reconstruction.

Information Provided By Client

We shall be entitled to rely on the completeness and accuracy of all information provided by the Client or the Client's consultants or representatives. The Client shall provide all information requested by Kimley-Horn during the project, including but not limited to the following: record drawings, geotechnical information, topographic survey, and history of site performance. Some of this information has already been provided to Kimley-Horn.

Schedule

We will provide our services as expeditiously as practicable with the goal of providing the Final Design and Construction Documents within 3 months of Notice to Proceed.

**Fee and Expenses**

Kimley-Horn will perform the services in Task 1 for the lump sum fee below. Individual task amounts are informational only. In addition to the lump sum fee, direct reimbursable expenses are included below. Any additional expenses incurred by Kimley-Horn during the project not listed below will be billed directly to the client at cost.

Task 1 – Plans, Specifications, and Final Cost Estimate	\$13,140.00
<u>Estimated Expenses</u>	<u>\$400.00</u>
Total Lump Sum Fee	\$13,540.00

Lump sum fees will be invoiced monthly based upon the overall percentage of services performed. Reimbursable expenses will be invoiced based upon expenses incurred. Payment will be due within 30 days of your receipt of the invoice and should include the invoice number and Kimley-Horn project number.

Closure

We appreciate the opportunity to provide these services to you. Please contact me if you have any questions.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "Ray Montoya".

By: Ray Montoya, PE
Project Manager

Attachment: Kimley-Horn Standard Agreement

Exhibit 1 - Cost Proposal Summary
Town of Chino Valley - Sludge Drying Beds Additional Services
January 20, 2019

(Costs Rounded to the Nearest \$1.00)

ESTIMATED DIRECT LABOR			
	Estimated	Hourly Rate*	Labor
<u>Classification</u>	<u>Man-Hours</u>		<u>Costs</u>
Principal	0	\$230.00	\$ -
Senior Project Manager	6	\$210.00	\$ 1,260
Senior Engineer	0	\$185.00	\$ -
Electrical Engineer	32	\$180.00	\$ 5,760
Project Engineer	24	\$150.00	\$ 3,600
Analyst	24	\$105.00	\$ 2,520
Admin Support I	0	\$110.00	\$ -
AdminSupport II	0	\$70.00	\$ -
Total Man-Hours	86	Total Labor Costs	\$ 13,140
[* Includes overhead at 191.53% of labor and profit at 10% of labor and overhead.]			
ESTIMATED DIRECT EXPENSES (See Exhibit 3)			
<u>Item</u>			<u>Cost</u>
Mileage			\$ 93
Reproductions			\$ 307
Total Direct Expenses			\$ 400
ESTIMATED OUTSIDE SERVICES AND CONSULTANTS			
<u>N/A</u>			<u>\$ -</u>
Total Estimated Outside Services			\$ 0
Direct Labor			\$ 13,140
Total Direct Expenses			\$ 400
Total Estimated Outside Services			\$ 0
TOTAL ESTIMATED (NOT TO EXCEED) COST			\$ 13,540

Exhibit 2 - Derivation of Person-Hours
Town of Chino Valley - Sludge Drying Beds Additional Services
January 20, 2019
CLASSIFICATION

Task	Description	Principal	Senior Project Manager	Senior Engineer	Electrical Engineer	Project Engineer	Analyst	Admin Support I	Admin Support II	Total	
Task 1 - Plans, Specifications, and Revised Cost Estimate			Montoya	Payne	Colombo	Cresto Yurs	Kellner		Timlin		
Task 1.1	Construction Plan Modifications		2		16	8	8			34	\$5,340.00
Task 1.2	Construction Plan Specifications		2		8	8	8			26	\$3,900.00
Task 1.3	Revised Cost Estimate		2		8	8	8			26	\$3,900.00
										0	\$0.00
											\$13,140.00
	Total	0	6	0	32	24	24	0	0	86	\$13,140.00

Classification	Principal	Senior Project Manager	Senior Engineer	Electrical Engineer	Project Engineer	Analyst	Admin Support I	Admin Support II
Rate	\$ 230.00	\$ 210.00	\$ 185.00	\$ 180.00	\$ 150.00	\$ 105.00	\$ 110.00	\$ 70.00

Exhibit 3 - Estimated Direct Expenses
Town of Chino Valley - Sludge Drying Beds Additional Services
January 20, 2019

(Costs Rounded to the Nearest \$1.00)

MILEAGE			
<u>Location</u>	<u>No. of Trips</u>	<u>Miles</u>	<u>Total Miles</u>
Meetings	2	40	80
Site Visit	2	40	80
Total Estimated Miles			160
Total Cost at \$ 0.58 per mile			\$ 93
REPRODUCTIONS			
<u>Type</u>	<u>Amount</u>	<u>Unit Cost</u>	<u>Total Cost</u>
Plotting and sheet preparation	30	\$ 10.00	\$ 300
Photocopy (8 1/2" x 11")	60	\$ 0.05	\$ 3
Photocopy (11" x 17")	25	\$ 0.15	\$ 4
Displays (24" x 36")	0	\$ 80.00	\$ 0
Mylars	0	\$ 14.00	\$ 0
Total Estimated Reproductions			\$ 307
TOTAL ESTIMATED DIRECT EXPENSES			\$ 400



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.d.

Meeting Date: 02/12/2019
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to appoint applicants to the Planning and Zoning Commission, Board of Adjustment, Parks and Recreation Advisory Board, and Industrial Development Authority.

RECOMMENDED ACTION:

Appoint applicants to the Planning and Zoning Commission, Board of Adjustment, Parks and Recreation Advisory Board, and Industrial Development Authority per recommendation of the Appointments Subcommittee.

SITUATION AND ANALYSIS:

The Council Appointments Subcommittee met on January 31 to review applications and make recommendations for Planning & Zoning Commission, Board of Adjustment, Parks and Recreation Advisory Board, and Industrial Development Authority. Based on their interviews and review of the applications, they recommend the following appointments:

- *Planning and Zoning Commission* - David Somerville to the 1-year Alternate term starting February 1, 2019.
- *Board of Adjustment* - Sandra Tuttobene to complete a 3-year Regular term that started August 1, 2018; and Michael Ditta to complete a 1-year Alternate term that started August 1, 2018.
- *Parks & Recreation Advisory Board* - David Somerville to complete a 2-year term that started July 1, 2018.
- *Industrial Development Authority* - Michael Ditta to complete a 6-year term that started July 1, 2015.

Other Pertinent Documents Available Upon Request:

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

January 31, 2019 draft minutes

DRAFT

MINUTES OF THE SPECIAL MEETING TOWN COUNCIL APPOINTMENTS SUBCOMMITTEE TOWN OF CHINO VALLEY

**THURSDAY, JANUARY 31, 2019
3:45 P.M.**

The Town Council Appointments Subcommittee of the Town of Chino Valley convened for a Special Meeting in the Council Chambers Conference Room, located at 202 N. State Route 89, Chino Valley, Arizona.

Present: Mayor Darryl Croft (Chair); Councilmember Mike Best; Vice-Mayor Lon Turner

Staff Present: Town Clerk Jami Lewis (recorder)

Attendees: Planning and Zoning Commission Chair Chuck Merritt

1) CALL TO ORDER

Mayor Croft called the meeting to order at 3:46 p.m.

2) ROLL CALL

3) APPROVAL OF MINUTES

- a) Consideration and possible action to approve the January 8, 2019 public meeting minutes.

MOVED by Councilmember Mike Best, seconded by Vice-Mayor Lon Turner to approve the January 8, 2019 minutes.

AYE: Mayor Darryl Croft (Chair), Councilmember Mike Best, Vice-Mayor Lon Turner
PASSED - Unanimously

4) OLD BUSINESS

- a) The Council Appointments Subcommittee may vote to recess the public meeting and hold an executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of recommending to the Town Council the appointment of Michael Ditta, Welles Geary, David Somerville, and Sandra Tuttobene to fill positions on the Planning and Zoning Commission, Board of Adjustment, Parks and Recreation Advisory Board, and Industrial Development Authority.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Mike Best to go into executive session at 3:47 p.m.

AYE: Mayor Darryl Croft (Chair), Councilmember Mike Best, Vice-Mayor Lon Turner
PASSED - Unanimously

Mayor Croft reconvened the Special Meeting at 4:45 p.m.

- b) Consideration and possible action to recommend appointment of applicant to the Planning and Zoning Commission.

MOVED by Councilmember Mike Best, seconded by Vice-Mayor Lon Turner to recommend Dr. David Somerville to the Planning and Zoning Commission Alternate position.

AYE: Mayor Darryl Croft (Chair), Councilmember Mike Best, Vice-Mayor Lon Turner
PASSED - Unanimously

- c) Consideration and possible action to recommend appointment to the Parks and Recreation Advisory Board.

MOVED by Councilmember Mike Best, seconded by Vice-Mayor Lon Turner to recommend Dr. David Somerville to the Parks and Recreation Advisory Board.

AYE: Mayor Darryl Croft (Chair), Councilmember Mike Best, Vice-Mayor Lon Turner
PASSED - Unanimously

- d) Consideration and possible action to recommend appointments to the Industrial Development Authority.

MOVED by Councilmember Mike Best, seconded by Vice-Mayor Lon Turner to recommend Mike Ditta to the Industrial Development Authority.

AYE: Mayor Darryl Croft (Chair), Councilmember Mike Best, Vice-Mayor Lon Turner
PASSED - Unanimously

5) **NEW BUSINESS**

- a) Consideration and possible action to recommend appointment of applicants to the Board of Adjustment.

MOVED by Councilmember Mike Best, seconded by Vice-Mayor Lon Turner to recommend Sandra Tuttobene to the Board of Adjustment Regular position and Michael Ditta as Alternate.

AYE: Mayor Darryl Croft (Chair), Councilmember Mike Best, Vice-Mayor Lon Turner
PASSED - Unanimously

6) ADJOURNMENT

MOVED by Councilmember Mike Best, seconded by Mayor Darryl Croft (Chair) to adjourn the meeting at 4:47 p.m.

AYE: Mayor Darryl Croft (Chair), Councilmember Mike Best, Vice-Mayor Lon Turner

PASSED - Unanimously

Submitted: February 1, 2019.

By: *Jami C. Lewis, Town Clerk*

Approved: _____, 2019.

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.e.

Meeting Date: 02/12/2019

Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the January 15, 2019 study session minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the January 15, 2019 study session minutes.

Attachments

January 15, 2019 minutes

DRAFT

MINUTES OF THE STUDY SESSION OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY JANUARY 15, 2019
6:00 P.M.**

The Town Council of the Town of Chino Valley met for a Study Session in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, January 15, 2019.

Present: Mayor Darryl Croft; Vice-Mayor Jack Miller; Councilmember Mike Best; Councilmember Cloyce Kelly; Councilmember Corey Mendoza; Councilmember Lon Turner

Absent: Councilmember Annie Perkins

Staff Town Manager Cecilia Gritman; Finance Director Joe Duffy; Human Resources Director Laura

Present: Kyriakakis; Interim Development Services Director Martin Scribner; Planner Alex Lerma; Community Services Director Scott Bruner; Assistant Community Services Director Cyndi Thomas; Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk Vickie Nipper

- 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)

Finance Director Joe Duffy presented a summary of the code amendment:

- There were several redundant provisions between the Town Code and the Unified Development Ordinance (UDO). Property Maintenance was under the UDO's zoning provisions, but belonged in the Town Code.
- The Ordinance was intended to clarify, reorganize, and update the property maintenance and public nuisance and abatement provisions of current State law.
- Key changes included:
 - New Title VIII, which was broken down into four different chapters: Ch. 81 – Health and Safety; Ch. 82 – Declaration and Prohibition of Public Nuisances; Ch. 83 – Property Maintenance; Ch. 84 – Abatement of Public Nuisances.
 - Added definitions for abandoned vehicle, health hazards, and sidewalk.
 - Reduced the height of overgrowth from 18 inches to 12 inches.
 - Added provision that residential properties and properties greater than two acres adjacent to any property must maintain a defensible space of 25 feet along the adjacent property line.
 - Added provision that commercial properties with street frontage have a defensible space of 25 feet from the property line and along all adjoining property lines.
 - Redefined habitual defender.
 - Redefined premises so that property owners are responsible for the property all the way to the street not just to the property lines.
 - Prohibited parking commercial vehicles over 13,000 pounds on any private residential property except when authorized for a commercial purpose or through a

conditional use.

Council and Staff discussed:

- Pastures needing to be maintained below the specified 12 inches around the perimeter of the property lines adjacent to other properties.
- The perimeter defensible line only for properties adjacent to residential or commercial properties and did not include agricultural properties.
- Reducing habitual violations from three to two and using the word ‘reduced’ to avoid confusion.
- Concerns with the 13,000-pound parking weight limit because many residents had privately owned tractors, trailers and equipment that exceeded that limit. The area of Town and the size of the property should be considered. Neighborhood CC&Rs often specified that heavy equipment or vehicles needed to be in the backyard. The term commercial use needed to be properly defined so that privately owned equipment was not affected. The size of the property should be less than an acre and the conditional use process could still remain. An exception of a single commercial vehicle for back and forth to work needed to be added. The prohibition of commercial vehicles of a certain size parked on undeveloped and unsurfaced private property applied to residential and commercial properties and prohibited commercial vehicle parking without the property being developed.
- Chapter 82 – Declaration of Public Nuisances. The litter provision allowed the Town to compel a property owner to remove the rubbish or face a lien on the property. Notice of violation would be sent to a tenant and property owner if applicable.
- Abandoned or junk vehicles including vehicles without license plates, tags, inoperable or those being repaired with a time limit over 90 days would in violation and could be cited. A common-sense approach from the Town needed to be used. Abandoned cars were a top complaint with the community during citizen outreach meetings. Replacement wording for abandoned vehicles code could state that inoperable vehicles kept over a certain amount of time needed to be screened from the public eye.

Code Compliance Officers David Jaime and Erin Deskins presented:

- Before and after photos of code violations that had been addressed by the Town.
- Chino Valley cleanup campaign commercial and residential slogans.
- Commercial cleanup focusing on weeds, outdoor storage, outdoor sales, screening, and car sales.
- The enforcement procedure:
 - Start by setting up a meeting with the business owner. If no action was taken, a more structured process would be used.
 - Residential cleanup focused on weeds, trash, abandoned vehicles, fencing, exterior maintenance, and people living in RVs.
 - Staff mapping and numbering a timeline for the focus areas.
 - Staff sending a mass mailing to the focus areas 30 days in advance.
 - Leaving a carbonless door hanger at the residence with the violation information.
 - Planning an extensive community outreach.

Council and Staff discussed:

- Popup sales being dealt with to the best of staff’s ability, including weekend shifts if necessary.

- Vehicle sales on commercial property not zoned for car sales being technically against code but could be approved by a conditional use. A business or private owner trying to sell their own business vehicle could fall into a different category and should be considered. Some communities allowed an owner to sell a certain number of vehicles per year.
- Staff having a sliding time scale for property owners to respond to an enforcement violation.
- Council requesting that RV living be a low priority. There were several community complaints and sanitary conditions were a factor. Visiting guests and home construction should allow for longer stays.

3) Presentation and discussion regarding a Water Management System. (Scott Bruner, Community Services Director)

Parks Supervisor, Jason Olson, spoke about a water management central control system. Key points were:

- Water lost through evaporation in the soil and transpiration, the breathing of the plants and grass, was an important concept in a drought area.
- The benefits of a water management system included using the latest technology to save up to 62% of money and water, the ability to operate it from one central controlled system (computer, tablet or phone), and real time weather information that used a formula that gave a length of time to water plants and grass.
- The Baseline Basestation 3200 commercial irrigation system was the only system to have 4G technology. If there was a high-volume water leak or break, the system would shut down the appropriate system. The system also had asset mapping inventory accounting that could map the irrigation system, park benches, garbage cans, etc.
- The cost to use on the Community Center and Memory Park was approximately \$32,000. The system could pay for itself with the projected savings within one year. Reoccurring fees were \$199 per year per controller.
- Staff would go out to bid to get the best possible price.

Council and Staff discussed the following:

- The controller ran the irrigation system. The community Center would have two controllers and Memory Park would have one.
- The installed system would be ready to use with no programming necessary.
- The system provided a warning for any function that was not working.
- Mr. Olson had never experienced this system being hacked and believed it was secure.
- Mr. Duffy believed the system would pay for itself within the first year. The necessary funds were in the contingency fund.

Council supported staff getting quotes for the system.

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)

Human Resources Director Laura Kyriakakis reported that:

- The Town entered into a contract with Public Sector Personnel Consultants (PSPC) for the purpose of determining if the Town's wages were competitive since the last comp and class adjustment in 2012.
- The Town had done a good job staying competitive in the market. There were a few recommendations to keep internal salaries inline among employees, with a total cost adjustment to the Town of \$32,000, which was less than 1% of the current base salary.
- The PSPC scope of work included a market analysis of competitiveness with the external market, review of the current salary administration practices, a salary structure review, an analysis of the internal alignment of staff, a fiscal impact of the proposed salary plan and an implementation plan. Both private and public sector data was used using benchmark positions.
- 33% of the Town positions in comparison to benchmark jobs were 5% below salary midpoints of the external market. 54% of the Town positions were comparable to the external salary midpoint. 13% of the positions were 5% or more above the external midpoint. Most positions were in the correct range.
- Salaries needed to be adjusted for market adjustments at \$19,000 and range adjustments at \$13,000, with a recommended implementation date of July 1.
- PSPC recommended replacing the current salary plan which used 12 steps and 2.5% increase between steps with an open pay salary plan using the same grades and instead of steps, using a minimum point, a midpoint and a maximum point. The midpoint range would be 100% of the external market comparison, with 13% less for the minimum and 13% more for the maximum ranges. This salary plan allowed managers more freedom to assess the employee on their performance without being restricted or constricted.
- PSPC provided a recommendation for salary plan maintenance, reviewing and updating salary information periodically, which the Town had been doing.
- The Town Manager, HR Department and Finance Department would do a final review, provide the changes to the department head, and then roll the changes out to the staff at the start of the new fiscal year.

Council and Staff discussed the following:

- The \$13,000 reflected any length of service adjustments.
- With the new salary plan, employees would be in a grade with a 27% pay range. Employees' pay would be based on a percentage range of that grade depending on experience. The length of experience could exceed the maximum of the range but there were career ladders in some positions and other options were available to the Town depending on the position and employee or the employee could remain capped at the maximum.

5) ADJOURNMENT

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Corey Mendoza to adjourn the meeting at 7:50 p.m.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Lon Turner

PASSED - Unanimously

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the Town Council of the Town of Chino Valley, Arizona held on the 15th day of January, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of February, 2019.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.f.

Meeting Date: 02/12/2019

Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the January 22, 2019 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the January 22, 2019 regular meeting minutes.

Attachments

January 22, 2019 minutes

DRAFT

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY JANUARY 22, 2019
6:00 P.M.**

The Town Council of the Town of Chino Valley met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, January 22, 2019.

Present: Mayor Darryl Croft; Vice-Mayor Jack Miller; Councilmember Cloyce Kelly; Councilmember Lon Turner

Absent: Councilmember Mike Best; Councilmember Corey Mendoza; Councilmember Annie Perkins

Staff Present: Town Manager Cecilia Grittman; Town Attorney Andrew McGuire (electronically); Police Lt. Randy Chapman; Police Sgt. Mike Pereda; Police Officer Tiffany Farmer; Police Officer Dave McNally; Human Resources Director Laura Kyriakakis; Public Works Director/Town Engineer Frank Marbury; Interim Development Services Director Martin Scribner; Planner Alex Lerma; Community Services Director Scott Bruner; Administrative Technician Kathy Frohock (videographer); Town Clerk Jami Lewis (recorder)

1) **CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL**

Mayor Croft called the meeting to order at 6:02 p.m. and led the Pledge of Allegiance.

2) **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**

a) **Presentation of donation to K-9s from Hitchin' Post BBQ. (Chuck Wynn, Police Chief)**

Lt. Chapman Introduced Rich and Anna Mysliwicz from Hitchin' Post BBQ, who spoke about their fundraiser and presented a check for \$7,359.34. Police Department representatives Lt. Randy Chapman, Sgt. Mike Pereda, Officer Tiffany Farmer, and Officer Dave McNally accepted the check and presented a Challenge Coin to the Mysliwicz.

b) **Semi-Annual update by the Chino Valley Area Chamber of Commerce. (Cecilia Grittman, Town Manager)**

Ms. Grittman introduced Chamber Director Lorette Brashear, who spoke about the status of the Chamber since becoming Director eight months ago. Highlights included:

- Outreach from radio shows, Instagram live, and podcasts;
- New Student Ambassador Program;
- Monthly luncheons new location and new morning mixers;
- Recent and upcoming community events;
- New part time accountant and moving the director's office; and
- Membership database and website updates.

- c) Report by Council-appointed representative Chris Marley regarding the current status of the Northern Arizona Municipal Water Users Association (NAMWUA), Upper Verde River Water Protection Coalition (UVRWPC), and Groundwater Users Advisory Committee (GUAC).

Mr. Marley reported that:

- *NAMWUA*: This entity focused on legislative awareness and advocacy. It addressed possible long term solutions—30 to 50 year projects with huge price tags—for municipal water supplies in Northern Arizona. The group had been working on Non-Indian Agricultural (NIA) Water allocations that were becoming available in 2021. The Town had already decided not to participate due to the financial risk.
- *UVRWPC*: This entity focused on watershed restoration, removal of invasive species, and erosion control. In October, there was a feasibility study presentation regarding the viability of a biomass conversion facility in the quad city area, with Drake being the first choice location. Regarding proposed uses of harvested juniper, fuel pellets were found to not be feasible, but two viable markets were biochar (soil amendment) and juniper chip waddles. Regarding erosion control, they were waiting on permits for tests. In July, there was a presentation on the Big Chino Pump Storage project. Upsides were that water usage would be one-third less than current ranching uses; there was viable storage; and would be done on privately-owned property. Downsides were that the initial draw down would be tremendous and negative effects that could be mitigated with covers and liners were expensive.
- *GUAC*: This entity was a Governor's Advisory Committee. Private well owners were ostracized by water advocacy groups, so it was good to have representation for private wells. He learned that reports from monitoring wells in the AMA, which were near creeks, were found to indicate spikes in water only from real gully washers, not from long 'soaker' rain events. Total usage in the AMA had increased 3.8% while population increased 1.6% from 2016 to 2017, with 8% being used for agriculture, 15% for industrial, and 77% for municipal purposes.
- *Continued representation*: He thanked Council for replacing him on NAMWUA and UVRWP. However, he desired to reapply for GUAC when his term ended in a few months. Mayor Croft did not object.

3) CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

Mike bacon, resident, asked for clarification regarding whether or not proposed property tax dollars would be spent on roads created by land divisions and what the Town intended to do about drainage issues associated with such streets and between properties.

Karen Archibald, resident, spoke about a proposed zone change on a particular property as a project not fit for the surrounding 2.5 acre minimum properties around it. She requested that a bond be posted in case water supplies were depleted and that a block wall be required; and also expressed concern about additional traffic from 36 more people, a protected wash that ran through the property, and some discrepancies to how many units would be developed.

4) **RESPONSE TO THE PUBLIC**

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

5) **CURRENT EVENT SUMMARIES AND REPORTS**

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

- a) Status reports by Mayor and Council regarding current events.
- b) Status report by Town Manager Cecilia Gritman regarding Town accomplishments, and current or upcoming projects.

Ms. Gritman reported that:

- Several Town officials attended a City of Prescott Council study session to speak during a water rate study item, specifically to oppose the 30% surcharge that Prescott charged 800 Chino Valley water customers, as well as the lack of fire flow. The City Council determined that the surcharge would remain, and Town officials wanted it known on record that they do not consider that a fair charge.
- The property maintenance item that was discussed last Tuesday was deferred to the next meeting due to some Town Attorney concerns that could not be resolved in time to make it on this agenda.
- The deadline to submit arguments for the May 21 Voter Information Pamphlet was February 20th.
- The Chino Valley Shooting Range will open January 26, and be open Saturdays and Sundays. Staff was working on an RFP for an outside agency to run and manage the range.

6) **CONSENT AGENDA**

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to accept Consent Agenda items (a) and (b).

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Cloyce Kelly,
Councilmember Lon Turner

PASSED - Unanimously

- a) Consideration and possible action to appoint applicants to the Planning and Zoning Commission. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to accept the January 8, 2019 regular meeting minutes. (Jami Lewis, Town Clerk)

7) ACTION ITEMS

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a) Consideration and possible action to approve a Conditional Use Permit (CUP18-006) for 12.35 acres (approx. 535,788 sq. ft.) of real property located approximately 0.25 miles east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North, Assessor's Parcel Number 306-14-003S, to allow the existing single family residential use within the CL (Commercial Light) zoning district. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

Recommended Action: Continue this item to the February 12, 2019 Regular Council Meeting per the applicant's request.

Mr. Lerma reported that at the request of the applicant, staff was recommending that Council continue items 7a and 7b to the next scheduled Council meeting on February 12.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to continue this item and item (b) to February 12, 2019.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Cloyce Kelly,
Councilmember Lon Turner

PASSED - Unanimously

- b) Consideration and possible action to approve Ordinance 2019-856 to rezone 12.35 acres (approx. 535,788 sq. ft.) of real property located approximately 0.25 miles east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North, Assessor's Parcel No. 306-14-003S, from SR-1 (Single Family Residential-1 acre minimum) zoning district to CL (Commercial Light) zoning district to allow a wholesale nursery. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

Recommended Action: Continue this item to the February 12, 2019 Regular Council Meeting per the applicant's request.

(Council voted under Item 7a to continue this item to the February 12 regular council meeting per the applicant's request.)

- c) Consideration and possible action to approve Ordinance 2019-860 to rezone 1.48 acres of real property generally located 1,663 feet south and 300 feet west of southwest corner of West Road 2 South and State Route 89 at 1328 South State Route 89, Assessor's Parcel Number 306-33-005K from CL (Commercial Light) zoning district to CH (Commercial Heavy) zoning district. (Owner of Record: Dawn Lee Henrickson) (Alex Lerma, Planner)

Recommended Action: Adopt Ordinance 2019-860 rezoning 1.48 acres of real property from CL (Commercial Light) zoning district to CH (Commercial Heavy) zoning district.

Mr. Lerma presented on this item:

- *Proposal:* The applicant proposed to develop the property for more intensive uses, such as welding and manufacturing, and convert the existing manufactured home into an office building.
- *Current condition:* The property was located directly south of Lantana Plaza and was accessed through a 50-foot easement.
- *Conformance:* The requested zoning conformed to the General Plan land use designation of Commercial/Multi-Family Residential, neighboring Lantana Plaza's CH zoning, and would have low impact on undeveloped neighboring properties.
- *Recommendation:* The Planning and Zoning Commission had no questions or concerns about the request and both Commission and staff recommend approval.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Lon Turner to adopt Ordinance 2019-860 rezoning 1.48 acres of real property from CL (Commercial Light) zoning district to CH (Commercial Heavy) zoning district.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Cloyce Kelly,
Councilmember Lon Turner

PASSED - Unanimously

- d) Consideration and possible action to approve Ordinance 2019-861 to rezone 5.62 acres of real property generally located 2,250 feet south of the southwest corner of West Road 2 South and State Route 89 at 1458 South State Route 89, Assessor's Parcel Number 306-33-005M, from CL/AR-5 (Commercial Light/Agricultural Residential-5 acre minimum) zoning district to CH (Commercial Heavy) zoning district. (Owner of Record: TDH Investments LLC) (Alex Lerma, Planner)

Recommended Action: Adopt Ordinance 2019-861 rezoning 5.62 acres of real property from CL/AR-5 (Commercial Light/ Agricultural Residential-5 acre minimum) zoning district to CH (Commercial Heavy) zoning district.

Mr. Lerma presented on this item:

- *Proposal:* The applicant proposed to convert an existing residence to an office building and develop the property for mini-storage and RV storage.
- *Current condition:* The property was located south of the property under agenda item 7c, owned by the same owner, and contained a single family residence and guest home.
- *Conformance:* Staff believed the request conformed with the General Plan and the current blended zoning was a challenge for staff.
- *Recommendation:* The Planning and Zoning Commission had no questions about the request and both Commission and staff recommend approval.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Lon Turner to adopt Ordinance 2019-861 rezoning 5.62 acres of real property from CL/AR-5 (Commercial Light/ Agricultural Residential-5 acre minimum) zoning district to CH (Commercial Heavy) zoning district.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Cloyce Kelly,
Councilmember Lon Turner

PASSED - Unanimously

- e) Consideration and possible action regarding the Memorandum of Understanding between the Town of Chino Valley and the Chino Valley Police Officers Association. (Laura Kyriakakis, Human Resources Director)

Recommended Action: Accept staff recommendation regarding the Memorandum of Understanding between the Town of Chino Valley and the Chino Valley Police Officers Association.

Ms. Kyriakakis reported that staff received and responded to a proposal from the Association. She then met with the Association president and vice-president to explain the Town's responses, which were in Council's packet. Staff was not recommending any changes to the Memorandum of Understanding at this time.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to accept staff recommendation regarding the Memorandum of Understanding between the Town of Chino Valley and the Chino Valley Police Officers Association.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Cloyce Kelly,
Councilmember Lon Turner

PASSED - Unanimously

8) **EXECUTIVE SESSION**

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

9) **ACTION ITEMS RESUMED**

After the Executive Session, Council will reconvene the Regular Meeting.

10) **ADJOURNMENT**

MOVED by Councilmember Lon Turner, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 6:54 p.m.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Cloyce Kelly,
Councilmember Lon Turner

PASSED - Unanimously

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 22nd day of January, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of February, 2019.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.a.

Meeting Date: 02/12/2019
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Item Type: Action
Estimated length of staff presentation: 15 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt two ordinances relating to property maintenance matters in the Unified Development Ordinance (UDO) and Town Code as follows:

- (1) Adopt Ordinance No. 2019-862 amending the UDO by deleting Sub-subsection 1.11.10 Abatement of Hazards to Public Health and Safety and Civil Sanctions Pursuant to A.R.S. §9-499, and amending Sub-subsection 1.6.2. Powers and Duties [of the Zoning Administrator and Assistant Zoning Administrator], and deleting Section 6 Property Maintenance; and
- (2) Adopt Ordinance No. 2019-864 declaring the document entitled "Town of Chino Valley Property Maintenance and Public Nuisance Town Code Amendments Dated January 22, 2019" as a public record; adopting said document; and amending Town Code Title V Public Works, Chapter 52 Removal of Rubbish, Trash and the Like, and Culvert Maintenance, repealing Title V Chapter 52 subchapter Removal of Rubbish, trash and the Like; Dilapidated Structures, adding new Title VIII Health and Safety, and amending Title XIII General Offenses. (Joe Duffy, Finance Director)

RECOMMENDED ACTION:

Adopt Ordinance No. 2019-862 and Ordinance No. 2019-864 to amend the Unified Development Ordinance and Town Code with regard to property maintenance matters.

SITUATION AND ANALYSIS:

Code Compliance was having difficulty interpreting and enforcing conflicting property maintenance-related provisions in the UDO and the Town Code. Town Staff working with Legal Council decided that the property maintenance provisions did not belong in the UDO and should be in the Town Code. The Town Code was then reviewed and it was discovered to contain several conflicting and/or redundant provisions.

Ordinance 2019-862 was prepared to remove the property maintenance provisions from the UDO. It is intended to clarify, reorganize and update property maintenance, public nuisance and abatement provisions to current state law.

Ordinance 2019-864 was prepared to update the Town Code on the recommended property maintenance

changes.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Ordinance 2019-862

Ordinance 2019-864

Town Code Amdts

ORDINANCE NO. 2019-862

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 154 UNIFIED DEVELOPMENT ORDINANCE, BY AMENDING SECTION 1 ADMINISTRATION AND PROCEDURES, SUBSECTION 1.11 VIOLATION AND PENALTY, BY DELETING SUB-SUBSECTION 1.11.10 ABATEMENT OF HAZARDS TO PUBLIC HEALTH AND SAFETY AND CIVIL SANCTIONS PURSUANT TO A.R.S. § 9-499 IN ITS ENTIRETY AND AMENDING SUBSECTION 1.6 ZONING ADMINISTRATOR AND ASSISTANT ZONING ADMINISTRATOR, BY AMENDING SUB-SUBSECTION 1.6.2 POWERS AND DUTIES TO DELETE ADMINISTRATION OF THE TOWN'S PROPERTY MAINTENANCE CODE; AND BY DELETING SECTION 6 PROPERTY MAINTENANCE IN ITS ENTIRETY, ALL RELATED TO REMOVING PROPERTY MAINTENANCE REGULATIONS FROM THE TOWN'S ZONING CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, both the Town of Chino Valley Town Code and the Town of Chino Valley Unified Development Ordinance contain regulations relating to property maintenance in the Town, some of which are in conflict; and

WHEREAS, the Town Council of the Town of Chino Valley finds that the proper place for the property maintenance provisions are in the Town Code; and

WHEREAS, after proper notice required by law and in accordance with ARS 9-462.04, the Planning and Zoning Commission, made this document available to the public on December 13, 2018 and held a public hearing on January 15, 2019, during which the Commission took comments from the public and, after consideration and discussion, recommended approval of the proposed amendments to the Town Council; and

WHEREAS, the Town Council finds all legally required notice and public hearing requirements have been satisfied;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Section 1 Administration and Procedures, Subsection 1.11 Violation and Penalty, Sub-Subsection 1.11.10 Abatement of Hazards to Public Health and Safety and Civil Sanctions Pursuant to A.R.S. §9-499 is deleted in its entirety.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Section 1 Administration and Procedures, Subsection 1.6 Zoning Administrator and Assistant Zoning Administrator, Sub-subsection 1.6.2 Powers and Duties is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in strikeout):

1.6.2 Powers and Duties

The Zoning Administrator and Assistant Zoning Administrator shall perform the following functions:

1. Enforce this Ordinance by ensuring that all activities, construction, and development within the Town are in conformance with the Town zoning regulations.
2. Administer the Town's Development Guidelines (as may be created and adopted by the Town), which are included in this Ordinance by reference.
3. Accomplish all administrative tasks required by this Ordinance including receiving and processing applications for all persons requesting a rezone, use permit, plan review, Zoning Administrator, appeal, or other action of the Commission, Board of Adjustment, or Town Council.
4. Subject to the policies of the Commission and Town Council, interpret this Ordinance to members of the public, Town departments, and other branches of government.
5. Serve as planning staff to Council and Commission, and, as necessary, attend meetings of these and other organizations and agencies.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Section 6 Property Maintenance is deleted in its entirety.

Section 2. Providing for Repeal of Conflicting Ordinances.

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

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 12th day of February, 2019.

[SIGNATURES ON FOLLOWING PAGE]

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld, PLC, Town Attorney
By: Susan D. Goodwin

I hereby certify the above foregoing Ordinance No. 2019-862 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on February 12, 2019, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

ORDINANCE NO. 2019-864

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING THE DOCUMENT ENTITLED "TOWN OF CHINO VALLEY PROPERTY MAINTENANCE AND PUBLIC NUISANCE TOWN CODE AMENDMENTS DATED FEBRUARY 12, 2019" AS A PUBLIC RECORD; ADOPTING THE "TOWN OF CHINO VALLEY PROPERTY MAINTENANCE AND PUBLIC NUISANCE TOWN CODE AMENDMENTS DATED FEBRUARY 12, 2019"; AMENDING THE TOWN OF CHINO VALLEY TOWN CODE AS FOLLOWS: (1) AMENDING 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 TO CHANGE THE TITLE OF THE CHAPTER TO GARBAGE AND TRASH REMOVAL AND COLLECTION; CULVERT MAINTENANCE; DELETING SECTION 52.02 WATER AND EARTHEN MATERIAL FLOW; AND RENUMBERING SECTION 52.03 CULVERTS OR OTHER DRAINAGE INFRASTRUCTURE; INSTALLATION AND MAINTENANCE (2) REPEALING TITLE V PUBLIC WORKS, CHAPTER 52 GARBAGE AND TRASH REMOVAL AND COLLECTION; CULVERT MAINTENANCE, SUBCHAPTER REMOVAL OF RUBBISH, TRASH AND THE LIKE; DILAPIDATED STRUCTURES; (3) ADDING NEW TITLE VIII HEALTH AND SAFETY TO INCLUDE NEW CHAPTER 81: HEALTH AND SAFETY IN GENERAL § 81.01 PURPOSE AND APPLICABILITY, § 81.02 DEFINITIONS; ADDING NEW CHAPTER 82: DECLARATION AND PROHIBITION OF PUBLIC NUISANCES, § 82.01 OFFENSIVE PREMISES, § 82.02 UNSECURED EXCAVATIONS, § 82.03 REMOVAL OF RUBBISH, TRASH, GARBAGE, WEEDS, FILTH, AND DEBRIS, § 82.04 DISPOSAL OF ANIMAL WASTE, § 82.05 OVERGROWTH OF WEEDS OR NOXIOUS PLANTS, § 82.06 UNSAFE STRUCTURES, § 82.07 ABANDONED VEHICLES, § 82.08 LIGHT, § 82.09 ABANDONED REFRIGERATORS, § 82.10 LITTER; CONSTRUCTION DEBRIS, § 82.11 HANDBILLS ON VEHICLES AND POSTED PREMISES PROHIBITED, § 82.12 VIOLATIONS; PENALTIES; ABATEMENT; ADDING NEW CHAPTER 83: PROPERTY MAINTENANCE, § 83.01 PURPOSE; APPLICABILITY, § 83.02 DUTY TO MAINTAIN PREMISES, § 83.03 EXTERIOR BUILDING STANDARDS, § 83.04 PREVENTION OF PEST INFESTATION, § 83.05 SWIMMING POOLS, § 83.06 OBSTRUCTION OF SIDEWALKS PROHIBITED, § 83.07 LANDSCAPING, § 83.08 GRAFFITI, § 83.09 PARKING OF COMMERCIAL VEHICLES AND EQUIPMENT, § 83.10 VIOLATIONS; PENALTIES; ABATEMENT; ADDING NEW CHAPTER 84 ABATEMENT OF PUBLIC NUISANCES, § 84.01 PURPOSE AND FINDINGS, § 84.02 APPLICABILITY, § 84.03 OWNER, OCCUPANT, OR PERSON IN CONTROL TO MAINTAIN PREMISES, § 84.04 AUTHORITY TO INSPECT, § 84.05 INSPECTION AND INVESTIGATION: INTERFERENCE, FALSE INFORMATION; FAILURE TO PROVIDE EVIDENCE OF IDENTITY, § 84.06 EMERGENCY ABATEMENT, § 84.07 ABATEMENT IN LIEU OF OR IN ADDITION TO CIVIL OR CRIMINAL COMPLAINT, § 84.08 ABATEMENT PROCEDURES, § 84.09 ASSESSMENTS; HOW PAID; ACCRUAL OF INTEREST; AMENDING TITLE XIII GENERAL OFFENSES, CHAPTER 130 GENERAL OFFENSES, SECTION 130.01 BURNING AND SECTION 130.02 WATER; FLOW UPON STREETS PROHIBITED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, that certain document entitled "The Town of Chino Valley Property Maintenance and Public Nuisance Town Code Amendments dated February 12, 2019", is hereby declared to be a public record and three paper copies or one paper copy and one electronic copy

maintained in compliance with Arizona Revised Statutes § 44-7041, are filed in the office of the Town Clerk and kept available for public use and inspection; and

WHEREAS, the Town Council desires to update its property maintenance standards and to provide a process to abate public nuisances for the benefit of the Town.

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

Section 1. In General.

The Town code of the Town of Chino Valley, Arizona, is hereby amended by amending by(1) amending 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 to change The title of the Chapter to Garbage And Trash Removal And Collection; Culvert Maintenance; deleting Section 52.02 Water and Earthen Material Flow; and renumbering Section 52.03 Culverts or Other Drainage Infrastructure; Installation and Maintenance (2) repealing Title V Public Works, Chapter 52 Garbage and Trash Removal and Collection; Culvert Maintenance, Subchapter Removal of Rubbish, Trash and the Like; Dilapidated Structures; (3) adding new Title VIII Health and Safety to include new Chapter 81: Health and Safety in General § 81.01 Purpose and Applicability, § 81.02 Definitions; adding new Chapter 82: Declaration and Prohibition of Public Nuisances, § 82.01 Offensive Premises, § 82.02 Unsecured Excavations, § 82.03 Removal of Rubbish, Trash, Garbage, Weeds, Filth, and Debris, § 82.04 Disposal of Animal Waste, § 82.05 Overgrowth of Weeds or Noxious Plants, § 82.06 Unsafe Structures, § 82.07 Abandoned Vehicles, § 82.08 Light, § 82.09 Abandoned Refrigerators, § 82.10 Litter; Construction Debris, § 82.11 Handbills on Vehicles and Posted Premises Prohibited, § 82.12 Violations; Penalties; Abatement; adding new Chapter 83: Property Maintenance, § 83.01 Purpose; Applicability, § 83.02 Duty to Maintain Premises, § 83.03 Exterior Building Standards, § 83.04 Prevention of Pest Infestation, § 83.05 Swimming Pools, § 83.06 Obstruction of Sidewalks Prohibited, § 83.07 Landscaping, § 83.08 Graffiti, § 83.09 Parking of Commercial Vehicles and Equipment, § 83.10 Violations; Penalties; Abatement; adding new Chapter 84 Abatement of Public Nuisances, § 84.01 Purpose and Findings, § 84.02 Applicability, § 84.03 Owner, Occupant, or Person in Control to Maintain Premises, § 84.04 Authority to Inspect, § 84.05 Inspection and Investigation: Interference, False Information; Failure to Provide Evidence of Identity, § 84. 06 Emergency Abatement, § 84.07 Abatement in Lieu of or in addition to Civil or Criminal Complaint, § 84.08 Abatement Procedures, § 84.09 Assessments; How Paid; Accrual of Interest; Amending Title XIII General Offenses, Chapter 130 General Offenses, Section 130.01 Burning and Section 130.02 Water; Flow Upon Streets Prohibited, all as set forth in that document entitled "The Town of Chino Valley Property Maintenance and Public Nuisance Town Code Amendments dated February 12, 2019", which document is hereby adopted and incorporated into this ordinance by reference.

Section 2. Providing for Repeal of Conflicting Ordinances.

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

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or

unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Providing for Penalties

Any person found to be in violation of any provision of this ordinance 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. Each day a violation continues shall be considered a separate violation. 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. A person who commits a violation of this ordinance after previously having been found responsible for committing two or more civil violations of this ordinance 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, the dates of the commission of the offenses are the determining factor.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 12th day of February, 2019.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld, PLC, Town Attorney
By: Andrew J. McGuire

I hereby certify the above foregoing Ordinance No. 2019-864 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on February 12, 2019, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

Town of Chino Valley

Property Maintenance and Public Nuisance Town Code Amendments

February 12, 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 INSOFAR 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 CONSISTUTES 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 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.

A. EXCEPT AS PROVIDED IN SUBSECTIONS B AND C BELOW, 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 RESIDENTIAL PROPERTY IN THE TOWN, EXCEPT WHEN NECESSARY TO CONDUCT AN AUTHORIZED COMMERCIAL PURPOSE ON THE PROPERTY.

B. ON DEVELOPED RESIDENTIAL PROPERTIES OF ONE ACRE OR MORE, ONE COMMERCIAL VEHICLE OR HEAVY EQUIPMENT HAVING A GVWR EXCEEDING THIRTEEN THOUSAND (13,000) POUNDS IS PERMITTED.

C. ON DEVELOPED RESIDENTIAL PROPERTIES OF ONE ACRE OR MORE, TWO OR MORE COMMERCIAL VEHICLES OR HEAVY EQUIPMENT HAVING A GVWR EXCEEDING THIRTEEN THOUSAND (13,000) POUNDS ARE PERMITTED IF THE VEHICLES ARE CONCEALED FROM PUBLIC VIEW.

§ 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, NEGLECT, 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 INSOFAR 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 OF 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 GROUNDS 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) SPECIAL ASSESSMENT 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~~.

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.b.

Meeting Date: 02/12/2019
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
Item Type: Action-Presentation
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Update regarding status of the 50th Anniversary Committee activities. (Councilmember Mike Best)

RECOMMENDED ACTION:

Direction to staff or Anniversary Committee.

SITUATION AND ANALYSIS:

Councilmember Best will update the Council on committee activities, which may include discussion regarding fundraising activity for possible commemorative artwork.

Fiscal Impact

Fiscal Impact?: No
If Yes, Budget Code:
Available:
Funding Source:

Attachments

No file(s) attached.