



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**REGULAR MEETING
TUESDAY, JULY 23, 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**
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.

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. Report regarding the master planning draft for Old Home Manor. (Frank Marbury, Public Works Director)
- d. Report regarding building permit and code compliance statistics, and Unified Development Ordinance updates. (Joshua Cook, Development Services 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 accept the June 25, 2019, regular meeting minutes. (Jami Lewis, Town Clerk)
- b. Consideration and possible action to accept the July 9, 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 Ordinance No. 2019-867 amending the Town of Chino Valley Unified Development Ordinance, by Amending Section 3, by adding Subsection 3.19: BP (Business Park) zoning district. (Alex Lerma, Planner)

Recommended Action: Adopt Ordinance No. 2019-867 to amend the Town of Chino Valley Unified Development Ordinance by amending Section 3, by adding Subsection 3.19: BP (Business Park) zoning district.

- b. Consideration and possible action to adopt Ordinance No. 2019-868 rezoning 200 acres of real property located north of Perkinsville Road and east of Jerome Junction from PL (Public Land) zoning district to BP (Business Park) zoning district. (Alex Lerma, Planner)

Recommended Action: Adopt Ordinance 2019-868 to rezone 200 acres of real property from PL (Public Land) zoning district to BP (Business Park) zoning district with the following condition:

That Town Council adopt Ordinance 2019-867 in purview to this adoption of the BP (Business Park) rezone.

- c. Consideration and possible action to: (i) Hold a Public Hearing regarding application from Gregory Collins for the Acquisition of Control of an existing Series 6 (Bar) Liquor License for Lucys Place, located at 3020 N Hwy 89, Chino Valley; and (ii) Take no action or protest the change of ownership to the Arizona Department of Liquor Licenses and Control. (Jami Lewis, Town Clerk)

Recommended Action: (i) Hold Public Hearing and (ii) Take no action on the Lucys Place acquisition of control.

- d. Consideration and possible action regarding a request for a Conditional Use Permit to allow the use of automotive repair and automobile sales within the CL (Commercial Light) zoning district. The one (1) acre property is located .33-mile north of the northeast corner of Road 2 North and State Route 89 at 1351 North State Route 89. (Alex Lerma, Planner)

Recommended Action: Approve a Conditional Use Permit to allow the use of automotive repair and automobile sales on a one (1) acre site within the CL (Commercial Light) zoning district with the conditions recommended by Council and staff.

- e. 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 July 23, 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. (Joshua Cook, Development Services 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.

- f. Discussion and possible action regarding a proposal to develop land use engineering and development standards. (Joshua Cook, Development Services Director; Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Staff Recommends Council to discuss the issues related to the General Engineering Standards and provide direction so that Staff can prepare the appropriate Code amendments to incorporate the General Engineering Standards into the Town Code.

- g. Consideration and possible action to adopt the Council's Strategic Plan for the Town of Chino Valley for FY 2019 / 2020. (Cecilia Grittman, Town Manager)

Recommended Action: Adopt the Council's Strategic Plan for the Town of Chino Valley for FY 2019 / 2020.

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.

- a. An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with attorneys for the Town in order to consider the Town's position and instruct the attorneys for the Town regarding the Town's position regarding a potential intergovernmental agreement with the City of Prescott relating to water service.

9. ACTION ITEMS RESUMED

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

10. ADJOURNMENT

Dated this 18th day of July, 2019.

By: *Vickie L. Nipper, Deputy 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 **5.c.**
Meeting Date: 07/23/2019
Contact Person: Frank Marbury, Public Works Director/Town Engineer
Phone: 928-636-7140 x-1226
Department: Public Works
Item Type: Report Only
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:
Report regarding the master planning draft for Old Home Manor. (Frank Marbury, Public Works Director)

RECOMMENDED ACTION:

Fiscal Impact
Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5.d.

Meeting Date: 07/23/2019
Contact Person: Joshua Cook, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
Estimated length of Staff Presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Report regarding building permit and code compliance statistics, and Unified Development Ordinance updates. (Joshua Cook, Development Services Director)

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.a.

Meeting Date: 07/23/2019

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 June 25, 2019, regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the June 25, 2019, regular meeting minutes.

Attachments

June 25, 2019, Minutes

DRAFT

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

**TUESDAY, JUNE 25, 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, June 25, 2019.

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

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 Attorney Andrew McGuire (electronically); Police Chief Chuck Wynn; Public Works

Present: Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Planner Alex Lerma; Community Services Director Scott Bruner; Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk Vickie Nipper (recorder)

Mayor Croft called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

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

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.

William Nickles, part owner of the CBD Connection, spoke about losing \$500-\$800 per day from lost business due to required removal of temporary signs and not being able to make contact with Development Services Director Cook. The Mayor directed Mr. Nickles to talk to Mr. Cook after the meeting.

Beth Vicory, Eagle Level Frontier Girl, spoke about the ongoing Summer Fun Kids Club every Wednesday at the Library, upcoming programs, and a need for volunteers. Community Services Director Bruner stated that Miss Vicory was doing a tremendous job and had the program packed with people.

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.

Councilmember Best reported that the 50th Anniversary meeting scheduled for July 3 had been moved to July 10.

- b) Status report by Town Manager Cecilia Grittmann regarding Town accomplishments, and current or upcoming projects.

- c) Report regarding 4th of July fireworks. (Scott Bruner, Community Services Director)

Mr. Bruner reported that fireworks had been cancelled for the two previous years. Staff, Council, the property owner, a representative of Fireworks Arizona, and fire marshals met at the current year's firework launch site at the corner of Road 1 East and Perkinsville Road. Councilmember Turner related that the fire marshals' deemed the site safe for the launch. Mayor Croft added that the Town would allow the fireworks unless there were very high winds.

- d) Report regarding roads. (Frank Marbury, Public Works Director/Town Engineer)

Mr. Marbury reported on the following:

- The Center Street culvert that had been damaged by weather and traffic had been repaired and the road was open.
- The Roads and Streets Committee had determined the 2020 road maintenance priorities: Road 1 North and Reed Road repairs, with an estimated cost for each of \$150,000-\$200,000; crack seal and rebuild local roads as the budget allowed; and address Road 2 North in the next fiscal year.
- The State budgeted \$197,000 for towns and cities for road maintenance, bringing the total with the HURF budget to \$597,000. Projects will be brought to Council before beginning work.

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 Mike Best to approve the Consent Agenda Items a, b, c, and d.

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

Vote: 6 - 0 PASSED - Unanimously

- a) Consideration and possible action to appoint Julie Northington to fill a Regular Position vacancy on the Board of Adjustment for a term that started August 1, 2018 and will end July 31, 2021. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to accept the May 21, 2019, study session minutes. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to accept the May 28, 2019 regular meeting minutes. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to accept the June 11, 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 Ordinance No. 2019-870 to rezone approximately 378 acres of real property from SR-2 (Single Family Residential-2 Acre Minimum) zoning district to SR-1 (Single Family Residential-1 Acre Minimum) zoning district. The subject property is located on the southwest corner of East Perkinsville Road and M. A. Perkins Trailway, north of the Bright Star Subdivision, Assessor's Parcel Numbers 306-02-301J and 306-02-018N. Owner: Century Ranch, LLC / Applicant: Jim Fletcher (Alex Lerma, Planner)

Recommended Action: Adopt Ordinance No. 2019-870 to rezone approximately 378 acres of real property from SR-2 zoning district to SR-1 zoning district with the recommended conditions.

Mr. Lerma requested that Items 7a and 7b be heard and presented concurrently; Town Attorney McGuire advised that it was allowable.

- b) Consideration and possible action to approve Century Ranch Phase 1-Phase 10 Preliminary Plat subdividing 180.5 acres of the total 378 acres into 113 one (1) acre lots developed in ten (10) phases. The subject property is located on the southwest corner of East Perkinsville Road and M. A. Perkins Trailway, north of the Bright Star subdivision. (Alex Lerma, Planner)

Recommended Action: Approve adoption of Century Ranch Phase 1-Phase 10 preliminary plat subdividing 180.5 acres of the total 378 acres of into 113 one (1) acre lots developed in ten (10) phases.

Mr. Lerma presented on Items 7a and 7b:

- The subject property had a General Plan land use designation of Commercial and Future Growth Area: Industrial/Agri-business/Contained Planned Community. Approval of the rezone request will allow the applicant to move forward with the property replat for one-acre lots.
- The surrounding zoning classifications included various residential classifications and public and state lands to the north.
- The Preliminary Plat pertained to 180 acres of the total 378 acres. The remaining 207 acres will be developed in future phases. Council approval will be needed for final plats and if the applicant wanted higher density.
- All lots met the required one-acre development standards and front lot frontage of 100 feet with the exception of lots 1, 2 and 84. Since the applicant did not apply for a Planned Area Development (PAD), he will be required to adjust the lot frontage of those three lots on the final plat. If approved, the developer would begin Phase 1-3 in the fall.
- All arterial and collector roads will be dedicated to the Town and all improvements completed before being accepted by the Town. Town water and sewer utilities were available near the project at Perkinsville and Old Home Manor. The project would need to extend the line in order to connect to Town utilities. The project would also provide sidewalks along arterial and collector roads with a six to eight foot landscaping strip between the street and sidewalk, depending on the type of street.
- The Planning and Zoning Commission noted the property was adjacent to the Peavine Trail and wanted a stipulation attached through the final approval that the Peavine Trail would remain unharmed and the developer would pay for repair of any impact to the trail. Staff did not think it was necessary to add this as a condition, because it would be done at a staff level through Public Works. If the project intruded on the Trail, the developer would need to apply for a right-of-way permit that would be overseen by the Public Works Department.
- The Commission unanimously voted to recommend approval for both items. Staff recommended approval of the rezone, as it would offer transitional zoning between the higher densities to the west and the lower densities to the east. Recommendation of approval was conditioned upon: (i) connectivity between the subdivision and Peavine Trail through pedestrian paths and trailways; (ii) dedication of right-of-way on Road 2 North and Perskinsville Road; (iii) all street improvements on both streets; and connection to Town water and sewer utilities.

Applicant Jim Fletcher related that his expectation for total completion of Phases 1-10 was approximately two years, with Phases 1-3 completed within the first year. The final plat was nearly complete; the assured water supply permit was submitted to ADWR; and the drainage study on the 378 acres was complete.

Council and Staff further discussed the request:

- *Phasing:* Council asked if a certain number of lots needed to be developed before being sold because past developments had sold properties before roads had been built. Staff explained that would not happen with this development and that before lots were sold, the final plat would need to be approved by Council and recorded with the County. The required improvements correlated to the phasing and the developer would not be required to put in all the improvements in the first phase. Before recording of each phase, the improvements would be required to be completed.
- *Emergency access:* The emergency access road did not need to be paved but would be provided.

- *Future development:* If the current developer sold off portions of the 378 acres, the new developers would need Council approval and would be required to complete the required improvements.
- *Area impacts:* Rezoning the subject property would not affect the Town's plans for OHM.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to adopt Ordinance No. 2019-870 to rezone approximately 378 acres of real property from SR-2 zoning district to SR-1 zoning district with the recommended conditions.

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

Vote: 6 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to approve adoption of Century Ranch Phase 1-Phase 10 preliminary plat subdividing 180.5 acres of the total 378 acres into 113 one (1) acre lots developed in ten (10) phases.

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

Vote: 6 - 0 PASSED - Unanimously

- c) Public Hearing regarding Resolution No. 2019-1143, relating to the Town's Final Budget for Fiscal Year 2019/2020 and the proposed expenditure limitation for the same year, in the amount of \$27,976,800. (Joe Duffy, Finance Director)

Recommended Action: Hold the Public Hearing.

Mr. Duffy presented the Final Budget. Key points were:

- The current budget was approximately an increase of \$3.4 million dollars over the previous year's budget.
- A year-end surplus had allowed the Town to build their reserves, which would be approximately \$4.3 million.
- The Water and Sewer funds no longer required money from the General fund and had positive cash flows.
- The Town's financial condition continued to improve.

MOVED by Mayor Darryl Croft, seconded by Vice-Mayor Jack Miller to open the public hearing.

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

Vote: 6 - 0 PASSED - Unanimously

There was no public comment.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to close the Public Hearing.

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

Vote: 6 - 0 PASSED - Unanimously

- d) Public Hearing regarding (i) Resolution No. 2019-1141, relating to the Statements and Estimates of Expenses of the Town of Chino Valley Street Lighting Improvement Districts for Fiscal Year 2019/2020, which shall constitute the budgets of the Districts for fiscal year 2019/2020 and (ii) the tax levy anticipated in conjunction with the budgets of the Districts. (Joe Duffy, Finance Director)

Recommended Action: Hold the Public Hearing.

Joe Duffy reviewed the fund balance, revenues, and expenditures of the District, which was located solely in Bright Star Subdivision and paid for the amount that APS billed the Town for power and street lights. This item would adopt the final budget and in July, the Council would adopt a final tax rate.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to open the public hearing.

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

Vote: 6 - 0 PASSED - Unanimously

There was no public comment.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to close the Public Hearing.

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

Vote: 6 - 0 PASSED - Unanimously

Mayor Croft recessed the regular meeting at 6:46 p.m.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to go into a special meeting.

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

Vote: 6 - 0 PASSED - Unanimously

MINUTES OF THE SPECIAL MEETING

1) CALL TO ORDER

Mayor Croft called the special meeting to order at 6:46 p.m.

- 2) Consideration and possible action to adopt Resolution No. 2019-1143 adopting a Final Budget for Fiscal Year 2019/2020, and proposed expenditure limitation for the same year, in the amount of \$27,976,800. (Joe Duffy, Finance Director)

Recommended Action: Adopt Resolution No. 2019-1143 adopting a Final Budget and proposed expenditure limitation for fiscal year 2019/2020 in the amount of \$27,976,800.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to adopt Resolution No. 2019-1143 adopting a Final Budget and proposed expenditure limitation for fiscal year 2019/2020, in the amount of \$27,976,800.

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

Vote: 6 - 0 PASSED - Unanimously

- 3) Consideration and possible action to adopt Resolution No. 2019-1141, adopting the Statements and Estimates of Expenses of the Town of Chino Valley Street Lighting Improvement Districts for Fiscal Year 2019/2020, which shall constitute the budgets of the Districts for fiscal year 2019/2020. (Joe Duffy, Finance Director)

Recommended Action: Adopt Resolution No. 2019-1141, approving the Statements and Estimates of Expenses of the Town of Chino Valley Street Lighting Improvement Districts for Fiscal Year 2019/2020, which shall constitute the budgets of the Districts for fiscal year 2019/2020.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to adopt Resolution No. 2019-1141, approving the Statements and Estimates of Expenses of the Town of Chino Valley Street Lighting Improvement Districts for Fiscal Year 2019/2020, which shall constitute the budgets of the Districts for fiscal year 2019/2020.

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

Vote: 6 - 0 PASSED - Unanimously

4) ADJOURNMENT

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to adjourn the special meeting at 6:49 p.m.

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

Vote: 6 - 0 PASSED - Unanimously

REGULAR MEETING RESUMED

Mayor Croft reconvened the regular meeting at 6:49 p.m.

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.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to go into executive session at 6:50 p.m.

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

Vote: 6 - 0 PASSED - Unanimously

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a contract that is the subject of negotiations (License and Concessionaire Agreement with Compass Training Center AZ related to management of the Chino Valley Shooting Facility). (Chuck Wynn, Police Chief)

9) ACTION ITEMS RESUMED

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

Mayor Croft reconvened the regular meeting at 7:10 p.m. and reported that Council gave instruction to their attorney and no action was taken.

10) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Councilmember Mike Best to adjourn the regular meeting at 7:13 p.m.

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

Vote: 6 - 0 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 25th day of June, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 23rd day of July, 2019.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.b.

Meeting Date: 07/23/2019

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 July 9, 2019, regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the July 9, 2019, regular meeting minutes.

Attachments

July 9, 2019, draft minutes

DRAFT

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

**TUESDAY, JULY 9, 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, July 9, 2019.

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

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

Staff Present: Town Manager Cecilia Grittman; Town Attorney Andrew McGuire; Community Services Director Scott Bruner; Finance Director Joe Duffy; Public Works Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Economic Development Project Manager Maggie Tidabeck; Police Chief Chuck Wynn; Administrative Technician (videographer) Kathy Frohock; Deputy Town Clerk (recorder) Vickie Nipper

Vice Mayor Miller called the meeting to order at 6:00 p.m.

Vice Mayor Miller let the Pledge of Allegiance.

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

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.

- Beth Vicory, Eagle Level Frontier Girl – Shared information on the Summer Fun Kids Program activities at the Chino Valley Library.

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) William Nick, Co-owner of the CBD Connection, had concerns regarding the inability to post signage out on the street.

Vice Mayor Miller stated that staff had met with the owners of CBD Connection after the last meeting and staff reviewed their current permitted signage, which was found to be undersigned per the Town's code. Staff met with the owners onsite and discussed options for increasing the size of their permitted signage from the existing six square feet to approximately 64 square feet. The total square footage was dependent on the total length of the store front.

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.
- Mayor Croft asked Scott Bruner to come forward and asked that he thank all staff and volunteers that helped with the Fourth of July celebration for their time and services for what turned out to be a great event. Mr. Bruner also thanked the other groups that assisted in the event.
 - Councilmember Best spoke about the upcoming 50th Anniversary Committee Meeting.
- b) Status report by Town Manager Cecilia Grittmann regarding Town accomplishments, and current or upcoming projects.

Town Manager Grittmann reported on the following:

- Gave a reminder of the upcoming Council Study Session and meetings.
- Thought the Fourth of July was very well done and thanked staff.

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 Mayor Darryl Croft, seconded by Councilmember Mike Best to approve the Consent Agenda Item a and b.

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

Vote: 7 - 0 PASSED - Unanimously

- a) Consideration and possible action to adopt Resolution No. 2019-1144, levying and assessing an ad valorem tax on the assessed value of all real and personal property within the boundaries of the Town of Chino Valley Street Lighting Improvement Districts (CVSLID) for fiscal year 2019-2020, pursuant to Section 48-616, Arizona Revised Statutes. (Joe Duffy, Finance Director)

- b) Consideration and possible action to accept the June 18, 2019, study session 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 the License and Concessionaire Agreement between the Town of Chino Valley and Compass Training Center Arizona related to the management of the Chino Valley Shooting Facility. (Joe Duffy, Finance Director)

Recommended Action: Approve the License and Concessionaire Agreement between the Town of Chino Valley and Compass Training Center Arizona related to the management of the Chino Valley Shooting Facility.

Joe Duffy discussed the following:

- The Town had sent out RFP's for the management of the Chino Valley Shooting Facility and received two proposals.
- The proposals were reviewed and scored and the Compass Training Center was selected based on the submitted proposals and the scoring criteria.
- The Concessionaire Agreement had been reviewed by Council at their last study session.

MOVED by Mayor Darryl Croft, seconded by Councilmember Annie Perkins to approve License and Concessionaire Agreement between the Town of Chino Valley and Compass Training Center Arizona related to the management of the Chino Valley Shooting Facility.

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

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible action to award a Design-Build contract to JEBCO Construction Companies, LLC for the Utility's Shop Building at Old Home Manor and Memory Park Restrooms in the amount of \$103,320.00 for Pre-Construction Services. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Award a Design-Build contract to JEBCO Construction Companies, LLC for the Utility's shop building at Old Home Manor and Memory Park restrooms in the amount of \$103,320.00 for Pre-Construction Services.

Frank Marbury and Town Attorney McGuire discussed the following:

- Staff thought the best prices for design and bidding for the two buildings were through the design build bidding process.
- Town Attorney McGuire explained the types of bidding processes. The design build process allowed the Town more latitude in the design and construction.
- The Town received six submittals. Mr. Marbury reviewed the contractor and submittal qualification process. The highest ranked submittal was from JEBCO Construction Companies.
- Mr. Marbury reviewed the cost proposal and services which included a small amount of post design services.
- The design process would come back to Council at 90% completion with a guaranteed maximum price for construction with contingencies and exclusions.
- The total cost for this portion of the contract was \$103,320 and the total budget for the projects was \$470,000.
- The design costs would not change even if the square footage and size of the utility building changed.

MOVED by Mayor Darryl Croft, seconded by Councilmember Cloyce Kelly to Award a Design-Build contract to JEBCO Construction Companies, LLC for the Utility's shop building at Old Home Manor and Memory Park restrooms in the amount of \$103,320.00 for Pre-Construction Services.

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

Vote: 7 - 0 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.

MOVED by Mayor Darryl Croft, seconded by Councilmember Mike Best to postpone item 8a until the July 23rd Council meeting.

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

Vote: 7 - 0 PASSED - Unanimously

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with attorneys for the Town in order to consider the Town's position and instruct the attorneys for the Town regarding the Town's position regarding a potential intergovernmental agreement with the City of Prescott relating to water service.

9) ACTION ITEMS RESUMED

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

10) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Councilmember Mike Best to adjourn the meeting at 6:22 p.m.

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

Vote: 7 - 0 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 9th day of July, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 23rd day of July, 2019.

Vickie L. Nipper, Deputy Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.a.

Meeting Date: 07/23/2019
Contact Person: Alex Lerma, Planner
 Phone: 928-626-4427 x-1295
Department: Development Services
Item Type: Action
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Ordinance No. 2019-867 amending the Town of Chino Valley Unified Development Ordinance, by amending Section 3, by adding Subsection 3.19: BP (Business Park) zoning district. (Alex Lerma, Planner)

RECOMMENDED ACTION:

Staff recommends forwarding a recommendation of approval to Town Council to adopt Ordinance No. 2019-867 to amend the Town of Chino Valley Unified Development Ordinance by amending Section 3, by adding Subsection 3.19: BP (Business Park) zoning district.

SITUATION AND ANALYSIS:

See attached Staff Report

Fiscal Impact

Fiscal Impact?: none
If Yes, Budget Code:
Available:
Funding Source:

Attachments

Business Park Text Amendment
 Text Amd Staff Report

ORDINANCE NO. 2019-867

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, SECTION 3, ZONING DISTRICTS, BY ADDING A NEW SECTION 3.19, ENTITLED BUSINESS PARK.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the "Town Council") desires to amend the Unified Development Ordinance of the Town of Chino Valley, Section 3 (Zoning Districts), by adding a new Section 3.19 (Business Park), including related regulations and standards (the "Text Amendment"); and

WHEREAS, the Town Council has determined that the Text Amendment conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan; 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 approval of the Text Amendment; 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 Unified Development Ordinance of the Town of Chino Valley, Section 3 (Zoning Districts), is hereby amended by adding a new Section 3.19 (Business Park), including related regulations and standards as set forth in Exhibit A, attached hereto and incorporated herein by reference.

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.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 23th day of July, 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. 2019-867 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on July 23, 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 A
TO
ORDINANCE NO. 2019-867

[New Section 3.19 - Business Park]

See following pages.

3.19 “BP” – BUSINESS PARK

A. PURPOSE

This district is intended to provide for high-quality business parks primarily for office, administrative, medical, research industries and light manufacturing in an attractive setting. The regulations and development standards contained within this district include generous screening, quality-landscaping buffering and architecture performance standards to ensure use compatibility with surrounding zoning districts.

B. PERMITTED USES

1. Business and professional offices, banks and similar
2. Professional services including call centers, research and development, high tech businesses
3. Medical and dental laboratories
4. Business, trade, dancing, art, music, and other similar educational facilities
5. Radio and television studios and all attached commercial broadcasting and receiving antennas
6. Indoor commercial recreation establishments
7. Indoor theaters, assembly halls, ballrooms and lodges
8. Headquarters buildings or charitable, philanthropic and welfare organizations provided that their primary activities are administrative and clerical rather than residential in nature
9. Veterinary clinic and animal hospitals, when in a closed building
10. Printing and publishing
11. Wholesale establishments
12. Light manufacturing
13. Packaging companies
14. Warehouses
15. Welding and machine shops
16. Business incubators
17. Digital Production
18. Commercial/Industrial Laboratories
19. Research and Development
20. Small Scale Food Preparation
21. Mechanical Services
22. Public, Government uses

C. CONDITIONAL USES (Conditional Use Permit Required)

1. Convention center
2. Colleges and universities
3. Hospitals and other medical/dental offices and clinics
4. Bottling operations
5. Microbrewery or micro-distillery
6. Restaurant and eateries
7. Hotels and Motels
8. Outdoor Storage of any kind

Customary accessory buildings and structures are permitted, provided they are incidental to a permitted use.

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a conditional use or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustment.

D. PROHIBITED USES

1. Quarries and mines
2. Feed lots
3. Automobile salvage yards/junkyards/storage yards
4. Commercial outdoor kennels
5. Medical marijuana dispensary
6. Medical marijuana off-site cultivation and infusion facilities
7. Heavy manufacturing such as automobile manufacturing plants
8. Slaughterhouses
9. Refineries
10. Hot mix, batch plants, concrete plants, and similar uses
11. Vehicle Motor Sports Facilities
12. Airports
13. Any industry with excessive water usage and no recharge to the aquifer
14. "Dirty" industries that emit excessive particulates or other pollution according to the United States Environmental Protection Agency (EPA) air quality standards
15. Extremely noisy industries
16. Underground liquid petroleum retail and wholesale distribution facilities, including fueling stations
17. Agricultural and farming uses
18. Drive-through uses
19. Residential uses
20. Commercial greenhouses and accessory uses, including onsite sales

E. PROPERTY DEVELOPMENT STANDARDS

1. Minimum Development area: 20 acres total area per business park. May be comprised of one lot or multiple lots, planned in a coordinated, cohesive manner. All lots must be served by a water and sewage disposal system approved by the Town of Chino Valley.
2. Perimeter of overall development must maintain a 50 foot setback from all other districts.
3. Internal Minimum Lot Frontage (must be Right of Way): None
4. Internal Minimum Rear and Side-Yard Building Setback: None
5. Internal Minimum Front Yard Building Setbacks: 50 feet
6. Maximum Building Height: 35 feet maximum permitted, taller than 35 feet may be approved as a conditional use permit
7. Maximum Lot Coverage: None
8. Outdoor Storage: All outdoor storage shall be screened with a six (6) foot screening fence, as permitted.

9. Fencing/screening of uses shall include CMU block / stucco walls, or other similar material. It shall not include chain-link fencing.
10. Architectural Design Standards: Each Business Park, as part of the design shall include the addition of a façade on each structure on each side facing a street that is visually similar to other buildings within the development. Metal siding shall not be a permitted façade material unless the developer can demonstrate that such a material can be visually and aesthetically pleasing. Part of these standards may include a common color palette or theme.

F. PARKING STANDARDS

1. Uses in the BP District shall use Subsection 4.22.5.E (JOINT USE PARKING FOR PAD) in determining required number of parking spaces.
2. All other appropriate regulations of Subsection 4.22 (OFF STREET PARKING AND LOADING) will apply to uses in the BP District.

G. PERFORMANCE STANDARDS

The sum total of the effects of concurrent operations on two or more lots should not be greater or more offensive to the senses than the standards contained herein. Compliance with the provision of these performance standards by single or mutual changes in operational levels, scheduling of operations, and other adjustments is permitted.

1. BUILDING ENCLOSURES: Every use permitted in the BP district shall be operated in its entirety within a completely enclosed building or within an area enclosed on all sides by a solid noncombustible fence or wall, as regulated by this ordinance, provided further, that no goods, material, or objects shall be stacked higher than the fence or wall. All fences and walls shall be built in accordance with Section 4.8.
2. LANDSCAPING: In the BP district, all required yards shall be landscaped in compliance with UDO Section 4.26 (LANDSCAPE REQUIREMENTS). The perimeter shall be landscaped and maintained by the business park developer/HOA and shall include one (1) 2" caliper tree spaced every 30-feet on center, and three shrubs per tree spaced aesthetically along each street frontage.
3. ODOROUS MATTER: No emission of odorous matter shall be allowed in excess of ambient air quality standards, as set forth by regulations adopted by the Arizona Department of Environmental Quality.
4. HUMIDITY, HEAT OR GLARE: In the BP district, any activity producing humidity, in the form of steam or moist air, or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat, or glare is not perceptible at or beyond any residential or commercial district boundary. Detailed plans for the elimination of humidity, heat, or glare may be required before the issuance of a building permit.
5. VIBRATION: Vibrations shall be measured at the lot line. No vibration is permitted which is discernible to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.
6. EMISSIONS AND OPEN BURNING: No emission of particulate matter, sulfur, compound, carbon monoxide, hydrocarbon, nitrogen oxide, and open burning shall be allowed in the BP District.
7. STORAGE: In the BP Zone, the storage of materials, supplies, and products on the property outside the building, constructed thereon is permitted at the rear of the property providing that the storage of materials, supplies, and products are within an area enclosed on all sides by a solid noncombustible fence or wall at least six (6) feet in

height, provided further that no goods, materials, or objects shall be stacked higher than the fence or wall.

8. WASTE: No waste material or refuse shall be dumped upon, or permitted to remain upon, any part of the part of the property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such a manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the issuance of any building permit.
9. FIRE AND EXPLOSIVE HAZARDS: Storage, utilization, or manufacture of solid materials which requires free burning and intense burning may be allowed, provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system and in accordance with Standards of American Insurance Association for Storage, Handling, and Use of Flammable Liquids, "American Insurance Association," Pamphlet No. 30, June 1959, or any subsequent revision or amendment thereto.
10. AQUIFER RECHARGE: All uses shall connect to municipal water and sewer and shall discharge at least 65% of water to the sewer.



TOWN OF CHINO VALLEY TOWN COUNCIL

Staff Report July 23, 2019

APPLICATION SUMMARY

File Number:	Z19-000002
Applicant:	Town of Chino Valley
Request:	Public Hearing to consider a Town-initiated request to amend the Town of Chino Valley Unified Development Ordinance, by Amending Section 3, by adding Subsection 3.19: Business Park zoning district.

BACKGROUND

DISCUSSION

The Town of Chino Valley owns a substantial amount of land east of Jerome Junction. 200 acres of that Town owned land has been set aside for an employment base/Business Park as identified in the Land Use Element section of the General Plan. The land designated for the Business Park is made up of 5 separate parcels and combined make up 200 acres. In order to reach the Town's vision to make this area into a Business Park, staff needs to initiate a zone change of the properties. Based on the Towns zoning regulations, the areas current PL (Public Land) zoning district's permitted uses are not aligned with the type of uses the Town foresees for the Business Park. Having the right zoning classification will better facilitate the types of businesses the Town wants to attract and locate in the Business Park.

Staff's original idea was to rezone the area to a PAD (Planned Area Development) overlay, primarily using the current PL zoning classification as the underlying zoning and adding some additional regulations to the district. When staff first initiated discussions of Old Home Manor, primary discussions were based upon the properties land use history and past project proposals not being aligned with the Towns current vision. With those discussions, staff concluded that it made more sense to design a new zoning district for the area. With the new zoning district, the Town will be able to locate all the Town's desired land uses in one spot. The new zoning district will allow staff the ability to relay that information easily, the language will be clearly definable and easier to follow for potential renters who are interested in locating in the Business Park.

In the past Old Home Manor has been called an industrial park, a business park and has also been called a combination of the two. Staff will name the zoning district Business Park based on the desired land uses. The area has actually been renamed Chino Valley Regional Business Park at Old Home Manor.

BUSINESS PARK ZONING DISTRICT FRAMEWORK

Based on the feedback staff has received, the vision of the business park was not to locate businesses that are heavy industrial in use and that all activity be done indoor within an enclosed facility, except for permitted land uses: Indoor and outdoor sales of nursery stock and contractor yards.

Uses that staff had questions about or were not sure about are grouped in the Conditional Use Permit category, this way these proposals will have to go through Planning Commission and Council and depending on the project, additional conditions can be imposed.

There is a category of prohibited uses. Through our conversations staff received the message that these uses were not wanted in the park. It's not to say these are the only prohibited uses, but these are the ones that came to mind that the Town did not want. If there was anyone who came back later and had a brand new idea for a prohibited use, that with new technology would allow him to do it in a better way, they would have to go to the public hearing process to get that use removed from the prohibited category.

Aside from the BP development standards, which are designed to provide an attractive high quality design, the zoning district will also include performance standards. These performance standards are design to lessen the impact of the uses located within the BP zoning district. Those businesses who will not be able to comply with the performance standards will not be able to locate at said district.

Originally, staff had located noise regulations within the performance standards with an accompanied table of decibels levels. This portion of the draft contradicted Chapter 131 Noise Regulations, of the Town Code. Once Chapter 131 of the Code is amended, staff will amend text of the BP zoning district to include the noise regulations with its accompanied decibels levels table.

DISCUSSION OF THE PROPOSED DRAFT ORDINANCE

On January 24th 2019, staff met with the steering committee that was assembled to help guide the development of Chino Valley's Old Home Manor Business Park. Members of the committee were presented with a draft version of the proposed Business Park zoning district and together with staff went over the propose language. Staff received feedback from committee members as far as uses that would be allowed within the proposed zoning district. Based on the steering committee's comments and suggestions staff revised the document to reflect the committee's vision and desires for the Business Park. Subsequently, the draft text has been presented at various Council study sessions and UDO subcommittee meeting, both bodies have further made recommendations and staff has further modified the text language. (SEE APPENDIX A: "BP" BUSINESS PARK zoning district draft)

Through discussion with the various bodies, members recommended that the zoning district not be exclusive to Old Home Manor but be available to the public as well. Those property owners who are interested in rezoning their property to the BP zoning district will need to abide by all regulations set forth by the BP zoning district allow with the districts performance standards.

CITIZENS REVIEW & PUBLIC HEARING PROCESS

Staff notified all residents within Chino Valley through public notification. To date, staff has not received any comments or emails from residents.

The neighborhood meeting was held on February 25, 2019 at the Community Center. There was one resident who attended the meeting. The resident lives near Old Home Manor and was for the adoption of the proposed zoning district. He hopes the proposed zoning district will attract new businesses to the area.

PLANNING COMMISSION HEARING AND RECOMMENDATION

The Planning and Zoning Commission meeting was held on May 7, 2019 at Town Hall. Staff gave a brief overview of the draft text for the proposed BP zoning district. Staff noted that there were a few revisions made to the text after staff presented the item to the Commission as a study session item.

The Commissioners discussed several of the uses that were allowed and prohibited and if such uses needed to be modified. Staff explained that there were some minor additional landscaping and architectural design standards requirements for this zone.

Planning and Zoning Commission forward a recommendation of approval to Town Council with the following modifications:

1. Add item 8. *veterinary clinic and animal hospitals with outside open area* to Section C. Conditional Uses
2. Add item 9. *Commercial outdoor kennels* to Section C. Conditional Uses
3. Remove item 4. *Commercial outdoor kennels* from Section D. Prohibited Uses

Vote: 5-2 PASSED

TOWN COUNCIL JUNE 11, 2019 PUBLIC HEARING

The item went before Town Council on June 11, 2019. Staff gave a brief overview of staff findings and discussions between staff and the steering committee. Staff also gave an account of the Planning Commission Meeting. Staff notes that the Commission recommended amended revisions to the draft version provided to them. Staff recommended that Council adopt the ordinance as it was originally presented to the Council in the staff report with veterinary clinics and animal hospitals as indoor uses only and commercial outdoor clinics as a prohibited use.

Council members discussed the topic of Marijuana facilities, stating that while permitted uses includes commercial greenhouses, accessory uses and onsite sales, marijuana dispensary and cultivation facilities were prohibited. Council discussed changing the language to include wording that would address recreational marijuana use that could be passed in the future. Council also wanted clarification of large-scale businesses and requested that the BP purpose statement be rewritten.

Council requested that the item go to study session and then brought back to Council for further review.

STUDY SESSIONS

Staff gave a brief presentation to Council at the June 18 Council Study Session. Staff's primary focus was to give examples of purpose statements for other municipalities who have business parks zoning districts. Staff reviewed the draft language of the BP zoning district, and further modifications to the draft language was applied.

STAFF RECOMMENDATION

Staff forward a recommendation of approval to Town Council to adopt Ordinance 2019-867 to amend the Town of Chino Valley Unified Development Ordinance by amending Section 3, by adding Subsection 3.19: Business Park zoning district.

APPENDIX: A

“BP” BUSINESS PARK zoning district (draft)

See following page:

3.19 “BP” – BUSINESS PARK

A. PURPOSE

This district is intended to provide for high-quality business parks primarily for office, administrative, medical, research industries and light manufacturing in an attractive setting. The regulations and development standards contained within this district include generous screening, quality-landscaping buffering and architecture performance standards to ensure use compatibility with surrounding zoning districts.

B. PERMITTED USES

1. Business and professional offices, banks and similar
2. Professional services including call centers, research and development, high tech businesses
3. Medical and dental laboratories
4. Business, trade, dancing, art, music, and other similar educational facilities
5. Radio and television studios and all attached commercial broadcasting and receiving antennas
6. Indoor commercial recreation establishments
7. Indoor theaters, assembly halls, ballrooms and lodges
8. Headquarters buildings or charitable, philanthropic and welfare organizations provided that their primary activities are administrative and clerical rather than residential in nature
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15. Welding and machine shops
16. Business incubators
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20. Small Scale Food Preparation
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C. CONDITIONAL USES (Conditional Use Permit Required)

1. Convention center
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8. Slaughterhouses
9. Refineries
10. Hot mix, batch plants, concrete plants, and similar uses
11. Vehicle Motor Sports Facilities
12. Airports
13. Any industry with excessive water usage and no recharge to the aquifer
14. "Dirty" industries that emit excessive particulates or other pollution according to the United States Environmental Protection Agency (EPA) air quality standards
15. Extremely noisy industries
16. Underground liquid petroleum retail and wholesale distribution facilities, including fueling stations
17. Agricultural and farming uses
18. Drive-through uses
19. Residential uses
20. Commercial greenhouses and accessory uses, including onsite sales

E. PROPERTY DEVELOPMENT STANDARDS

1. Minimum Development area: 20 acres total area per business park. May be comprised of one lot or multiple lots, planned in a coordinated, cohesive manner. All lots must be served by a water and sewage disposal system approved by the Town of Chino Valley.
2. Perimeter of overall development must maintain a 50 foot setback from all other districts.

3. Internal Minimum Lot Frontage (must be Right of Way): None
4. Internal Minimum Rear and Side-Yard Building Setback: None
5. Internal Minimum Front Yard Building Setbacks: 50 feet
6. Maximum Building Height: 35 feet maximum permitted, taller than 35 feet may be approved as a conditional use permit
7. Maximum Lot Coverage: None
8. Outdoor Storage: All outdoor storage shall be screened with a six (6) foot screening fence, as permitted.
9. Fencing/screening of uses shall include CMU block / stucco walls, or other similar material. It shall not include chain-link fencing.
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F. PARKING STANDARDS

1. Uses in the BP District shall use Subsection 4.22.5.E (JOINT USE PARKING FOR PAD) in determining required number of parking spaces.
2. All other appropriate regulations of Subsection 4.22 (OFF STREET PARKING AND LOADING) will apply to uses in the BP District.

G. PERFORMANCE STANDARDS

The sum total of the effects of concurrent operations on two or more lots should not be greater or more offensive to the senses than the standards contained herein. Compliance with the provision of these performance standards by single or mutual changes in operational levels, scheduling of operations, and other adjustments is permitted.

1. BUILDING ENCLOSURES: Every use permitted in the BP district shall be operated in its entirety within a completely enclosed building or within an area enclosed on all sides by a solid noncombustible fence or wall, as regulated by this ordinance, provided further, that no goods, material, or objects shall be stacked higher than the fence or wall. All fences and walls shall be built in accordance with Section 4.8.
2. LANDSCAPING: In the BP district, all required yards shall be landscaped in compliance with UDO Section 4.26 (LANDSCAPE REQUIREMENTS). The perimeter shall be landscaped and maintained by the business park developer/HOA and shall include one (1) 2" caliper tree spaced every 30-feet on center, and three shrubs per tree spaced aesthetically along each street frontage.
3. ODOROUS MATTER: No emission of odorous matter shall be allowed in excess of ambient air quality standards, as set forth by regulations adopted by the Arizona Department of Environmental Quality.
4. HUMIDITY, HEAT OR GLARE: In the BP district, any activity producing humidity, in the form of steam or moist air, or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat, or glare is not perceptible at or

beyond any residential or commercial district boundary. Detailed plans for the elimination of humidity, heat, or glare may be required before the issuance of a building permit.

5. VIBRATION: Vibrations shall be measured at the lot line. No vibration is permitted which is discernible to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.
6. EMISSIONS AND OPEN BURNING: No emission of particulate matter, sulfur, compound, carbon monoxide, hydrocarbon, nitrogen oxide, and open burning shall be allowed in the BP District.
7. STORAGE: In the BP Zone, the storage of materials, supplies, and products on the property outside the building, constructed thereon is permitted at the rear of the property providing that the storage of materials, supplies, and products are within an area enclosed on all sides by a solid noncombustible fence or wall at least six (6) feet in height, provided further that no goods, materials, or objects shall be stacked higher than the fence or wall.
8. WASTE: No waste material or refuse shall be dumped upon, or permitted to remain upon, any part of the part of the property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such a manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the issuance of any building permit.
9. FIRE AND EXPLOSIVE HAZARDS: Storage, utilization, or manufacture of solid materials which requires free burning and intense burning may be allowed, provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system and in accordance with Standards of American Insurance Association for Storage, Handling, and Use of Flammable Liquids, "American Insurance Association," Pamphlet No. 30, June 1959, or any subsequent revision or amendment thereto.
10. AQUIFER RECHARGE: All uses shall connect to municipal water and sewer and shall discharge at least 65% of water to the sewer.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.b.

Meeting Date: 07/23/2019

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

Department: Development Services

Item Type: Action

**Estimated length
of staff presentation:** 5 minutes

Physical location of item: North of Perkinsville Road and directly east of Jerome Junction.

AGENDA ITEM TITLE:

Consideration and possible action to adopt Ordinance No. 2019-868 rezoning 200 acres of real property located north of Perkinsville Road and east of Jerome Junction from PL (Public Land) zoning district to BP (Business Park) zoning district. (Alex Lerma, Planner)

RECOMMENDED ACTION:

Staff and Planning and Zoning Commission forward a recommendation to Town Council to adopt Ordinance 2019-868 to rezoning 200 acres of real property from PL (Public Land) zoning district to BP (Business Park) zoning district with the following condition:

1. That Town Council adopt Ordinance 2019-867 in purview to this adoption of the BP (Business Park) rezone.

SITUATION AND ANALYSIS:

See attached Staff Report

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Ordinance 2019-868
OHM Staff Report

ORDINANCE NO. 2019-868

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 200 ACRES OF REAL PROPERTY GENERALLY LOCATED APPROXIMATELY 0.4 MILES NORTH OF JEROME JUNCTIONS AND PERKINSVILLE ROAD INTERSECTION, FROM PL (PUBLIC LAND) TO BP (BUSINESS PARK) 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 ±200 acre parcel zoned PL (Public Land) to BP (Business Park); 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 approval 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 200 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 PL (Public Land) to BP (Business Park). The Property described herein shall be used in accordance with the Town of Chino Valley Unified Development Ordinance. The rezoning effectuated by this Ordinance shall be null and void, and the zoning on the property described in Exhibit 1 shall revert to the Public Land designation in the event the text amendment set forth in Ordinance 2019-867 fails to become effective, for any reason, prior to the date this Ordinance becomes effective.

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.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 23rd day of July, 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. 2019-868 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on July 23, 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. 2019-868

[Legal Description]

See following pages.

APN: 306-02-001S

The Northeast Quarter of the Northwest Quarter of Section 12, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

APN: 306-02-001U

The Northwest Quarter of the Northwest Quarter of Section 12, Township 16 North Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

APN: 306-02-001N

The Southwest Quarter of the Northwest Quarter of Section 12, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

APN: 306-02-001L

The Northwest Quarter of the Southwest Quarter of Section 12, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

APN: 306-02-001J

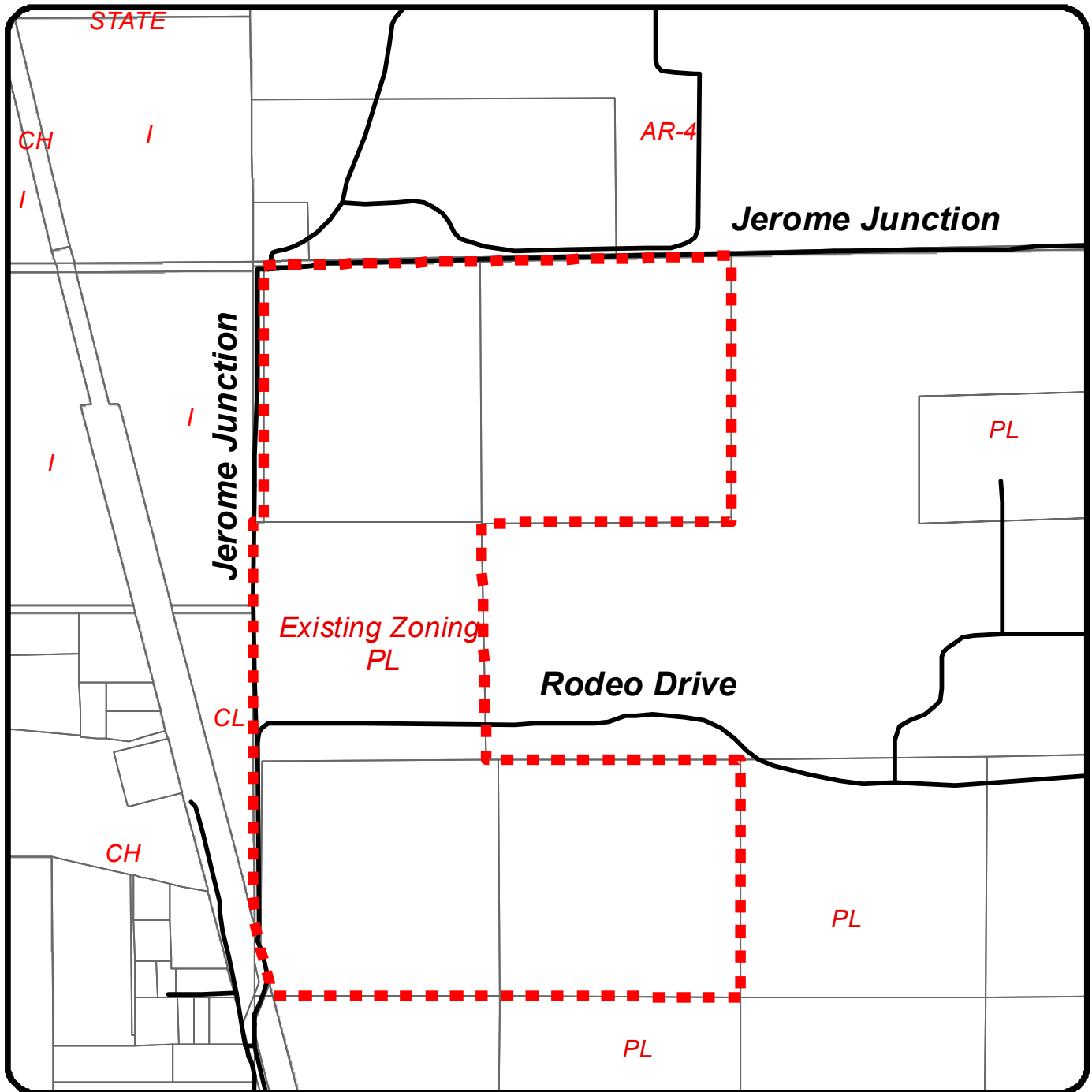
The Northeast Quarter of the Southwest Quarter of Section 12, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

EXHIBIT 2
TO
ORDINANCE NO. 2019-868

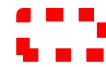
[Zoning Exhibit]

See following pages.

Zoning Exhibit 2



Z19-000003: Old Home Manor

 Subject Property
 Street Current

Applicant: Town of Chino Valley

Request: Rezone 199.59 acres from PL zoning district to BP zoning district.

Location: Approx. 0.4 Miles North of Jerome Junctions and Perkinsville Road intersection

APN: 306-02-001S, 001U, 001N, 001L, 001J



Not to Scale



TOWN OF CHINO VALLEY TOWN COUNCIL Staff Report July 23, 2019

APPLICATION SUMMARY

File Number: Z19-000003

Assessor's Parcel Number: 306-02-001S, 001U, 001N, 001L, 001J

Site Location: Located directly east of Jerome Junction.

Owners of Record: Town of Chino Valley

Applicant: Town of Chino Valley

Request: Request to rezone approximately 200 acres of real property from PL (Public Land) to BP (Business Park).

SITE DATA

Existing Zoning	PL (Public Land)
Lot Size	200 acres (8,712,000 square feet)
Subdivision	N/A
General Plan Land Use Designation	Employment Park/ Commercial Recreation/ Education/ Public Services
Existing Land Use	Vacant

AREA	ZONING	GENERAL PLAN LAND USE DESIGNATION	LAND USE
North	AR-4	Future Growth Area: Industrial/ Agri-business/ Contained Planned Community	Arizona Public Service Company
East	PL	Employment Park/ Commercial Recreation/ Education/ Public Services	Yavapai College, Chino Valley Equestrian Park
South	PL	Commercial	Vacant
West	I, CL, CH	Commercial	Vacant, Commercial Properties

BACKGROUND

SITE DESCRIPTION

The subject property is located north of Perkinsville Road and directly east of Jerome Junction. The property is accessed by North Jerome Junction. The site has a zoning classification of PL (Public Land) and identified with a Land Use Designation of Employment Park/ Commercial Recreation/ Education/ Public Services. Currently there are no improvements on the site. **(See Attachment 1: Vicinity Map)**

The area is predominantly lower density single family residential development, public land and commercial development further west. The properties directly north are zoned AR-4 (Agricultural Residential-4 Acre Minimum) with a public services and vacant land. To the east, properties are zoned PL (Public Land) with Yavapai College and Chino Valley Equestrian Park. The south properties are zoned PL (Public Land) and are currently vacant. To the west, properties are zoned I (Industrial), CL (Commercial Light) and CH (Commercial Heavy) with vacant land and commercial properties. **(See Attachment 2: Zoning Map)**

PROJECT DESCRIPTION

The Town of Chino Valley owns a substantial amount of land east of Jerome Junction. 200 acres of that Town owned land has been set aside for an employment base/Business Park as identified in the Land Use Element section of the General Plan. The land designated for the Business Park is made up of 5 separate parcels and combined make up 200 acres. In order to reach the Town's vision to make this area into a Business Park, staff needs to initiate a zone change of the properties. Based on the Town's zoning regulations, the areas current PL (Public Land) zoning district's permitted uses are not aligned with the type of uses the Town foresees for the Business Park. Having the right zoning classification will better facilitate the types of business the Town wants to attract and locate in the Business Park. The Town is proposing to rezone 200 acres of land to the new BP (Business Park) zoning district.

CITIZENS REVIEW & PUBLIC HEARING PROCESS

Town Staff notified property owners within a 300' radius, resulting in eleven (11) notices for the neighborhood meeting and public hearings. To date, staff has not received any email or comments from any property owners.

The neighborhood meeting was held on February 25, 2019 at the Community Center. There was one resident who attended the meeting. The resident lives near Old Home Manor and was for the adoption of the proposed zoning district. He hopes the proposed zoning district will attract new businesses to the area.

PLANNING COMMISSION HEARING AND RECOMMENDATION

The Planning and Zoning Commission meeting was held on May 7, 2019 at Town Hall. Staff gave a brief overview of the parcel history and staff findings. Staff discussed the goals set by the General Plan for the OHM and the designation of a business park. Staff further stated that the request for the rezone would be the first step in achieving the General Plan goal.

The Commission wanted clarification on what arterial streets the development would be accessed by and wanted clarification on what curtain buildings were being used for in the general area.

Vote: **7-0 Passed**

TOWN COUNCIL JUNE 11, 2019 PUBLIC HEARING

The item went before Town Council on June 11, 2019. Staff gave a brief overview of their findings and analysis of the request. Staff also gave an account of the Planning Commission Meeting. Due to the fact that Council requested that Business Park zoning district text amendment item go to study session for further discussion, this item did not receive a motion. The item will go again before council on July 23, 2019.

STAFF ANALYSIS AND RECOMMENDATION

The zoning request of BP (Business Park) will be in conformance with the areas General Plan land use designation of Employment Park/ Commercial Recreation/ Education/ Public Services. (**See Attachment 3: General Plan Map**) The Land Use Element section of the General Plan (page 13 and 14) discuss future growth areas in the eastern portion of Town. Among these future growth areas is the East Perkinsville Road Gateway/ Regional Connector Extension, OHM (Old Home Manor) is located within this growth area. This section of the General Plan provides direction on the future uses OHM may contain. The subject property is identified as an Industrial park/employment base, on west 200 acres. The Business Park zoning classification will allow the Town to meet these goal set by the General Plan.

The new BP (Business Park) zoning district will allow the Town to take a step forward in attracting the type of uses and businesses that were foreseen during the adoption of the General Plan. The Business Park development standard will allow the Town to regulate any business that is located at Chino Valley Regional Business Park at Old Home Manor.

The site will have access by way of two arterial street, by way of East Perkinsville Road or Jerome Junction. The Business Park will be connected to Town utilities, an existing 12" gravity main and a 12" water main both located along Jerome Junction. The Town business park will need to abide by all Business Park zoning district development standards including perimeter landscaping and screening.

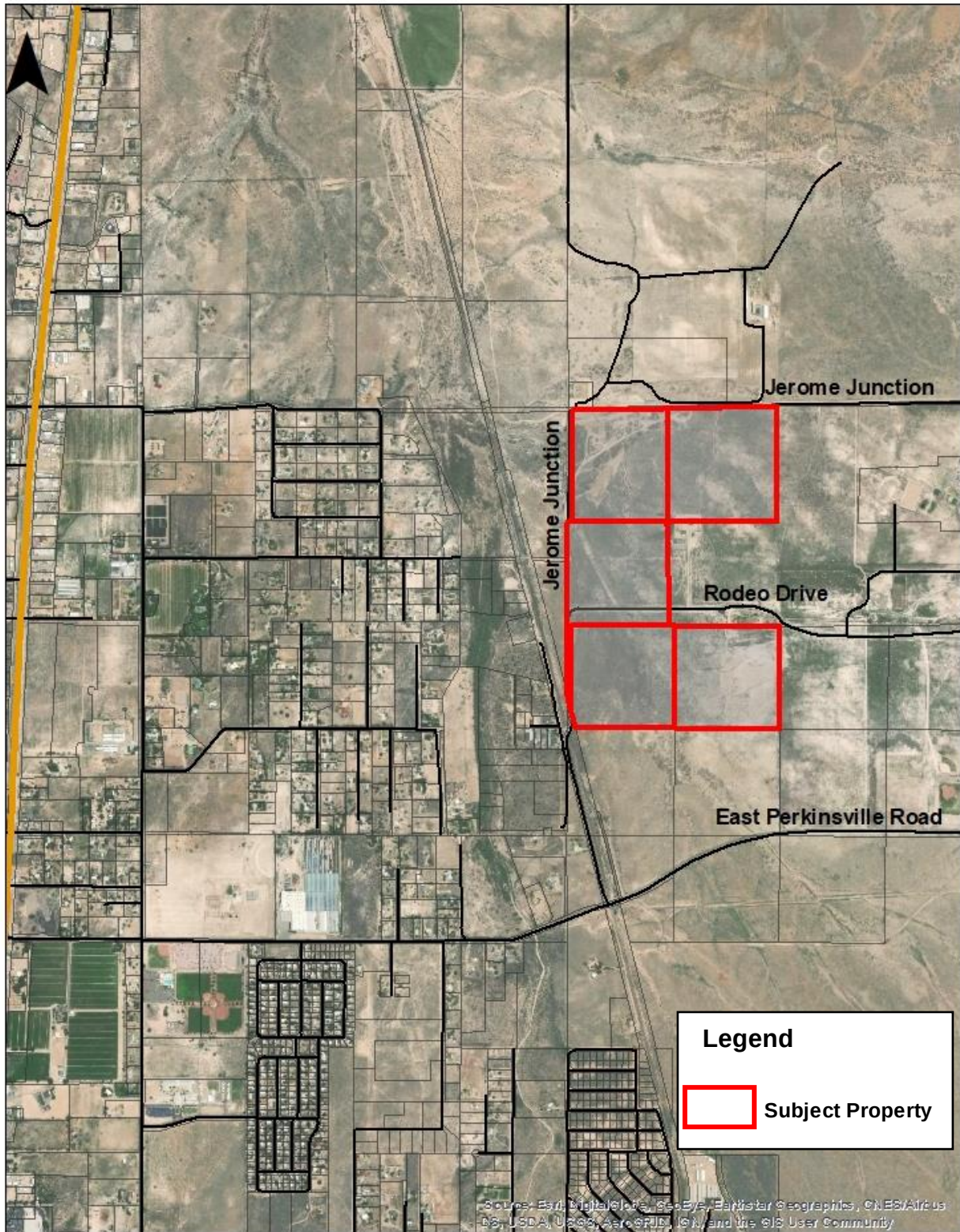
RECOMMENDATION ON REQUESTED REZONE

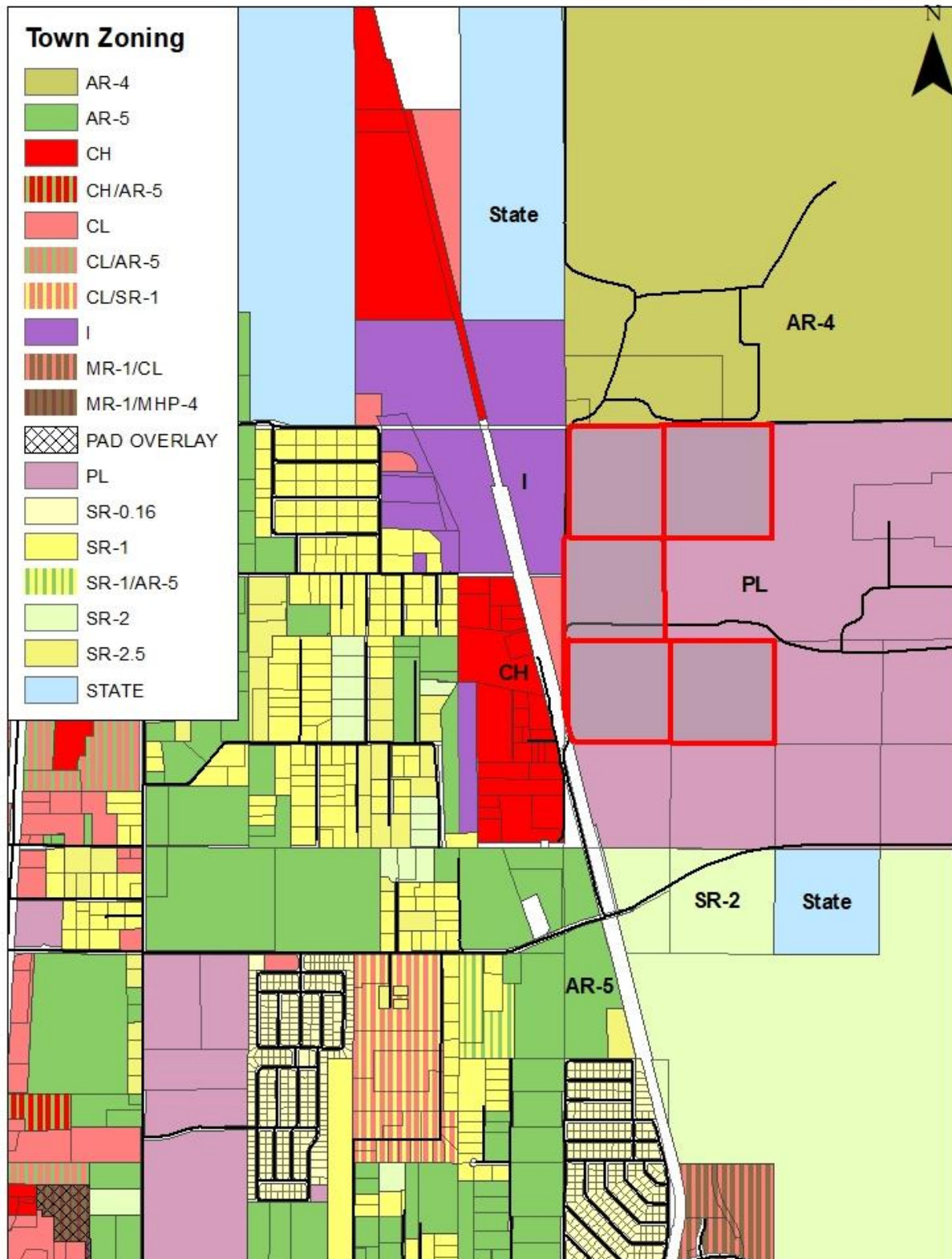
Staff and Planning and Zoning Commission forward a recommendation to Town Council adopt Ordinance 2019-868 to rezoning 200 acres of real property from PL (Public Land) zoning district to BP (Business Park) zoning district with the following condition:

- 1) That Town Council adopt Ordinance 2019-867 in purview to this adoption of the BP (Business Park) rezone.

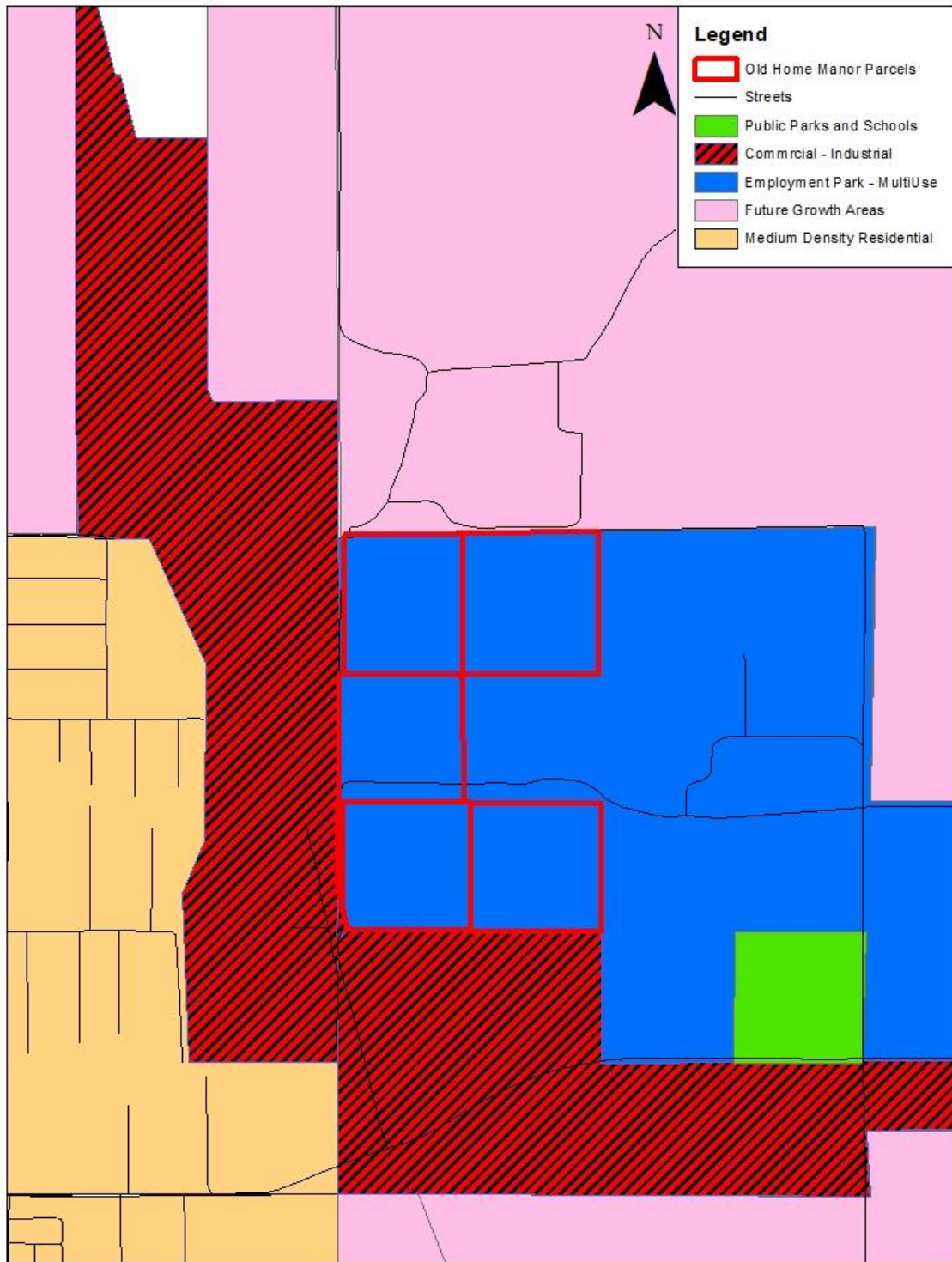
ATTACHMENTS

VICINITY MAP



VICINITY MAP

GENERAL PLAN LAND USE MAP





TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.c.

Meeting Date: 07/23/2019
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Item Type: Action
Estimated length of staff presentation: None
Physical location of item: Lucys Place, 3020 N Hwy 89, Chino Valley

AGENDA ITEM TITLE:

Consideration and possible action to: (i) Hold a Public Hearing regarding application from Gregory Collins for the Acquisition of Control of an existing Series 6 (Bar) Liquor License for Lucys Place, located at 3020 N Hwy 89, Chino Valley; and (ii) Take no action or protest the change of ownership to the Arizona Department of Liquor Licenses and Control.

RECOMMENDED ACTION:

(i) Hold Public Hearing and (ii) Take no action on the Lucys Place acquisition of control.

SITUATION AND ANALYSIS:

Acquisition of Control

A.R.S. § 4-203.F provides that:

"If a person other than those persons originally licensed acquires control over a license or licensee, the person shall file notice of the acquisition with the director within thirty business days after such acquisition of control and a list of officers, directors or other controlling persons on a form prescribed by the director. All officers, directors or other controlling persons shall meet the qualifications for licensure as prescribed by this title. On request, the director shall conduct a pre-investigation before the assignment, sale or transfer of control of a license or licensee, the reasonable costs of which, not to exceed one thousand dollars, shall be borne by the applicant. The pre-investigation shall determine whether the qualifications for licensure as prescribed by this title are met. On receipt of notice of an acquisition of control or request of a pre-investigation, the director shall forward the notice within fifteen days to the local governing body of the city or town, if the licensed premises is in an incorporated area, or the county, if the licensed premises is in an unincorporated area. The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. If the director does not receive any protests, the director may protest the acquisition of control or approve the acquisition of control based on the capability, reliability and qualification of the person acquiring control. Any protest shall be set for a hearing before the board. Any transfer shall be approved or disapproved within one hundred five days of the filing of the notice of acquisition of control. The person who has acquired control of a license or licensee has the burden of an original application at the hearing, and the board shall make its determination pursuant

to section 4-202 and this section with respect to capability, reliability and qualification."

Lucys Place has applied with the State for an Acquisition of Control of the Series 6 (Bar) Liquor License, by proposing to change the ownership from Greg Collins and David Zook (50% members each) to Greg Collins and Kim Stam (50% each).

Applicable Council Action

A.R.S. § 4-203.F provides that the local governing body has the option to protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. Upon reviewing the material provided by the Department of Liquor Licenses and Control, and conducting a public hearing, the Council will meet the statute's requirements by either directing staff to file a protest or taking no action.

Staff Review

The Police, Zoning, and Customer Service departments reviewed the application and offered no comments. Staff posted the establishment with the necessary notices to meet the required 20-day period from June 25 through July 23, 2019. **As of the date of this report, staff has not received any written arguments in favor of or in opposition to the application.** Based on the departmental review of the application, staff recommends that Council vote to take no action.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Application

State of Arizona
Department of Liquor Licenses and Control

Created 06/12/2019 @ 11:29:31 AM

Local Governing Body Report

LICENSE

Number:	06130065	Type:	006 BAR
Name:	LUCYS PLACE		
State:	Pending		
Issue Date:		Expiration Date:	08/31/2019
Original Issue Date:	10/01/1934		
Location:	3020 N HWY 89 CHINO VALLEY, AZ 86323 USA		
Mailing Address:	PO BOX 2287 CHINO VALLEY, AZ 86323 USA		
Phone:	(928)636-7314		
Alt. Phone:			
Email:	KIMSTAMAZ@GMAIL.COM		

Currently, this license has pending applications.

AGENT

Name:	GREGORY STEPHEN COLLINS
Gender:	Male
Correspondence Address:	PO BOX 2287 CHINO VALLEY, AZ 86323 USA
Phone:	(928)636-7314
Alt. Phone:	
Email:	SIMSTAMAZ@GMAIL.COM

OWNER

Name:	LUCYS PLACE LLC		
Contact Name:	GREGORY STEPHEN COLLINS		
Type:	LIMITED LIABILITY COMPANY		
AZ CC File Number:	L11391362	State of Incorporation:	AZ
Incorporation Date:			
Correspondence Address:	PO BOX 2287 CHINO VALLEY, AZ 86323 USA		
Phone:	(928)636-7314		
Alt. Phone:			
Email:	KIMSTAMAZ@GMAIL.COM		

Officers / Stockholders

Name:	Title:	% Interest:
-------	--------	-------------

GREGORY STEPHEN COLLINS
KIMBERLY ELAINE STAM

MANAGING MEMBER 50.00
MANAGING MEMBER 50.00

LUCYS PLACE LLC - MANAGING MEMBER

Name: GREGORY STEPHEN COLLINS
Gender: Male
Correspondence Address: PO BOX 2287
CHINO VALLEY, AZ 86323
USA
Phone: (928)636-7314
Alt. Phone:
Email: KIMSTAMAZ@GMAIL.COM

LUCYS PLACE LLC - MANAGING MEMBER

Name: KIMBERLY ELAINE STAM
Gender: Female
Correspondence Address: PO BOX 2287
CHINO VALLEY, AZ 86323
USA
Phone: (928)533-0407
Alt. Phone:
Email: KIMSTAMAZ@GMAIL.COM

APPLICATION INFORMATION

Application Number: 67507
Application Type: Acquisition of Control
Created Date: 06/12/2019

QUESTIONS & ANSWERS

006 Bar

- 4) Have you submitted a questionnaire? Each person listed must submit a questionnaire and mail in a fingerprint card along with a \$22. processing fee per card.
Yes
- 5) Is the Business located within the incorporated limits of the city or town of which it is located?
Yes
- 6) Does the Business location address have a street address for a City or Town but is actually in the boundaries of another City, Town or Tribal Reservation?
No



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.d.

Meeting Date: 07/23/2019

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

Department: Development Services

Item Type: Action

**Estimated length
of staff presentation:** 5 minutes

Physical location of item: Located 0.33-mile north of the northeast corner of Road 2 North and State Route 89 at 1351 North State Route 89.

AGENDA ITEM TITLE:

Consideration and possible action regarding a request for a Conditional Use Permit to allow the use of automotive repair and automobile sales within the CL (Commercial Light) zoning district. The one (1) acre property is located .33-mile north of the northeast corner of Road 2 North and State Route 89 at 1351 North State Route 89. (Alex Lerma, Planner)

RECOMMENDED ACTION:

Staff and Planning and Zoning Commission forward a recommendation of approval to Town Council to approve a Conditional Use Permit to allow the use of automotive repair and automobile sales on a one (1) acre site within the CL (Commercial Light) zoning district with the following condition:

1. No more than 10 vehicles will be on site at any given time for sale or repair purposes.
2. Applicant will comply with all ADOT requirements
3. Additional landscaping shall be located to the rear of the property abutting residential usage.
4. A 3-foot wall shall be constructed along the front property line for street view screening purposes.
5. All vehicle repair shall be done within an enclosed building.
6. All vehicles not being displayed for sale shall be screened from public view.

SITUATION AND ANALYSIS:

See attached Staff Report.

Fiscal Impact

Fiscal Impact?: N/A

If Yes, Budget Code:

Available:

Funding Source:

Fiscal Impact?: N/A

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Federwisch Staff Report

Federisch Site Plan

Federwisch CUP Letter



**TOWN OF CHINO VALLEY
TOWN COUNCIL
Staff Report July 23, 2019**

APPLICATION SUMMARY

File Number: C19-000001

Assessor's Parcel Number: 306-20-036A

Site Location: Located 0.33-mile north of the northeast corner of Road 2 North and State Route 89 at 1351 North State Route 89.

Owners of Record: Federwisch Rh & Rm Living Trust & Federwisch Roberta MTtee R

Applicant: Raymond Federwisch

Request: Request for a Conditional Use Permit to allow the use of automotive repair and automobile sales within the CL (Commercial Light) zoning district.

SITE DATA

Existing Zoning	CL (Commercial Light)
Lot Size	One (1) acre (43,560 square feet)
Subdivision	N/A
General Plan Land Use Designation	Potential Community Core
Existing Land Use	Vacant

AREA	ZONING	GENERAL PLAN LAND USE DESIGNATION	LAND USE
North	CH/AR-5	Commercial/ Multi-Family Residential	Rogers Automotive, Residential
East	CL	Commercial/ Multi-Family Residential	Vacant
South	CL, CL/AR-5	Commercial/ Multi-Family Residential	Mary's Cozy Home Furnishings, Chino Rentals
West	CL	Commercial/ Multi-Family Residential	Prime Rose Inn & RV, Stor-It mini storage

BACKGROUND

SITE DESCRIPTION

The subject property is located 0.33-miles north of the northeast corner of Road 2 North and State Route 89 at 1351 North State Route 89. The property has ingress and egress from State Route 89. The site has a zoning classification of CL (Commercial Light) and is identified with a Land Use Designation of Community Core. There are three buildings on site, a commercial building in the front, an accessory building and a residence to the rear of the property. **(See Attachment 1: Vicinity Map)**

The area is predominantly commercial development with some residential uses. The properties directly north are zoned CH/AR-5 (Commercial Heavy/ Agricultural Residential- 5 Acre Minimum) with Rogers Automotive auto repair and a residence. To the east, the property is zoned CL (Commercial Light) and is currently vacant. The southern properties are zoned CL (Commercial Light) with Mary's Cozy Home Furnishings and Chino Rentals, both commercial retail establishments. To the west, properties are zoned CL (Commercial Light) with Prime Rose Inn & RV and Stor-It mini storage. **(See Attachment 2: Zoning Map)**

PROJECT DESCRIPTION

The applicant is requesting a CUP (Conditional Use Permit) to allow the use of automotive repair and automobile sales within the CL (Commercial Light) zoning district. The proposed business will be using the existing structure on the east side of the property to conduct business. The applicant will be buying, repairing, and selling used vehicles to the public. Due to the fact that the applicant will be offering catered services to customers, the business will only have five to ten vehicles in inventory at any given time. The applicant will be occupying the residence at the rear of the property while the building in the middle will be used for the automotive repair purposes. The vehicles will be displayed at the front of the property for sale purposes. **(See Attached 3: Site Plan)**

CITIZENS REVIEW & PUBLIC HEARING PROCESS

Town Staff notified property owners within a 300' radius, resulting in ten (10) notices for the neighborhood meeting and public hearings. To date, staff has not received any email or comments from any property owners.

The neighborhood meeting was held on June 12, 2019 at Town Hall. There were no attendees at said meeting.

PLANNING COMMISSION HEARING AND RECOMMENDATION

The Planning and Zoning Commission meeting was held July 2, 2019 at Town Hall. Staff gave a brief overview of the areas current conditions, parcel history and staff findings. Staff indicated that the applicant was requesting a Conditional Use Permit in order to use the property for auto repair and a sale of automobiles. Staff also discussed improvements that will be required of the site in order to move forward.

The Commission needed clarification on that auto repair aspect of the project, the applicant stated that the auto repair would only be for the company vehicles and not a public auto repair business. The applicant stated that staff encouraged him to use a dust free surface for the parking area, but had planned to use AB material for the parking area and add millings to the surface when they could.

The Planning and Zoning Commission forwarded a recommendation of approval for the CUP to Town Council with the conditions recommended by staff.

Vote: **7-0 Passed**

STAFF ANALYSIS AND RECOMMENDATION

Approval of a Conditional Use Permit will maintain the CL (Commercial Light) zoning on this property, which is more in line with the area's General Plan land use designation of Potential Community Core. (See **Attachment 4: General Plan Map**)

Section 3.15.C.2 of the UDO (Unified Development Ordinance) lists the use of *new and used automobile sales including light truck, and recreational vehicle sales*, as an allowed use in the CL zoning district only with a CUP. The other requested use of automotive repair is not a use allowed by right in current zoning district. Section 3.15.B.13 list *small engine repair and similar shops where all work is done inside enclosed walls of a building*, as a permitted use. Staff has interpreted that this is not to include automotive repair but instead lawnmowers, generators, chainsaws, snow blowers etc. However, since automotive repair is not a use identified in the UDO and the intensity and impact on surrounding properties will be greater than small engine repair, the Zoning Administrator has interpreted that such use will only be permitted on site with a CUP.

Through site plan review, staff will be requesting additional improvements to the site. The applicant will need to locate additional landscaping along the rear property line abutting a residential property. In addition, per section 4.22.5.B.1, a 3-foot wall will need to be constructed along the front property line for street view screening purposes. ADOT has also requested that the applicant redesign both driveways for dual access.

RECOMMENDATION ON REQUESTED REZONE

Staff and Planning and Zoning Commission forward a recommendation of approval to Town Council to approve a Conditional Use Permit to allow the use of automotive repair and automobile sales on a one (1) acre site within the CL (Commercial Light) zoning district with the following conditions:

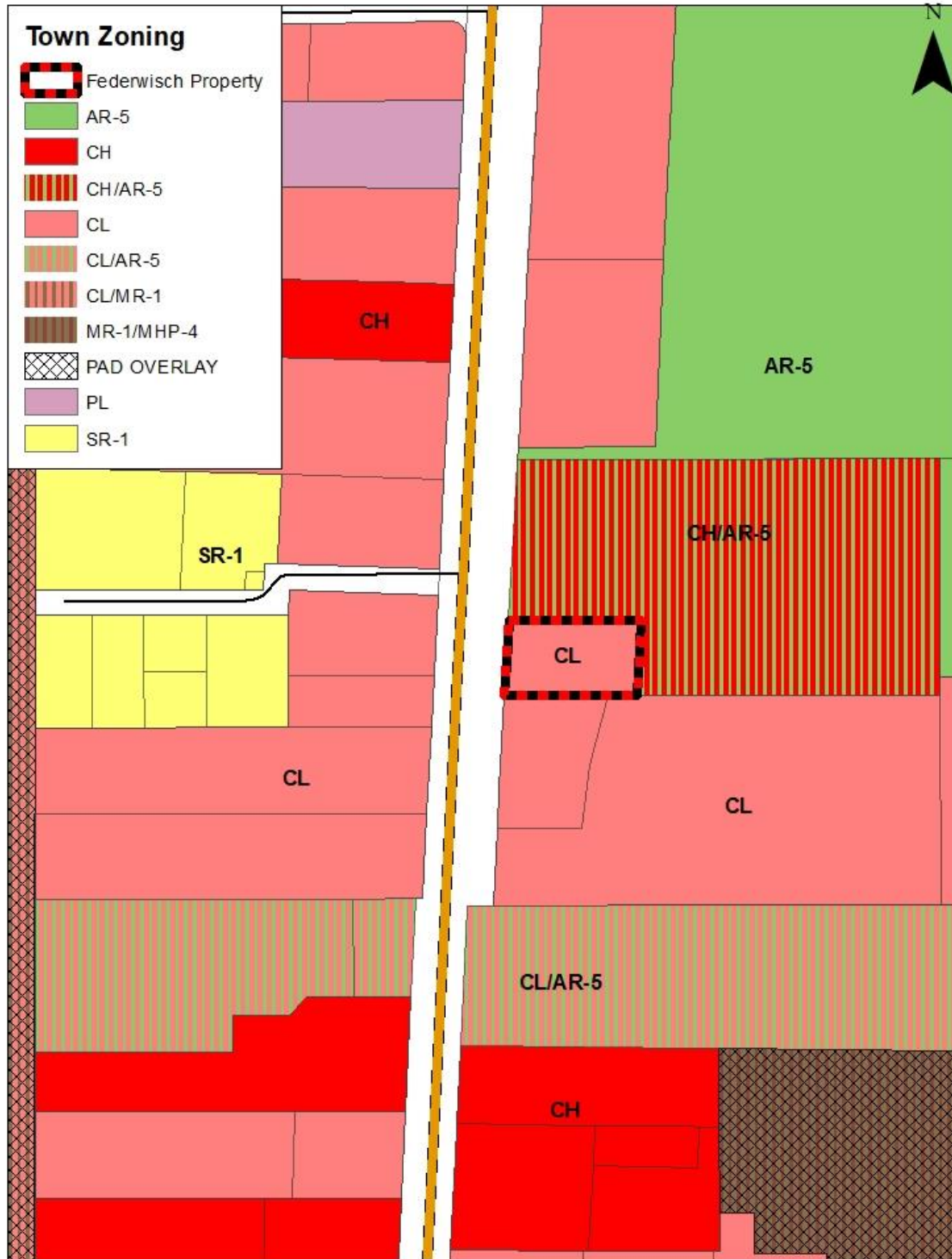
- 1) No more the 10 vehicles will be on site at any given time for sale or repair purposes.
- 2) Applicant will comply with all ADOT requirements
- 3) Additional landscaping shall be located to the rear of the property abutting residential usage.
- 4) A 3 foot wall shall be constructed along the from property line for street view screening purposes.
- 5) All vehicle repair shall be done within an enclosed building.
- 6) All vehicles not being displayed for sale shall be screened from public view.

ATTACHMENTS

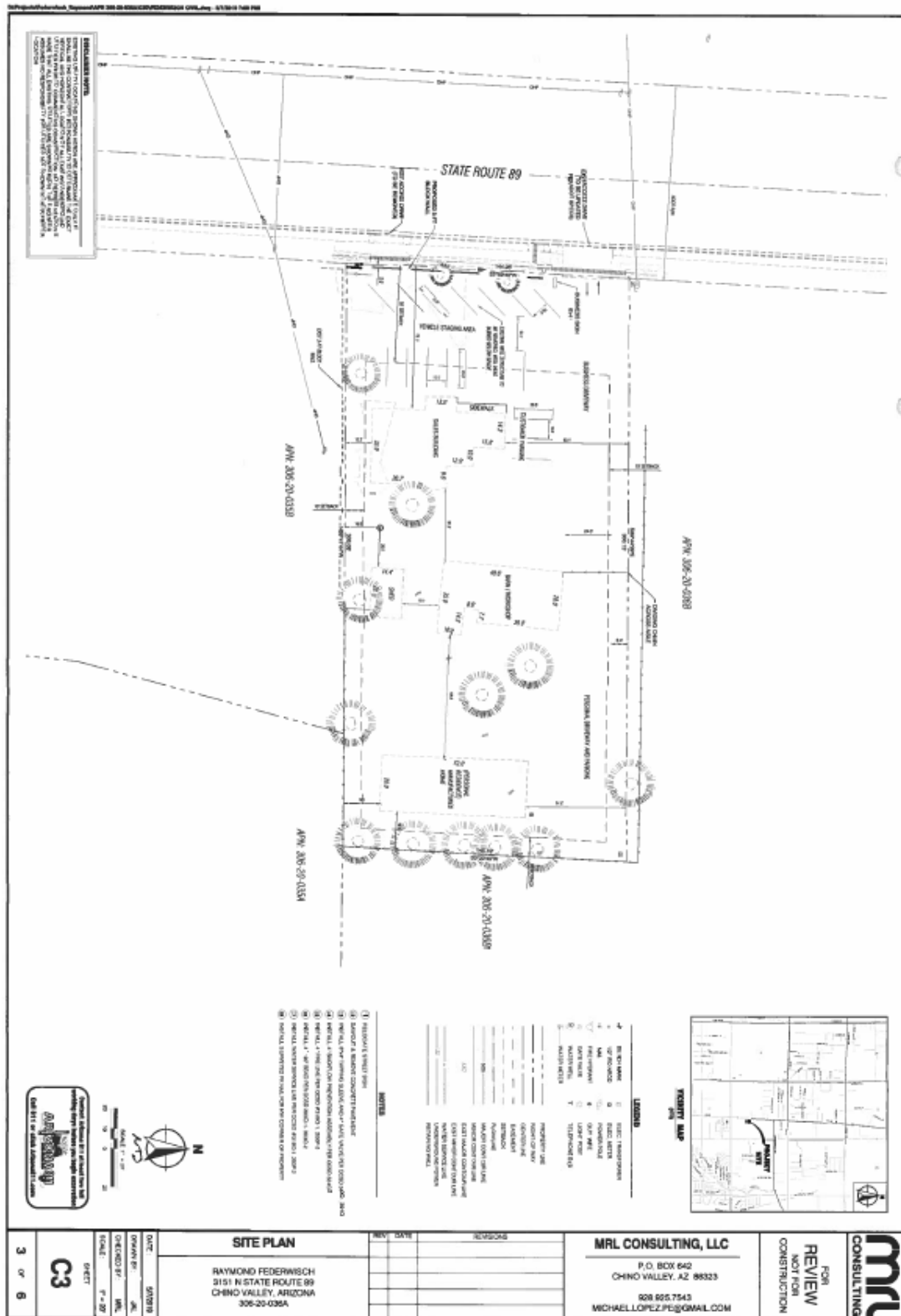
VICINITY MAP

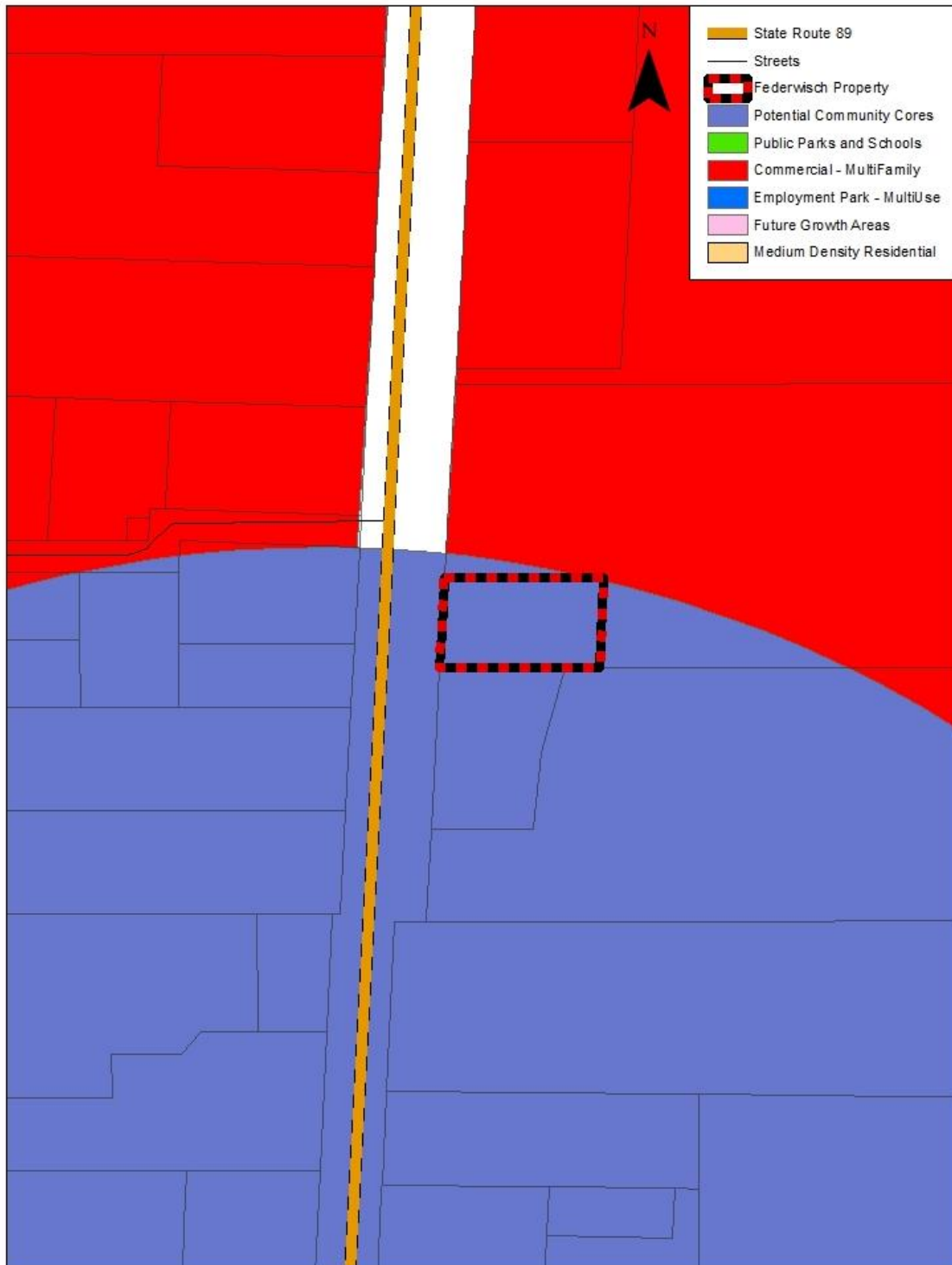


ZONING MAP



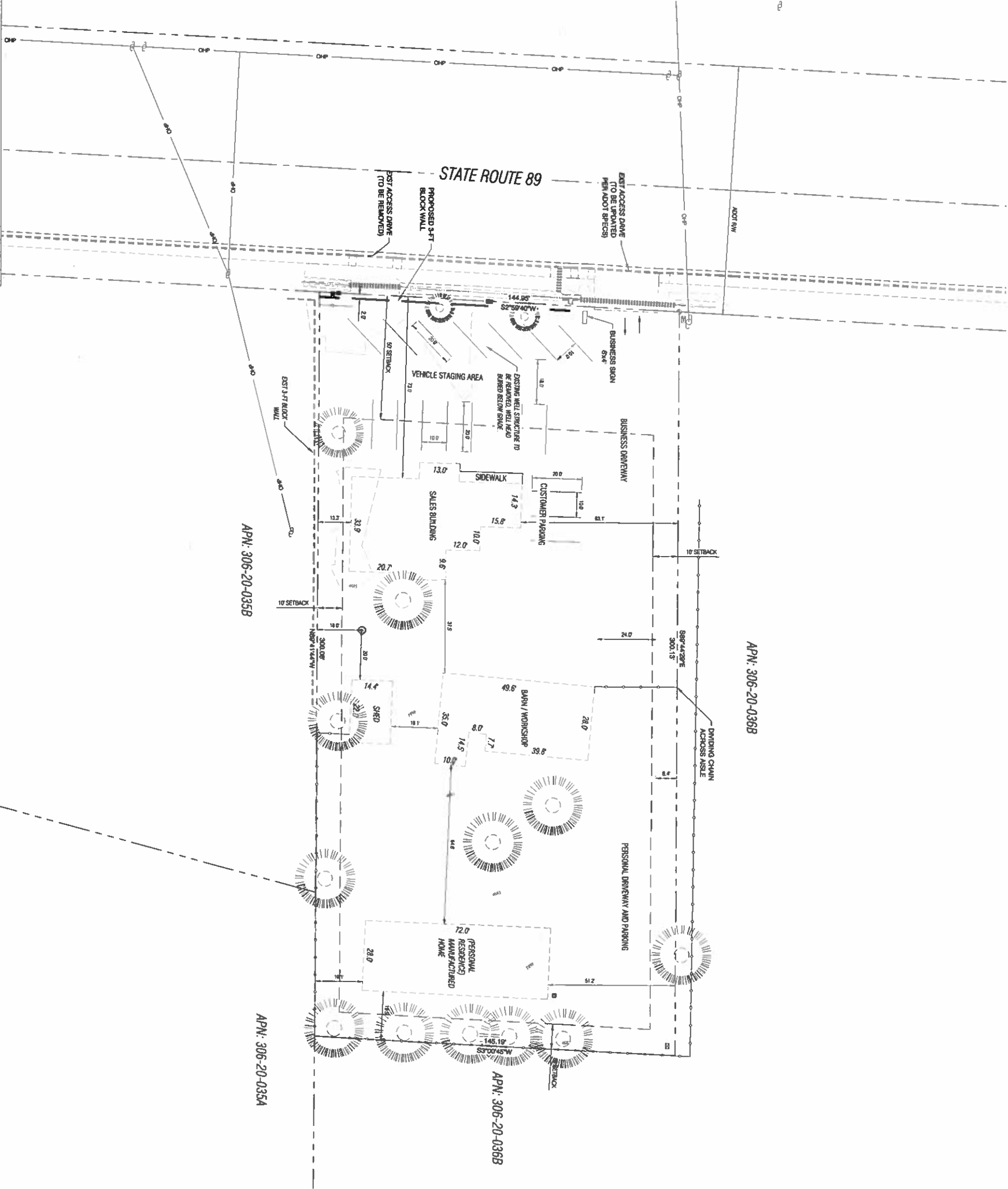
SITE PLAN



GENERAL PLAN LAND USE MAP

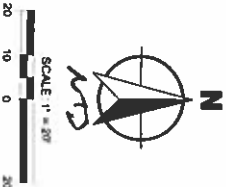
D:\Projects\Federwisch_Raymond\APN 306-20-036A\C30\FEDERWISCH CIVIL.dwg - 5/7/2019 7:08 PM

DISCLAIMER NOTE:
EXISTING UTILITY LOCATIONS SHOWN HEREON ARE APPROXIMATE ONLY. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT VERTICAL AND HORIZONTAL LOCATION OF ALL EXISTING UNDERGROUND UTILITIES PRIOR TO COMMENCING CONSTRUCTION. NO REPRESENTATION IS MADE THAT ALL EXISTING UTILITIES ARE SHOWN HEREON. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR UTILITIES NOT SHOWN IN THEIR PROPER LOCATION.



LEGEND	
	BENCHMARK
	1/2\"/>
	ELEC. TRANSFORMER
	ELEC. METER
	POWER POLE
	GUY WIRE
	FIRE HYDRANT
	GATE VALVE
	LIGHT POST
	WATER WELL
	TELEPHONE BOX
	WATER METER
	PROPERTY LINE
	RIGHT-OF-WAY
	CENTERLINE
	EASEMENT
	SETBACK
	FLOWLINE
	MAJOR CONTOUR LINE
	MINOR CONTOUR LINE
	EXIST. MAJOR CONTOUR LINE
	EXIST. MINOR CONTOUR LINE
	WATER SERVICE LINE
	UNDERGROUND POWER
	RETAINING WALL

- NOTES**
1. RELOCATE STREET SIGN
 2. SAWCUT & REMOVE CONCRETE PAVEMENT
 3. INSTALL 6\"/>
 4. INSTALL 4\"/>
 5. INSTALL 4\"/>
 6. INSTALL 4\"/>
 7. INSTALL WATER SERVICE LINE PER CCSD #3100-1, 2008-2
 8. INSTALL SURFED PV WALL FOR NW CORNER OF PROPERTY



FOR REVIEW NOT FOR CONSTRUCTION	mrl CONSULTING	MRL CONSULTING, LLC		P.O. BOX 642 CHINO VALLEY, AZ 86323	
		928.925.7543 MICHAEL.LOPEZ.PE@GMAIL.COM			
SITE PLAN		RAYMOND FEDERWISCH 3151 N STATE ROUTE 89 CHINO VALLEY, ARIZONA 306-20-036A		REVISIONS	
DATE: 5/7/2019		DRAWN BY: JAL		REV	
CHECKED BY: MRL		SCALE: 1" = 20'		DATE	
SHEET		C3		3 OF 6	



Development Services Department
1982 Voss Drive #203
Chino Valley, AZ 86323

Phone number: (928) 636-4427
Fax number: (928) 636-6937
www.chinoaz.net

July 23, 2019

Raymond Federwisch
1351 North State Route 89
Chino Valley, AZ 86323

RE: Conditional Use Permit (C19-001)
Automotive repair and automobile sales in the CL (Commercial Light) zoning district

On July 23, 2019, the Chino Valley Town Council approved a Conditional Use Permit in the above-referenced case for approximately 1 acres of property located at 1351 North State Route 89, as shown on Exhibits 1 (legal description) and 2 (map), which are attached hereto and incorporated herein. The minutes from the Town Council meeting are available from the Town Clerk or online at chinoaz.net.

The Conditional Use Permit will allow the use of automotive repair and automobile sales in the CL (Commercial Light) zoning district. The use and operation permitted by the Use Permit shall substantially conform to the Design Plan, attached hereto and incorporated herein as Exhibit 3.

This Use Permit is subject to the following conditions:

- 1) No more the 10 vehicles will be on site at any given time for sale or repair purposes.
- 2) Applicant will comply with all ADOT requirements
- 3) Additional landscaping shall be located to the rear of the property abutting residential usage.
- 4) A 3 foot wall shall be constructed along the from property line for street view screening purposes.
- 5) All vehicle repair shall be done within an enclosed building.
- 6) All vehicles not being displayed for sale shall be screened from public view.

This Use Permit is subject to all limitations set forth in the Chino Valley Unified Development Ordinance and in this Use Permit, including termination and/or revocation. The effective date of this Use Permit is the date upon which the final site plan is approved by the Development Service Director or designee.

Please ensure that all public hearing notice signs installed on the site, if any, are removed immediately.



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Chino Valley, AZ 86323

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If you have any questions regarding this Use Permit, please contact Alejandro Lerma at 928-636-2646 Ext. 1295 or by email at alerma@chinoaz.net.

Sincerely,

Alejandro Lerma
Planner

Enclosure (Exhibits):

1. Legal Description
2. Map
3. Site Plan



Development Services Department
1982 Voss Drive #203
Chino Valley, AZ 86323

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Exhibit 1 – Legal Description

DRAFT



Development Services Department
1982 Voss Drive #203
Chino Valley, AZ 86323

Phone number: (928) 636-4427
Fax number: (928) 636-6937
www.chinoaz.net

Legal Description

All that portion of Tract 55 in Section 15, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the Southeast corner of Section 15 marked with a one-half inch iron pipe set 18 inches below the road surface that lays South $00^{\circ} 12' 00''$ East (basis of bearing) 5233.88 feet from a General Land Office brass capped pipe monument at the Northeast corner of Tract 55 also set 18" below the road surface; thence North $00^{\circ} 12' 00''$ West 1320.88 feet (1320 feet record per Deed in Book 1288, Page 742, Yavapai County Recorder's Office) along the East line of Section 15 to a point at the Southeast corner of Tract 55; thence South $89^{\circ} 58' 00''$ West 1320.11 feet to a General Land Office brass capped pipe monument at the corner of Tracts 54 and 56 and on the South line of Tract 55; thence South $89^{\circ} 51' 08''$ West 483.68 feet on the line between the above Tract corner and the Southwest corner of Tract 55 which is a General Land Office brass capped pipe monument, to the Easterly Right-of-Way of U.S. Highway 89 (Right-of-way as of this date November 1991) marked with a one-half inch rebar; thence North $02^{\circ} 38' 26''$ East 404.67 feet (North $02^{\circ} 54'$ East 404.8 feet record per Deed Book 1288, page 742) along said Right-of-way to a one-half inch rebar and the TRUE POINT OF BEGINNING; thence North $02^{\circ} 38' 26''$ East 145.00 feet to a one-half inch rebar; thence North $89^{\circ} 54' 14''$ East 300.00 feet to a one-half inch rebar; thence South $02^{\circ} 38' 26''$ West 145.00 feet to a one-half inch rebar on the North of that parcel described in Book 1288, page 742; thence South $89^{\circ} 54' 14''$ West 300.00 feet to the TRUE POINT OF BEGINNING.



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Exhibit 2 – Map

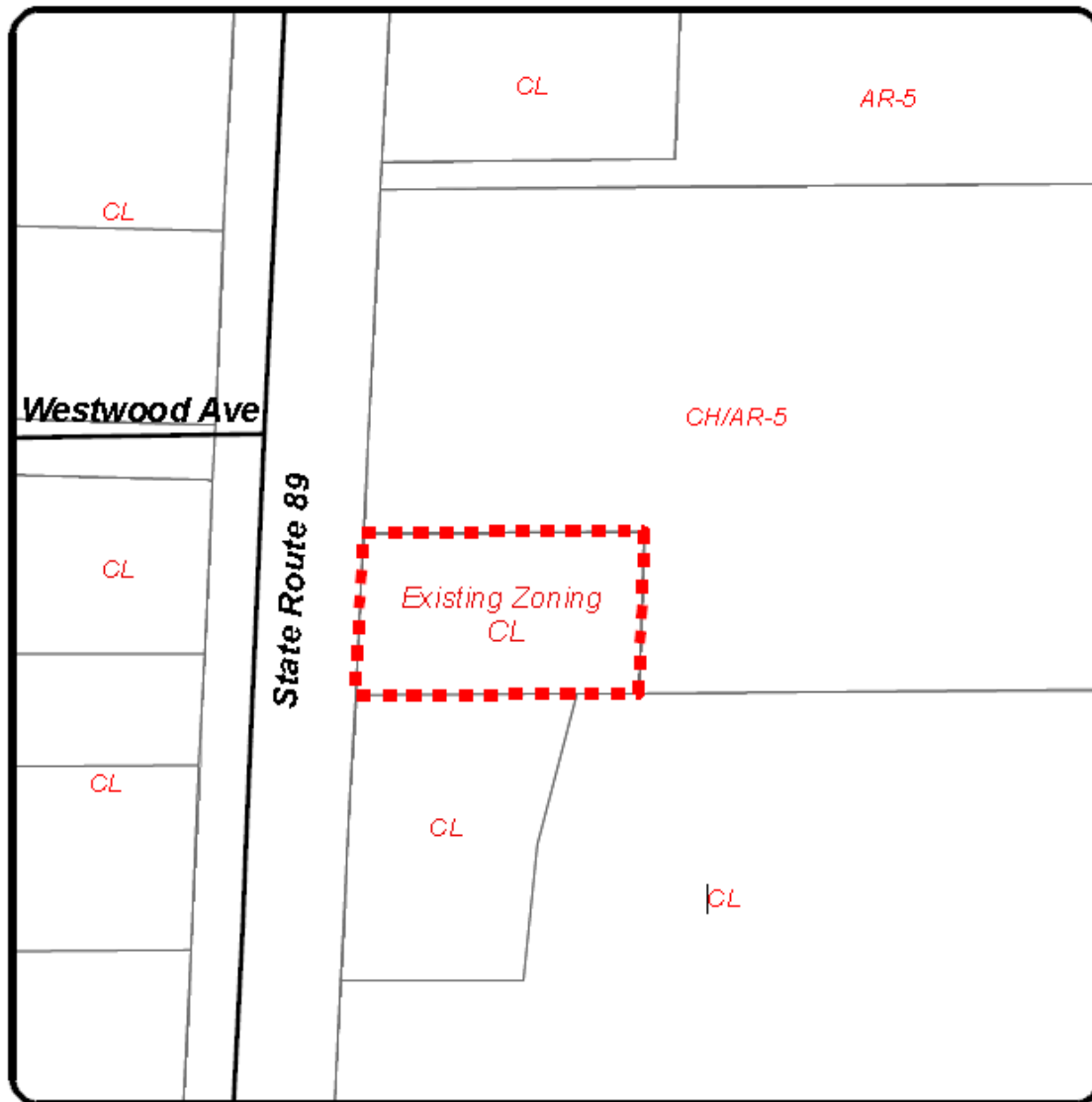
DRAFT



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EXHIBIT 2



C19-000001: Federwisch

Applicant: Raymond M Federwisch

Request: Repair and sale of used vehicles

Location: Two addresses 1349 & 135 North State Route 89

APN: 306-20-036A

 Subject Property
 Street Current



Not to Scale



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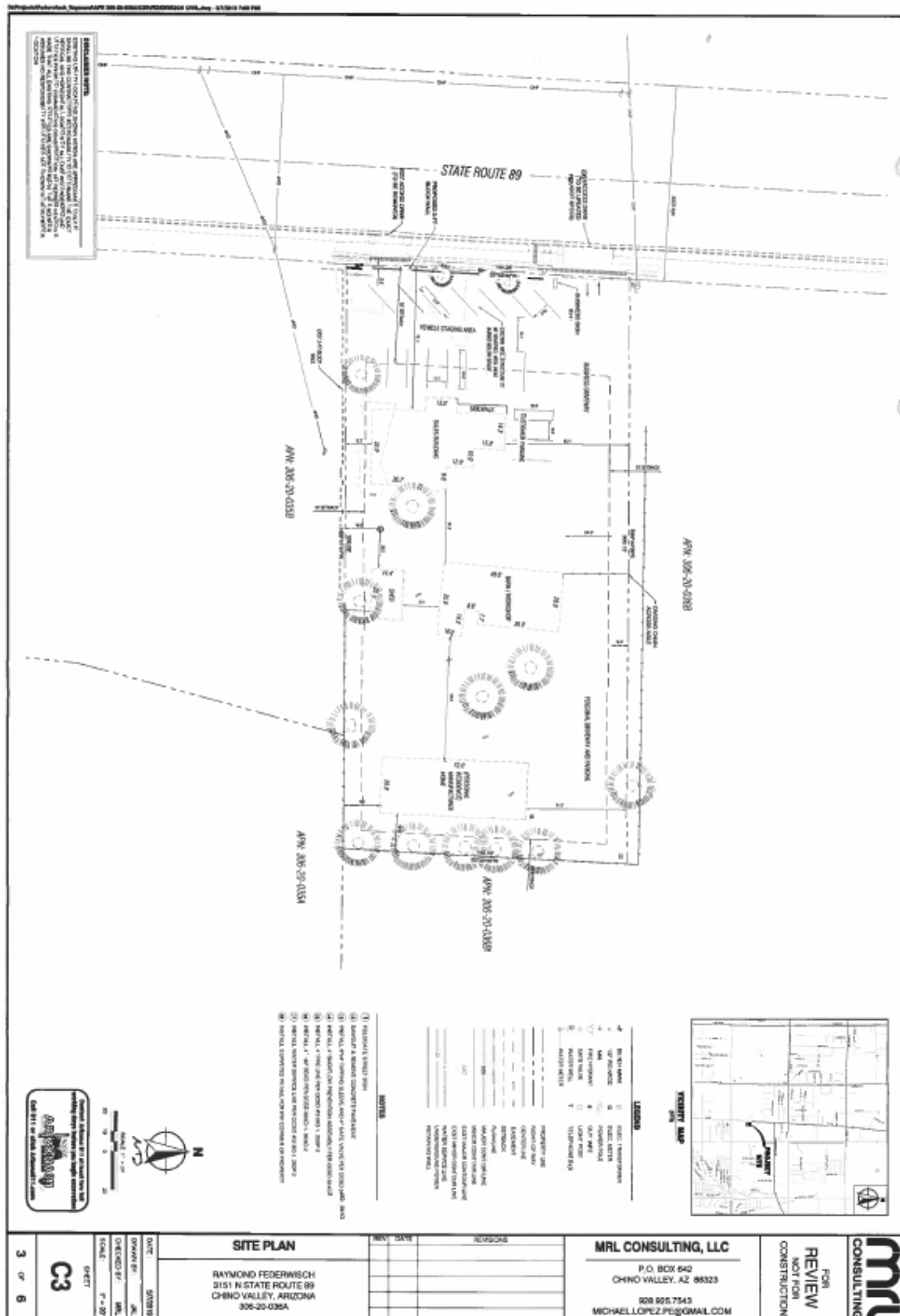
Exhibit 3 – Design Plan

DRAFT



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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.e.

Meeting Date: 07/23/2019
Contact Person: Joshua Cook, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
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 July 23, 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.

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 Counsel 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

Memorandum

Ord 862 Amending

Ord 864 Declaring

Prop Maint Code Amdt

Prop Maint Code Summary



July 23, 2019

MEMORANDUM

PROPERTY MAINTENANCE CODE UPDATE

Staff has been working on updating the Property Maintenance code requirements for approximately two years. The document has seen multiple revisions during this time. Phyllis Smiley sent the initial draft to the Town on December 5th, 2017. Public notification was sent out twice, once in April of 2018, and again in December of the same year. The draft ordinance was posted to the Town's website at the same time for public outreach. Staff presented the initial draft to Planning Commission on January 15, 2019. Immediately after the Planning Commission meeting adjourned the council study session began where it was reviewed. Staff then presented the proposed code on February 26th, 2019. At that meeting several council members had questions and concerns with the following sections:

- 82.05 Overgrowth of Weeds or Noxious Plants
- 82.07 Keep of Inoperable Vehicles
- The Definition of Inoperable Vehicles
- 83.09 Parking of Commercial Vehicles and Equipment

Staff met with Councilmembers Turner and Mendoza on multiple occasions from February to June and discussed the above sections of the code. The language for these sections was revised and modified accordingly, to reflect the Council's desires.

Staff recommends that Section 6 Property Maintenance from the Unified Development Ordinance be deleted and added directly to the Town Code with the proposed modified language.

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 July 23, 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.~~
32. 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.
43. 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.
54. 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 23rd day of July, 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 July 23, 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 JULY 23, 2019" AS A PUBLIC RECORD; ADOPTING THE "TOWN OF CHINO VALLEY PROPERTY MAINTENANCE AND PUBLIC NUISANCE TOWN CODE AMENDMENTS DATED JULY 23, 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 July 23, 2019", three copies

of which are on file in the office of the Town Clerk, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk;

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 July 23, 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 23rd day of July, 2019.

Darryl L. Croft, Mayor

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

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 July 23, 2019, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami Lewis, Town Clerk

Town of Chino Valley

Property Maintenance and Public Nuisance Town Code Amendments

July 23, 2019

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

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

* * *

§ 52.02 ~~Water and Earthen Material Flow~~

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

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

* * *

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

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

TITLE VIII HEALTH AND SAFETY

CHAPTER 81: HEALTH AND SAFETY IN GENERAL

§ 81.01 PURPOSE AND APPLICABILITY

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

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

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

§ 81.02 DEFINITIONS

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

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

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.

INOPERABLE VEHICLE. MEANS ANY VEHICLE FOR WHICH REQUIRED LICENSE PLATES AND/OR TAGS HAVE EXPIRED OR ANY MOTOR VEHICLE WHICH IS INOPERABLE DUE TO MECHANICAL FAILURE OR MECHANICAL DISASSEMBLY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STREET OR ROAD. THE ENTIRE WIDTH BETWEEN THE BOUNDARY LINES OF EVERY PUBLICLY MAINTAINED RIGHT-OF-WAY, WAY OR ROADWAY EASEMENT WHEN ANY PART THEREOF IS OPEN TO THE USE OF THE PUBLIC FOR PURPOSES OF VEHICULAR TRAVEL,

INCLUDING THE ENTIRE DEDICATED PUBLIC RIGHT-OF-WAY, WHETHER THE RIGHT-OF-WAY IS PAVED OR NOT.

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

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

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

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

CHAPTER 82: DECLARATION AND PROHIBITION OF PUBLIC NUISANCES

§ 82.01 OFFENSIVE PREMISES.

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

§ 82.02 UNSECURED EXCAVATIONS.

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

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

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

§ 82.04 DISPOSAL OF ANIMAL WASTE.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO DISPOSE OF ANIMAL MANURE OR WASTE IN ANY QUANTITY IN ANY MANNER WHICH IS NOT SECURELY PROTECTED FROM INSECTS AND THE ELEMENTS, OR TO KEEP OR HANDLE ANIMAL WASTE IN VIOLATION OF ANY ORDINANCE OF THE TOWN, YAVAPAI COUNTY, OR THE STATE OF ARIZONA; PROVIDED,

HOWEVER, THAT NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT THE USE OF ANIMAL MANURE ON ANY FARM, GARDEN, OR RANCH IN SUCH A MANNER AND FOR SUCH PURPOSES ARE COMPATIBLE WITH CUSTOMARY METHODS OF GOOD HUSBANDRY.

§ 82.05 OVERGROWTH OF WEEDS OR NOXIOUS PLANTS.

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

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

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

(C) FOR RESIDENTIAL PROPERTY LESS THAN 2 ACRES AND PROPERTY GREATER THAN 2 ACRES THAT IS ADJACENT TO ANY DEVELOPED PROPERTY, TO FAIL TO MAINTAIN THE ENTIRE PROPERTY, UNLESS THE PROPERTY IS USED FOR GRAZING.

(D) FOR ALL VACANT COMMERCIAL LOTS, TO FAIL TO MAINTAIN THE ENTIRE PROPERTY. THESE PROPERTIES ARE REQUIRED TO MOW THE ENTIRETY OF THE PROPERTY.

(E) EXCEPT FOR THE SIDES OF PROPERTY THAT ABUT A RESIDENTIAL PROPERTY OR A NON-RESIDENTIAL DEVELOPED PROPERTY, AGRICULTURAL PROPERTY USED FOR GRAZING IS EXEMPT FROM THE REQUIREMENT TO MAINTAIN THE FRONT YARD SETBACK AND STREET SIDE YARD SETBACKS FOR A DEFENSIBLE SPACE.

§ 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 KEEPING OF INOPERABLE VEHICLES.

IT IS UNLAWFUL FOR ANY PERSON IN CONTROL TO PLACE, PARK OR STORE AN INOPERABLE VEHICLES(S) THAT IS NOT COSMETICALLY COMPLETE IN OR ON ANY PUBLIC OR PRIVATE PROPERTY IN ANY MANNER WITHOUT BEING SCREENED AND NOT VISIBLE FROM PLAIN VIEW OF PROPERTY UPON WHICH IT IS STORED.

A PERSON IN CONTROL MAY KEEP UP TO FOUR (4) COSMETICALLY COMPLETE INOPERABLE VEHICLES ON PROPERTIES ONE ACRE OR GREATER THAT ARE STORED BEHIND THE RESIDENCE BUT NO CLOSER THAN THE FRONT YARD SETBACK AND STREET SIDE YARD SETBACK OF THE RESIDENCE. THE VEHICLES AND SURROUNDING AREA MUST BE KEPT IN A CLEAN AND ORDERLY MANNER.

A PERSON IN CONTROL MAY KEEP UP TO THREE (3) COSMETICALLY COMPLETE INOPERABLE VEHICLES ON PROPERTIES LESS THAN ONE ACRE THAT ARE STORED BEHIND THE RESIDENCE BUT NO CLOSER THAN THE FRONT YARD SETBACK AND STREET SIDE YARD SETBACK OF THE RESIDENCE. THE VEHICLES AND SURROUNDING AREA MUST BE KEPT IN A CLEAN AND ORDERLY MANNER.

§ 82.08 LIGHT.

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

§ 82.09 ABANDONED REFRIGERATORS.

IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO LEAVE OR PERMIT TO REMAIN OUTSIDE OF ANY DWELLING, BUILDING OR OTHER STRUCTURE, OR WITHIN ANY UNOCCUPIED OR ABANDONED BUILDING, DWELLING OR OTHER STRUCTURE UNDER THE CONTROL OF ANY

PERSON AND IN A PLACE ACCESSIBLE TO CHILDREN, ANY ABANDONED, UNATTENDED OR DISCARDED ICEBOX, REFRIGERATOR OR OTHER CONTAINER WHICH HAS AN AIRTIGHT DOOR OR LID, SNAP LOCK OR OTHER LOCKING DEVICE WHICH MAY NOT BE RELEASED FROM THE INSIDE, WITHOUT FIRST REMOVING THE DOOR OR LID.

§ 82.10 LITTER; CONSTRUCTION DEBRIS.

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

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

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

§ 82.11 HANDBILLS ON VEHICLES AND POSTED PREMISES PROHIBITED.

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

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

§ 82.12 VIOLATIONS; PENALTIES; ABATEMENT

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

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

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

(D) REINSPECTIONS COSTS. IN ADDITION TO ANY PENALTIES OR CIVIL SANCTIONS IMPOSED BY THE COURT, THE TOWN MAY IMPOSE FEES IN AN AMOUNT SET SEPARATELY BY RESOLUTION APPROVED BY THE TOWN COUNCIL FOR REINSPECTION OF THE PREMISES AT THE

REQUEST OF THE PROPERTY OWNER TO DETERMINE WHETHER THE PROPERTY HAS BEEN BROUGHT INTO COMPLIANCE AFTER INITIATION OF ENFORCEMENT OR PROSECUTION OF THE PROVISIONS SET FORTH IN THIS TITLE.

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

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

CHAPTER 83: PROPERTY MAINTENANCE

§ 83.01 PURPOSE; APPLICABILITY.

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

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

§ 83.02 DUTY TO MAINTAIN PREMISES.

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

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

§ 83.03 EXTERIOR BUILDING STANDARDS.

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

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

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

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

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

§ 83.04 PREVENTION OF PEST INFESTATION.

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

§ 83.05 SWIMMING POOLS.

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

§ 83.06 OBSTRUCTION OF SIDEWALKS PROHIBITED.

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

§ 83.07 LANDSCAPING.

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

EXCEPT AS PROVIDED IN SUBSECTIONS A AND B BELOW, NO PERSON SHALL PARK OR ALLOW TO BE PARKED ANY COMMERCIAL VEHICLE OF 13,000 LBS OR GREATER, OR RELATED PART OR PIECE OF HEAVY EQUIPMENT ON ANY RESIDENTIAL PROPERTY IN THE TOWN, EXCEPT WHEN NECESSARY TO CONDUCT AN AUTHORIZED COMMERCIAL PURPOSE ON THE PROPERTY AS DEFINED BELOW.

- (A) ON DEVELOPED RESIDENTIAL PROPERTIES LESS THAN ONE ACRE, A COMMERCIAL VEHICLE WITH NO MORE THAN 2 AXLES, WHEN USED AS A COMMUTER OR FOR BUSINESS PURPOSES OFF-SITE OR FOR AN ON-CALL PURPOSE SHALL BE PERMITTED;
- (B) ON DEVELOPED RESIDENTIAL PROPERTIES OF ONE ACRE OR MORE, ONE COMMERCIAL VEHICLE, ONE TRAILER, AND ONE PIECE OF HEAVY EQUIPMENT SHALL BE PERMITTED WHEN USED FOR BUSINESS PURPOSES AT OFF-SITE LOCATIONS.
- (C) ON DEVELOPED RESIDENTIAL PROPERTIES GREATER THAN TWO ACRES PROPERTY OWNERS SHALL BE PERMITTED TO MAINTAIN AND HOUSE NO MORE THAN FOUR COMMERCIAL GRADE VEHICLES AND/OR EQUIPMENT WHEN USED FOR PERSONAL ON-SITE PROPERTY IMPROVEMENTS AND MAINTENANCE.

§ 83.10 VIOLATIONS; PENALTIES; ABATEMENT.

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

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

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

CHAPTER 84 ABATEMENT OF PUBLIC NUISANCES

§ 84.01 PURPOSE AND FINDINGS.

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

(B) FINDINGS: THE TOWN COUNCIL FINDS THAT THE FAILURE OF A PERSON IN CONTROL TO MAINTAIN PROPERTY IN A SAFE AND SANITARY MANNER, AS REQUIRED BY THIS TITLE CREATES A PUBLIC NUISANCE AND IS HAZARDOUS TO THE PUBLIC HEALTH, SAFETY AND WELFARE. PUBLIC NUISANCES PROMOTE THE SPREAD OF DISEASE, ENDANGER THE PHYSICAL SAFETY OF PERSONS, AND CAUSE NEIGHBORHOOD BLIGHT.

§ 84.02 APPLICABILITY.

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

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

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

§ 84.04 AUTHORITY TO INSPECT.

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

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

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

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

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

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

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

(3) FAIL OR REFUSE TO PROVIDE EVIDENCE OF HIS IDENTITY TO AN INDIVIDUAL EMPLOYED OR CONTRACTED FOR BY THE TOWN WHEN THAT INDIVIDUAL IS INVESTIGATING AN ALLEGED VIOLATION OF THIS TITLE AND HAS REASONABLE CAUSE TO BELIEVE THAT THE PERSON COMMITTED A VIOLATION OF THIS TITLE. EVIDENCE OF IDENTITY UNDER THIS SECTION SHALL CONSIST OF A PERSON'S FULL NAME, RESIDENCE ADDRESS AND DATE OF BIRTH.

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

§ 84. 06 EMERGENCY ABATEMENT.

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

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

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

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

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

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

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

§ 84.08 ABATEMENT PROCEDURES.

(A) NOTICE TO ABATE:

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

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

- (a) THE PERSON IN CONTROL HAS 30 DAYS FROM THE MAILING OF THE NOTICE TO ABATE OR CORRECT THE VIOLATION.
- (b) LOCATION OF THE PROPERTY IN VIOLATION BY STREET ADDRESS IF KNOWN AND, IF UNKNOWN, BY BOOK, MAP AND PARCEL NUMBER.
- (c) STATEMENT OF THE VIOLATION(S) IN SUFFICIENT DETAIL TO ALLOW A REASONABLE PERSON TO IDENTIFY AND CORRECT THE VIOLATION(S).
- (d) AN ESTIMATE OF THE COST OF ABATEMENT BY THE TOWN PLUS TEN PERCENT (10%) FOR THE COSTS OF INSPECTION AND OTHER INCIDENTAL COSTS ASSOCIATED WITH ABATING THE NUISANCE.
- (e) RE-INSPECTION DATE AND TIME.
- (f) NAME, ADDRESS AND TELEPHONE NUMBER OF THE TOWN COMPLIANCE AGENT WHO SENT THE NOTICE TO ABATE.
- (g) A WARNING STATING THAT IF THE VIOLATION IS NOT CORRECTED WITHIN 30 DAYS OF THE DATE OF THE NOTICE, THE TOWN MAY

ABATE THE NUISANCE AND ASSESS THE PERSON IN CONTROL THE COST OF SUCH ABATEMENT AND RECORD A LIEN AGAINST THE PROPERTY FOR PAYMENT OF THE ASSESSMENT.

- (h) A STATEMENT THAT THE PERSON IN CONTROL MAY APPEAL THE ABATEMENT ORDER IN WRITING TO THE TOWN COUNCIL WITHIN 15 DAYS FROM THE DATE OF THE NOTICE.
- (i) THE 15-CALENDAR-DAY NOTICE SET FORTH IN THIS SECTION SHALL NOT APPLY TO EMERGENCY ABATEMENTS.

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

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

(B) SERVICE OF NOTICES:

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

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

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

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

(D) APPEALS TO THE COUNCIL:

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

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

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

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

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

(6) IN CASE OF FINANCIAL HARDSHIP, AS DETERMINED BY THE TOWN CLERK, THE APPEAL FEE MAY BE SUSPENDED UNTIL THE DECISION ON APPEAL IS RENDERED. THE TOWN COUNCIL MAY EITHER WAIVE THE FEE UPON A FINDING OF FINANCIAL HARDSHIP OR FIND NO FINANCIAL HARDSHIP AND REQUIRE THE FEE TO BE PAID.

(E) GROUND FOR APPEAL: THE FOLLOWING SHALL CONSTITUTE REASONABLE 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; SPECIALASSESSMENT:

(1) CONFLICT OF ORDINANCES.

- (a) IN ANY CASE WHERE A PROVISION OF THIS TITLE IS IN CONFLICT WITH A PROVISION OF ANY ZONING, BUILDING, FIRE, SAFETY OR HEALTH ORDINANCE OR CODE OF THE TOWN EXISTING ON THE EFFECTIVE DATE OF THIS TITLE, THE PROVISION WHICH ESTABLISHES THE HIGHER STANDARD FOR PROMOTING AND PROTECTING PUBLIC HEALTH AND SAFETY SHALL PREVAIL.
- (b) THIS TITLE IS NOT INTENDED TO REPEAL, ABROGATE, ANNUL OR IN ANY WAY IMPAIR OR INTERFERE WITH EXISTING PROVISIONS OF OTHER LAWS OR ORDINANCES, EXCEPT THOSE SPECIFICALLY REPEALED BY THIS TITLE, OR WITH PRIVATE RESTRICTIONS PLACED UPON THE PROPERTY BY COVENANT, DEED, OR OTHER PRIVATE AGREEMENT.
- (c) IN CASES WHERE TWO (2) OR MORE PROVISIONS OF THIS TITLE ARE IN CONFLICT, THE MOST STRINGENT OR RESTRICTIVE SHALL PREVAIL.

(2) SPECIALASSESSMENT LIEN.

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

ALL MATTERS RECITED THEREIN AND OF THE REGULARITY OF ALL PROCEEDINGS PRIOR TO THE RECORDING THEREOF.

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

§ 84.09 ASSESSMENTS; HOW PAID; ACCRUAL OF INTEREST.

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

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

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

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

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

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

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

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

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

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

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

§ 130.01 Burning.

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

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

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

SUMMARY OF PROPOSED CODE AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.f.

Meeting Date: 07/23/2019
Contact Person: Joshua Cook, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
Estimated length of Staff Presentation: 10 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Discussion and possible action regarding a proposal to develop land use engineering and development standards. (Joshua Cook, Development Services Director; Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Staff Recommends Council to discuss the issues related to the General Engineering Standards and provide direction so that Staff can prepare the appropriate Code amendments to incorporate the General Engineering Standards into the Town Code.

SITUATION & ANALYSIS:

The Unified Development Ordinance provides a reference to Engineering Standards and Guidelines, although to date none have been adopted by Council. The Standards will address Engineering and Development Standards for items to include Grading, Drainage, Streets and Traffic, Water, Sewer, Dry Utilities, Survey, Plan Preparation, and appeal procedures. Staff is seeking direction for issues related to the development of these Standards.

Attachments

Overview
 Engineering Standards

GENERAL ENGINEERING STANDARDS

Presented by
Frank Marbury, P.E.
Town Engineer

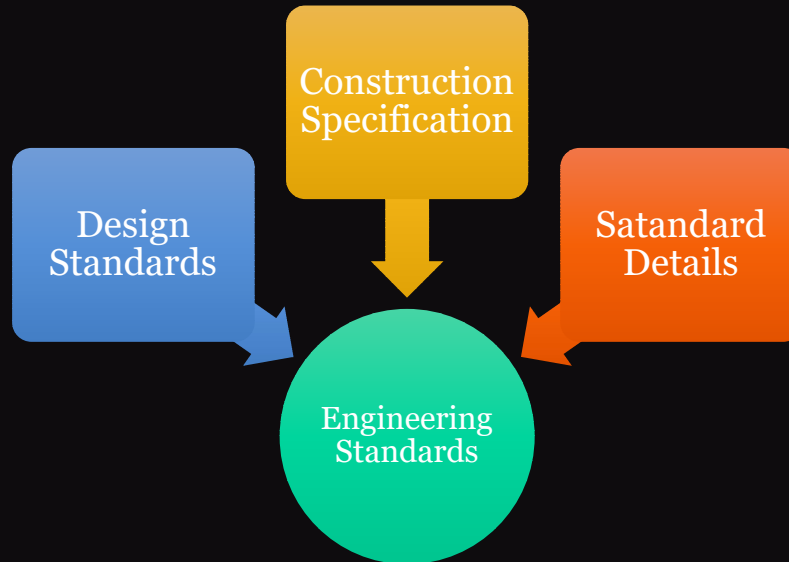
Council Worksession
June 18, 2019

PURPOSE OF ENGINEERING STANDARDS

Provide for Uniform and Functional Public Facilities that will:

- Ensure Health and Safety
- Provide Uniform Development Standards for all development within the Town
- Bring Town Standards in line with surrounding jurisdictional standards
- Provide long term improvement in the Town's Infrastructure Assets, and
- Enhance the quality of life of Town Residents

THREE MAJOR COMPONENTS



DESIGN STANDARDS

1. GRADING
2. DRAINAGE
3. WATER
4. WASTEWATER
5. STREETS AND TRAFFIC
6. DRY UTILITIES
7. SURVEY
8. ALTERATIONS AND APPEALS
9. AS-BUILTS

GRADING

- PERMITS FOR 50 CYD OR 10,00 SF OF CLEARING AND GRUBBING
 - POSSIBLE EXCEPTIONS FOR SOME SINGLE FAMILY RESIDENTIAL (SFR) AND FOR CLEARING OF VEGETATION APPROVED BY FIRE DEPARTMENT
 - KEY IS TO MAINTAIN NATURAL AND HISTORIC DRAINAGE AT PROPERTY LINES
 - PROVIDE FOR GEOTECHNICAL REPORTS WHEN NEEDED
 - PROVIDE DRAINAGE ANALYSIS
 - EROSION CONTROL



DRAINAGE

- KEY IS TO NOT ALTER THE NATURAL DRAINAGE AT THE PROPERTY LINES
 - WILL REQUIRE PROFESSIONALLY PREPARED REPORT
 - RECOMMEND USING YAVAPAI COUNTY DRAINAGE MANUAL AS MUCH AS POSSIBLE
 - CAN EXEMPT SFR OF CERTAIN SIZES UNLESS RUNOFF IS SIGNIFICANT
 - IDENTIFIES POLICIES ON CULVERTS, STREET DRAINAGE, ETC.



WATER

- FOR PLANNED AND UNIFORM EXTENSION OF PUBLIC FACILITIES
 - ENCOURAGES MUNICIPAL WATER AND CONSERVATION
 - BOUND BY STATE LAWS AND RULES
 - SHOULD HELP GUARANTEE WATER AVAILABILITY
 - PROVIDES FOR FIRE FLOW REQUIREMENTS PER IFC
 - WILL PROVIDE UNIFORM EXTENSION POLICY
 - SOME JURISDICTIONS REQUIRE CONNECTION IF WATER IS WITHIN A NUMBER FEET
 - PRESCOTT HAS A 100 FOOT RULE
 - CURRENT UDO IS 0 FEET



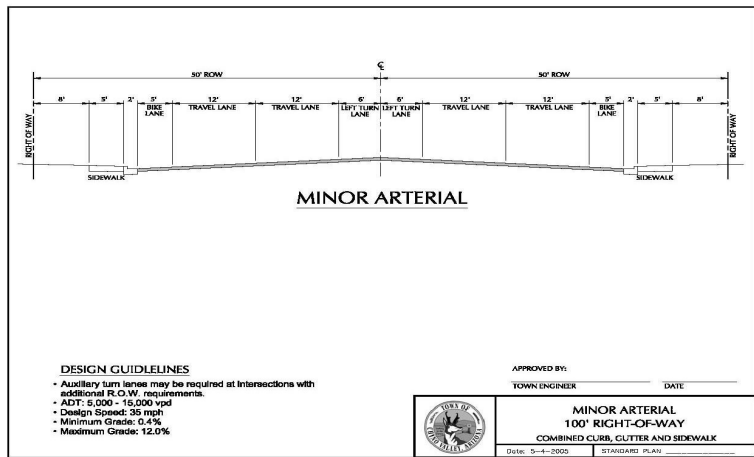
WASTEWATER

- FOR PLANNED AND UNIFORM EXTENSION OF PUBLIC FACILITIES
 - ENCOURAGES MUNICIPAL WATER AND CONSERVATION
 - BOUND BY STATE LAWS AND RULES
 - MORE OF A UTILITY FUNCTION OF TOWNS THAN WATER
 - WILL PROVIDE UNIFORM EXTENSION POLICY
 - SOME JURISDICTIONS REQUIRE CONNECTION IF WATER IS WITHIN A NUMBER FEET
 - PRESCOTT REFERS TO MASTERPLAN
 - CURRENT UDO IS 200 FEET, TOWN CODE IS 400 FEET
 - SUGGEST HAVING IDENTICAL EXTENSION POLICY AS WATER



STREETS AND TRAFFIC

- SET ROW REQUIREMENTS FOR FUTURE STREETS
- ESTABLISHES DESIGN CRITERIA
- POLICIES ON PARKING, SIDEWALKS, ETC.
- MINIMUM STANDARDS FOR PAVEMENT SECTIONS
- STANDARDS FOR LIGHTING, STRIPING, AND SIGNING



DRY UTILITIES

- HELPS ESTABLISH UNIFORM LOCATION WITHIN ROW
- ESTABLISHES POLICY CONCERNING LICENSE AGREEMENTS AND PERMITS
- PROVIDES FOR TRENCH DETAILS, ETC.
- PROVIDES FOR POLICY FOR CONFLICT RESOLUTION



SURVEY

- SURVEY MONUMENTATION SHOULD BE CONSIDERED A PART OF INFRASTRUCTURE JUST LIKE STREETS AND UTILITIES. IT ESTABLISHES PROPERTY LINES
- WOULD ESTABLISH STANDARDS SIMILAR TO OTHER JURISDICTIONS
- DECLARE WHICH BENCHMARKS TO USE AND HOW TO PROTECT MONUMENTS SUCH AS SECTION CORNERS
- WOULD ESTABLISH WHICH DATUM REFERENCES TO USE



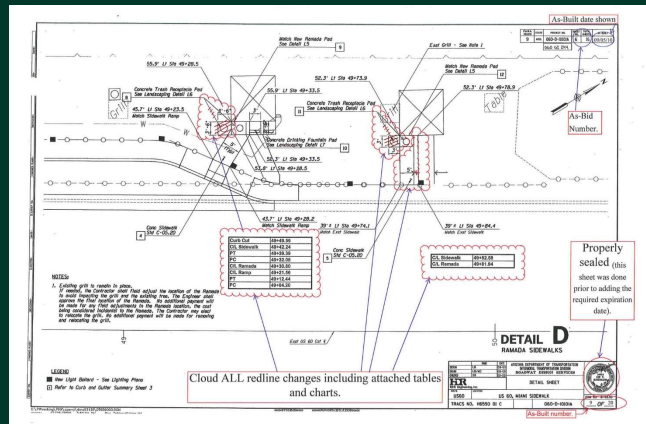
ALTERATION PROCEDURES

- WOULD SET POLICIES FOR MINOR AND MAJOR ALTERATIONS
- WOULD ESTABLISH APPEAL PROCEDURES



AS-BUILTS

- WOULD SET REQUIREMENTS FOR AS-BUILT AND RECORD DRAWINGS



GENERAL ENGINEERING STANDARDS

Presented by
Frank Marbury, P.E.
Town Engineer

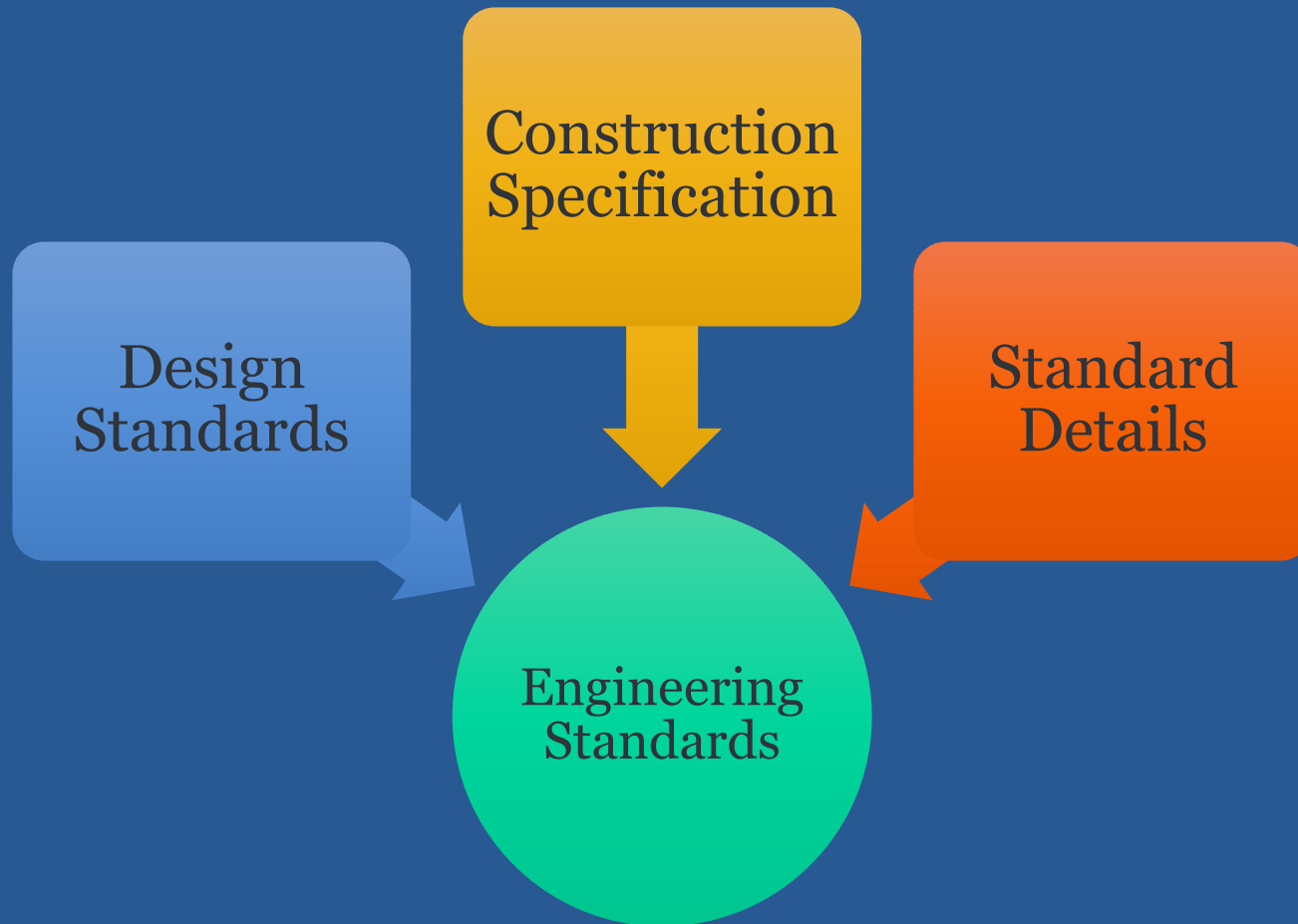
Council Work session
June 18, 2019

PURPOSE OF ENGINEERING STANDARDS

Provide for uniform and functional public facilities that will:

- Ensure health and safety
- Provide uniform development standards for all development within the town
- Bring town standards in line with surrounding jurisdictional standards
- Provide long term improvement in the town's infrastructure assets, and
- Enhance the quality of life of town residents

THREE MAJOR COMPONENTS



DESIGN STANDARDS

1. GRADING
2. DRAINAGE
3. WATER
4. WASTEWATER
5. STREETS AND TRAFFIC
6. DRY UTILITIES
7. SURVEY
8. ALTERATIONS AND APPEALS
9. AS-BUILTS

GRADING

- Current grading requirements per ibc appendix j
- Suggest permits for 50 cyd or 10,000 sf of clearing and grubbing
 - Possible exceptions
 - some single family residential
 - clearing of vegetation
- Goal is to maintain natural and historic drainage at property lines
- Provide for geotechnical reports when needed
- Provide drainage analysis when needed
- Erosion control



DRAINAGE

- Current Ordinances focus on flood damage prevention only
- Key is to not alter the natural drainage at the property lines
 - Will require profession reports
 - Recommend using Yavapai county drainage manual as much as possible
 - Can exempt sfr of certain sizes unless runoff is significant (example – exempt sr-2 and higher)
 - Codify drainage requirements for commercial development
 - Identifies policies on culverts, street drainage, etc.



WATER

- For planned and uniform extension of public facilities
 - Encourages municipal water and conservation
 - Bound by state laws and rules
 - Should help guarantee water availability
 - Provides for fire flow requirements per IFC
 - Town Code and UDO refer to Water Master Plan, which doesn't exist.
 - Recommend clarifying water system and connection policies for all development



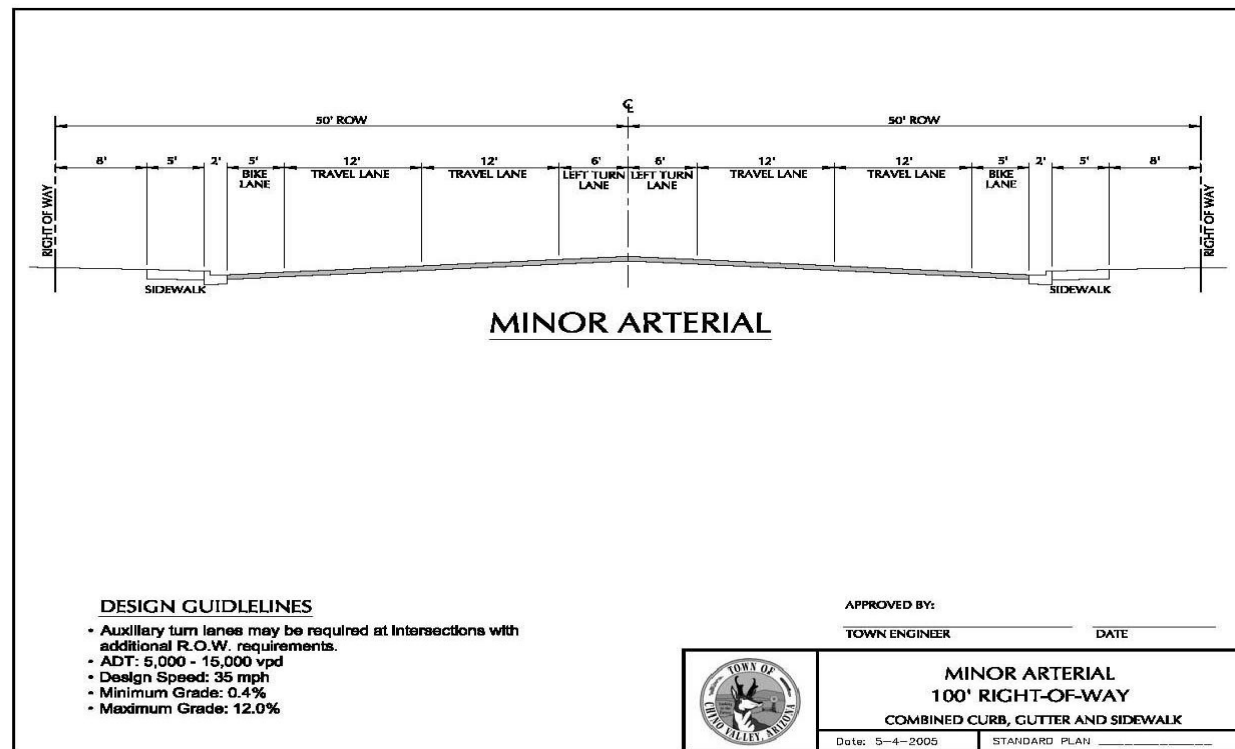
WASTEWATER

- For planned and uniform extension of public facilities
 - Encourages conservation and aquifer Recharge
 - Bound by state laws and rules
 - More of a utility function of towns than water
 - Current Policy – UDO Must connect if property is within 200 feet or if the cost to extend is less than twice that if individual system(s) (New Construction)
 - Recommend clarifying extension and connection policies for all development.



STREETS AND TRAFFIC

- Section 5.3.2 of the UDO refers to engineering standards, but none exist
- Different Sections call for different ROW and Street widths
- Several different parking lot paving requirements
- Set row requirements for future streets
- Establishes design criteria
- Policies on parking, sidewalks, etc.
- Minimum standards for pavement sections
- Standards for lighting, striping, and signing



DRY UTILITIES

- Helps establish uniform location within row
- Establishes policy concerning license agreements and permits
- Provides for trench details, etc.
- Provides for policy for conflict resolution



SURVEY

- Survey monumentation is an infrastructure just like streets and utilities.
- It establishes defines where your property is.
- Would establish standards similar to other jurisdictions.
- Declare which benchmarks to use and how to protect monuments such as section corners.



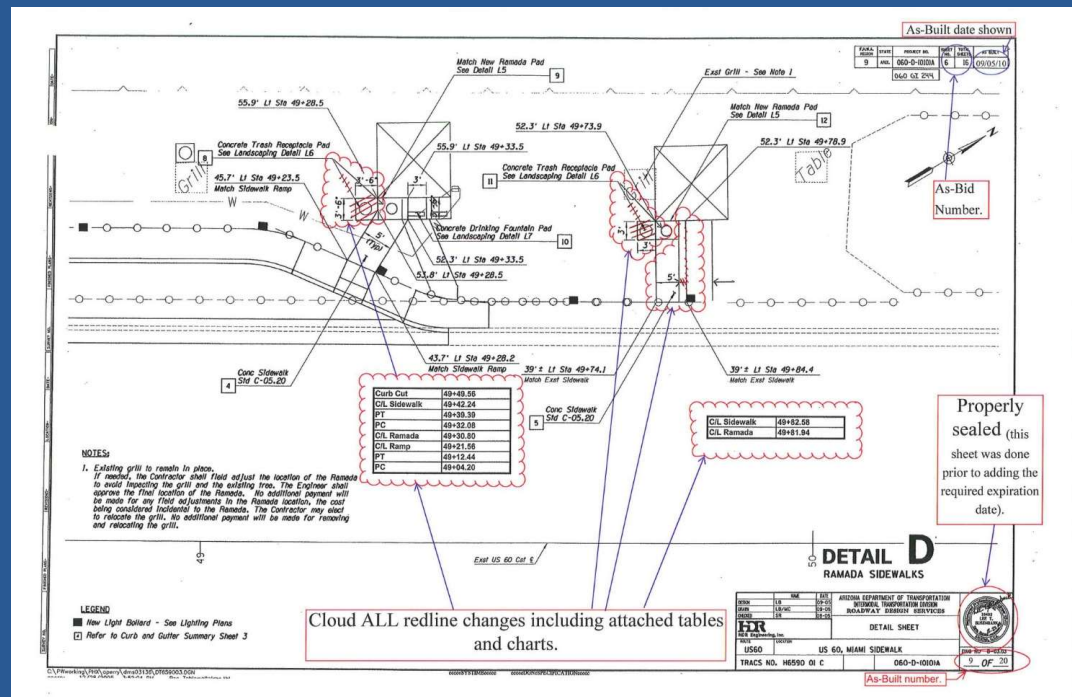
ALTERATION PROCEDURES

- Would set policies for minor and major alterations
- Would establish appeal procedures



AS-BUILTS

- Current code is 20 years outdated
- New standards would set requirements for as-built and record drawings
- Could include GIS requirements



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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.g.

Meeting Date: 07/23/2019
Contact Person: Cecilia Grittman, Town Manager
Department: Town Manager
Estimated length of Staff Presentation: 10 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt the Council's Strategic Plan for the Town of Chino Valley for FY 2019 / 2020. (Cecilia Grittman, Town Manager)

Recommended Action: Adopt the Council's Strategic Plan for the Town of Chino Valley for FY 2019 / 2020.

SITUATION & ANALYSIS:

The Town Council, through its retreat in March 2019 and various other Council Study Sessions, updated their Strategic Plan for this fiscal year. Staff is asking Council to formally adopt the Strategic Plan for the record.

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

8.a.

Meeting Date: 07/23/2019
Contact Person: Cecilia Grittman, Town Manager
Department: Town Manager
**Estimated length
of Staff Presentation:**
Physical location of item: N/A

AGENDA ITEM TITLE:

An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with attorneys for the Town in order to consider the Town's position and instruct the attorneys for the Town regarding the Town's position regarding a potential intergovernmental agreement with the City of Prescott relating to water service.

Attachments

No file(s) attached.
