

**Title 1
GENERAL PROVISIONS**

Chapters:

[1.01 Code Adoption](#)

[1.05 General Provisions](#)

**Chapter 1.01
CODE ADOPTION**

Sections:

[1.01.010 Readoption.](#)

1.01.010 Readoption.

The code of the town of Huachuca City, Arizona, a public record of the town, three copies of which are on file in the office of the town clerk, is hereby reapproved and readopted. (Ord. 15-02 § 1, 2015)

Chapter 1.05 GENERAL PROVISIONS

Sections:

[1.05.010 How code designated and cited.](#)

[1.05.020 Construction and ordinances.](#)

[1.05.030 Definitions.](#)

[1.05.040 Reference to chapters, articles or sections – Conflicting provisions.](#)

[1.05.050 Section headings.](#)

[1.05.060 Effect of repeal.](#)

[1.05.070 Severability of parts of code.](#)

[1.05.080 Repeal of existing ordinances.](#)

[1.05.090 Effective date of code.](#)

[1.05.100 Town seal.](#)

[1.05.110 Penalty.](#)

1.05.010 How code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated “the code of the town of Huachuca City, Arizona,” and may be so cited. Such code may also be cited as the “Huachuca City Code.” (Prior code § 1-1)

1.05.020 Construction and ordinances.

The rules and the definitions set forth in this title shall be observed in the construction of this code and the ordinances of the town unless such construction would be inconsistent with either the manifest intent of the council or the context of this code or the ordinances of the town. (Prior code § 1-2)

1.05.030 Definitions*.

General Rule Regarding Definitions. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

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

Clerk. Whenever the word “clerk” is used, it shall be construed to mean the clerk of the town of Huachuca City, Arizona.

Code. The words “the code” or “this code” shall mean “the code of the town of Huachuca City, Arizona,” unless the context indicates otherwise.

Council. Whenever the word “council” is used, it shall be construed to mean the common council of the town of Huachuca City, Arizona.

“Day” means the period of time between any midnight and the midnight following.

Daytime, Nighttime. “Daytime” is the period of time between sunrise and sunset. “Nighttime” is the period of time between sunset and sunrise.

Department, Board, Commission, Office, Officer or Employee. Whenever any “department, board, commission, office, officer or employee” is referred to, it shall mean a department, board, commission, office, officer or employee of the town unless the context clearly indicates otherwise.

Gender – Singular and Plural. Words of the masculine gender include the feminine, words in the singular number include the plural and words in the plural number include the singular.

The words “in the town” or “within the town” shall mean and include all territory over which the town now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

Joint Authority. All words purporting to give a “joint authority” to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

The word “month” shall mean a calendar month.

“Oath” includes affirmation or declaration.

Or, And. “Or” may be read “and” and “and” may be read “or,” if the sense requires it.

Person. The word “person” shall extend and be applied to firms, corporations or voluntary associations, as well as to individuals, unless plainly inapplicable.

“Personal property” includes every species of property, except real property, as defined in this section.

Preceding, Following. The words “preceding” and “following” mean next before and next after, respectively.

“Property” shall include real and personal property.

“Real property” shall include lands, tenements and hereditaments.

Shall, May. “Shall” is mandatory and “may” is permissive.

The words “shall have been” include past and future cases.

Signature or Subscription by Mark. “Signature” or “subscription” includes a mark when the signer cannot write, such signer’s or subscriber’s name being written near the mark by a witness who writes his own name near the signer’s or subscriber’s name; but a signature or subscription by mark can be acknowledged or can serve as a signature of subscription to a sworn statement only when two witnesses so sign their own names thereto.

State. The words “the state” shall be construed to mean the state of Arizona.

Tenant or Occupant. The word “tenant” or “occupant” applied to a building or land shall include any person holding a written or oral lease or who occupies the whole or part of such building or land, either alone or with others.

Tenses. The present tense includes the past and future tenses, and the future includes the present.

Time – Computation. The time within which an act is to be done, as provided in this code or in any order issued pursuant to any ordinance, when expressed in days shall be computed by excluding the first day and including the last; except that if the last day is a Sunday or holiday, it shall be excluded; and when such time is expressed in hours, the whole of Sunday or a holiday, from midnight to midnight, shall be excluded.

Time – Reasonable. In all cases where any section of this code requires any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

Town. Whenever the word “town” is used, it shall be construed to mean the town of Huachuca City, Arizona.

Town Right-of-Way. Term used to describe real property owned and controlled by the town and generally for streets, roadways, sidewalks, alleys, and public uses appurtenant thereto.

Town Easement. Term used to describe, generally, the legal rights of the town to use the real property of another person or entity for a specific town purpose.

A “week” consists of seven consecutive days.

“Writing” includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.

The word “year” shall mean a calendar year, except where otherwise provided. (Ord. 13-10 § 1, 2014; prior code § 1-3)

* State law reference: For definitions and construction of statutes generally, see ARS Sections 1-211 to 1-215.

1.05.040 Reference to chapters, articles or sections – Conflicting provisions.

A. Additional Rules of Construction. In addition to the rules of construction specified in Sections [1.05.020](#) and [1.05.030](#), the rules set forth in this section shall be observed in the construction of this code.

B. References to this Code. All references to titles, chapters, articles or sections are to the titles, chapters, articles and sections of this code unless otherwise specified.

C. Conflicting Provisions – Different Chapters. If the provisions of different chapters of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

D. Conflicting Provisions – Same Chapter. If conflicting provisions are found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail unless such construction is inconsistent with the meaning of such chapter. (Prior code § 1-4)

1.05.050 Section headings.

Headings of the several sections of this code are intended as a convenience to indicate the contents of the section and do not constitute part of the law. (Prior code § 1-5)

1.05.060 Effect of repeal.

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed. (Prior code § 1-6)

1.05.070 Severability of parts of code.

It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this code shall be severable. If any provision of this code is held unconstitutional for any reason by a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining provisions of the code. (Prior code § 1-7)

1.05.080 Repeal of existing ordinances.

A. Effective Date of Repeal. All ordinances of the town of Huachuca City except those specifically exempted in this section, now in force and effect, are hereby repealed effective at 12:00 p.m., January 19, 1984, but all rights, duties and obligations created by said ordinances shall continue and exist in all respects as if this code had not been adopted and enacted.

B. Ordinances Exempt from Repeal. The adoption and enactment of this code shall not be construed to repeal or in any way to affect or modify:

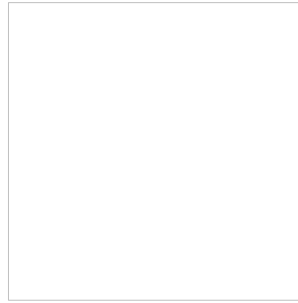
1. Any special ordinance or ordinances regarding franchises, annexations, dedications or zoning.
2. Any ordinance making an appropriation.
3. Any ordinance affecting any bond issue or by which any bond issue may have been authorized.
4. The running of the statute of limitations in force at the time this code becomes effective.
5. The continued existence and operation of any department, agency, commission or office heretofore legally established or held.
6. Any bond of any public officer.
7. Any taxes, fees, assessments or other charges incurred or imposed.
8. Any ordinance authorizing, ratifying, confirming, approving or accepting any compact or contract with any other municipality, the state of Arizona or any county or subdivision thereof, or with the United States or any agency or instrumentality thereof. (Prior code § 1-9)

1.05.090 Effective date of code.

Each and every section of this code as herein contained and hereby enacted shall take effect and be in force on and after 12:00 p.m., January 19, 1984, except that where a later effective date is provided it shall prevail. (Prior code § 1-10)

1.05.100 Town seal.

The mayor and town council declare that the attached design is adopted as the official town seal.



(Ord. 15-06 § 1, 2015; Res. 07-11, 2007)

1.05.110 Penalty.

A. Except as otherwise specifically provided in this code, any person found guilty of violating any provision of this code, and except as provided in subsection B of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$1,000 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

B. Any violation of or failure or refusal to do or perform any act required by Chapters [10.10](#) and [10.15](#) constitutes a civil traffic violation. Civil traffic violations are subject to the provisions of Title 28, Chapter 5, Article 4, Arizona Revised Statutes and amendments thereto.

C. A \$25.00 fee will be charged for checks returned for insufficient funds, stopped payments or checks written on closed accounts.

D. Incarceration Fee.

1. Any person convicted of a criminal violation in the municipal court of the town of Huachuca City shall be assessed an incarceration fee for each day that person is incarcerated for that violation whether before or after trial. Said incarceration fee shall be in addition to any other fine, fee, or assessment required by law.

2. The incarceration fee shall be based upon the daily rate assessed to the town of Huachuca City by the county of Cochise for the incarceration of that person. In no event shall the incarceration fee exceed the actual total amount assessed to the town of Huachuca City by the county of Cochise for the incarceration of that person.

E. When a magistrate of the municipal court issues a warrant for failure to pay a fine, failure to pay restitution, or failure to pay the jail service recovery fee, an administrative fee in the amount of \$100.00 shall be imposed upon the person for whom the arrest warrant was issued. This fee shall be added to the amount set forth in the arrest warrant.

F. The municipal court shall assess the defendant a default fee of \$35.00 for each default judgment entered in a civil traffic violation case upon a failure to appear, or failure to pay a civil sanction, unless such default judgment is set aside under Rule 28 of the Procedure in Civil Traffic Violation Cases. Any person found guilty of violating any provision of the code, including this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$1,000 or by imprisonment for a period of not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described. (Ord. 18-24 § 1, 2018; Ord. 15-02 § 2, 2015; Ord. 05-002, 2005; Ord. 01-015 § 2, 2001; Ord. 00-008, 2000; Ord. 00-007, 2000; Ord. 00-006, 2000; Ord. 98-007, 1998; prior code § 1-8)

**Title 2
ADMINISTRATION AND PERSONNEL**

Chapters:

[2.05 Council](#)

[2.10 Mayor](#)

[2.15 Elections](#)

[2.20 Council Procedure](#)

[2.25 Ordinances, Resolutions and Contracts](#)

[2.30 Officers in General](#)

[2.35 Officers](#)

[2.40 Magistrate](#)

[2.45 Planning and Zoning Commission](#)

[2.50 Library Advisory Board](#)

[2.55 Police Department](#)

[2.60 Police Reserve](#)

[2.65 Volunteer Fire Department](#)

[2.70 Animal Control Department](#)

[2.75 Animal Control Reserve](#)

[2.80 Parks and Recreation Commission](#)

[2.85 Town Facility Use Policy](#)

[2.90 Fair Housing Policy](#)

[2.95 Transit Program Policies](#)

[2.100 Public Swimming Pool Policy](#)

[2.115 Emergency Services](#)

[2.120 Naming and Renaming of Public Memorials](#)

[2.125 Personnel System](#)

[2.130 *Repealed*](#)

[2.135 PSPRS Local Board](#)

Chapter 2.05 COUNCIL

Sections:

[2.05.010 Elected officers.](#)

[2.05.020 Corporate powers.](#)

[2.05.030 Duties of office.](#)

[2.05.040 Vacancies in council.](#)

[2.05.050 Oath of office.](#)

[2.05.060 Bond.](#)

[2.05.070 Financial disclosure statements.](#)

[2.05.080 Expense accounts.](#)

[2.05.090 Office vacancy defined.](#)

[2.05.100 Notification of absence.](#)

[2.05.110 Removal from office.](#)

2.05.010 Elected officers.

The elected officers of the town shall be six councilmembers and one mayor. The mayor and councilmembers shall constitute the council and shall continue in office until assumption of duties of office by their duly elected successors. The regular terms of office for the mayor and councilmembers shall be four years. (Ord. 16-12 § 1, 2016; Ord. 01-007 § 1, 2001; prior code § 2-1-1)

2.05.020 Corporate powers.

The corporate powers of the town shall be vested in the council and shall be exercised only as directed or authorized by law. All powers of the council shall be exercised by ordinance, resolution, order or motion. (Prior code § 2-1-2)

2.05.030 Duties of office.

Councilmen shall assume the duties of office at the next regularly scheduled council meeting next following the certification of the general election at which, or effective as of the date of which, the councilmen were elected. (Prior code § 2-1-3)

2.05.040 Vacancies in council.

The council shall fill a vacancy that may occur in the council:

- A. By appointment until the next regularly scheduled council election if the vacancy occurs more than 30 days before the nomination petition deadline;
- B. Otherwise by appointment for the remainder of the unexpired term. (Ord. 11-05 § 1, 2011; prior code § 2-1-4)

2.05.050 Oath of office.

Immediately prior to assumption of the duties of office, each councilman shall, in public, take and subscribe to the oath of office. (Prior code § 2-1-5)

2.05.060 Bond.

Prior to taking office, every councilmember shall execute and file an official bond, enforceable against the principal and his sureties, conditioned on the due and faithful performance of his official duties, payable to the state and to and for the use and benefit of the town or any person who may be injured or aggrieved by the wrongful act or default of such officer in his official capacity. A person so injured or aggrieved may bring suit on such bond under provisions identical to those contained in ARS Section 38-260. Bonds shall be in such sum as shall be provided by resolution, and the premium for such bonds shall be paid by the town. Nothing in this section shall preclude the town from obtaining a blanket bond pursuant to the provisions of ARS Section 9-302. (Prior code § 2-1-6)

2.05.070 Financial disclosure statements.

Each member of the council shall file by January 31st of each year, on a form prescribed by the clerk, a financial disclosure statement, setting forth such information as required by resolution. (Prior code § 2-1-7)

2.05.080 Expense accounts.

The council is hereby authorized to appropriate a \$300.00 per month expense allowance to be paid to the mayor of the town each month to help defer any expenses he may incur in the completion of official duties. The council is hereby further authorized to appropriate a \$150.00 per month expense allowance to be paid to each of the other councilmembers each month to help defer expenses they may incur in completion of official duties. This allowance shall be in addition to any actual receipted expenditure reimbursements authorized by the council. (Ord. 06-09, 2006; prior code § 2-1-8)

2.05.090 Office vacancy defined.

An office shall be deemed vacant from and after the occurrence of any of the following events before the expiration of a term of office:

- A. Death of the person holding the office.

- B. Insanity of the person holding the office, when judicially determined.
- C. Resignation of the person holding the office and the lawful acceptance of the resignation.
- D. Removal from office of the person holding the office.
- E. If the office is elective, the person holding the office ceasing to be a resident of the town or precinct for which he was elected.
- F. Absence from the town by the person holding the office, without permission of the mayor or council, beyond the period of three consecutive regularly scheduled meetings.
- G. The person holding the office ceasing to discharge the duties of office for the period of three consecutive regularly scheduled meetings.
- H. Three consecutive unannounced, unexplained, or inexcusable absences from regular or special council meetings. (Ord. 08-12, 2008; Ord. 01-004 § 1, 2001; prior code § 2-1-10)

2.05.100 Notification of absence.

If an elected official knows in advance that they will be unable to be present at a regular or special council meeting, it is their responsibility to notify the town clerk or mayor at least 24 hours in advance. The exception will be for a valid emergency situation. (Ord. 01-004 § 1, 2001; prior code § 2-1-11)

2.05.110 Removal from office.

Elected officials whose office is deemed vacant for any reason in Section [2.05.090](#) shall be subject to removal from office by a majority vote of the council. (Ord. 01-004 § 1, 2001; prior code § 2-1-12)

Chapter 2.10 MAYOR

Sections:

[2.10.010 Election of mayor.](#)

[2.10.020 Mayor pro tem.](#)

[2.10.030 Acting mayor.](#)

[2.10.040 Powers and duties of the mayor.](#)

[2.10.050 Failure to sign documents.](#)

2.10.010 Election of mayor.

A. The mayor shall be elected by the registered town voters by a majority vote at a general election in even-numbered years, as provided in Section [2.15.015](#).

B. The term of office for the mayor shall be four years. (Ord. 18-28 § 1, 2018; Ord. 16-12 § 2, 2016; Ord. 11-04 § 1, 2011; Ord. 03-007 § 1, 2003; Ord. 01-007 § 2, 2001; Ord. 01-002 § 1, 2001, approved by U.S. Dept. of Justice on March 9, 2001; prior code § 2-2-1)

2.10.020 Mayor pro tem.

A. At the first town council meeting after a new mayor is sworn in and assumes the duties of office, the town council shall designate one of its members as mayor pro tem. The mayor pro tem shall perform the duties of the mayor during the mayor's absence or disability.

B. The mayor pro tem shall succeed the mayor in the event of death, permanent disability, removal or resignation of the mayor.

C. The town council, with a majority vote, shall have the authority to appoint the mayor pro tem to fill the vacant mayor's seat for the remaining term of the mayor if half or more than half of the mayor's current term has been completed.

D. The town council, with a majority vote, shall have the authority to call for a special election to fill the vacant mayor's seat until the next regularly scheduled election if less than half of the current term has been completed.

E. The mayor pro tem will serve at the will of the town council and therefore can be removed, by a simple majority vote of the town council, from the position of mayor pro tem.

F. In the event of a recall election for the mayor, the provisions of this section will not apply. The individual who wins the recall election will be declared the mayor, not the mayor pro tem, for the remainder of the term until the

next general election. (Ord. 01-008 § 1, 2001; Ord. 01-002 § 1, 2001, approved by U.S. Dept. of Justice on March 9, 2001; prior code § 2-2-2)

2.10.030 Acting mayor.

In the absence or disability of both the mayor and mayor pro tem, the council may designate another of its members to serve as acting mayor who shall have all the powers, duties and responsibilities of the mayor during such absence or disability. (Prior code § 2-2-3)

2.10.040 Powers and duties of the mayor.

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

- A. He shall be the chief executive officer of the town.
- B. He shall be the chairman of the council and preside over its meetings. He may make and second motions and shall have a voice and vote in all its proceedings.
- C. He shall enforce the provisions of this code.
- D. He shall execute and authenticate by his signature such instruments as the council, any statutes, ordinances or this code shall require.
- E. He shall make such recommendations and suggestions to the council as he may consider proper.
- F. He may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or manmade calamity or disaster or in the event of the threat or occurrence of riot, rout or affray or other acts of civil disobedience which endanger life or property within the town. After declaration of such emergency, the mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the town, including but not limited to:
 - 1. Imposition of a curfew in all or any portion of the town.
 - 2. Ordering the closing of any business.
 - 3. Closing to public access any public building, street or other public place.
 - 4. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.
- G. He shall perform such other duties required by state statute and this code as well as those duties required as chief executive officer of the town. (Prior code § 2-2-4)

2.10.050 Failure to sign documents.

If the mayor fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring his signature for five days consecutively, then the mayor pro tem, or, in his/her absence, an acting mayor, named by the town council, is automatically authorized to sign such ordinance, resolution, contract, warrant, demand or other document or instrument which when so signed shall have the same force and effect as if signed by the mayor. (Ord. 04-002, 2004; Ord. 02-004, 2002; prior code § 2-2-6)

Chapter 2.15 ELECTIONS

Sections:

[2.15.010 Primary elections, referendum and initiative.](#)

[2.15.015 General elections.](#)

[2.15.020 Primary election date.](#)

[2.15.030 General election date.](#)

[2.15.040 Limitation on running for multiple offices.](#)

[2.15.050 Resignation of official seeking a different office.](#)

2.15.010 Primary elections, referendum and initiative.

A. Primary elections shall not be held for the offices of mayor and councilmember.

B. There is reserved to the qualified electors of the town the powers of initiative and referendum, as prescribed by the state's constitution and statutes. Any qualifying initiative or referendum matter may be voted upon at the next ensuing primary or general election, or at a special election called by the council for such purpose. (Ord. 18-28 § 2, 2018; Ord. 16-12 § 3, 2016)

2.15.015 General elections.

A. All qualifying candidates for mayor and councilmember shall be placed on the general election ballot.

B. The general election shall be scheduled to conform to the provisions of ARS Sections 16-204 and 16-211.

C. The candidates equal in number to the seats to be filled for the office who receive the highest number of votes at the general election shall be declared elected to that office. If two or more candidates receive an equal number of votes cast for the same office, and a higher number than any other candidate, the candidate who shall be declared elected shall be determined by lot in the presence of the candidates. (Ord. 18-28 § 3, 2018; Ord. 16-12 § 3, 2016)

2.15.020 Primary election date.

A primary election, if required for matters other than mayor or councilmember elections, shall be held on the tenth Tuesday before the first Tuesday after the first Monday in November of even-numbered years. (Ord. 18-28 § 4, 2018; Ord. 14-01 § 4, 2014; Ord. 96-008, 1996; prior code § 2-3-6)

2.15.030 General election date.

The general election shall be held on the first Tuesday after the first Monday in November of even-numbered

years. (Ord. 14-01 § 5, 2014; prior code § 2-3-7)

2.15.040 Limitation on running for multiple offices.

A person is not eligible to be a candidate for nomination or election to more than one public office if the elections for those offices are held on the same day and if the person would be prohibited from serving in the offices simultaneously. (Ord. 01-003, 2001, approved by U.S. Dept. of Justice on June 4, 2001; prior code § 2-3-8)

2.15.050 Resignation of official seeking a different office.

An elected official currently serving as a council member or mayor shall resign from their current office when seeking election to a different office unless serving their final year of office during the time of the election. A current office holder seeking re-election to the same office is not required to resign. (Ord. 01-003, 2001, approved by U.S. Dept. of Justice on June 4, 2001; prior code § 2-3-9)

Chapter 2.20 COUNCIL PROCEDURE

Sections:

[2.20.010 Regular meetings.](#)

[2.20.020 Special meetings.](#)

[2.20.030 Meetings to be public.](#)

[2.20.040 Quorum.](#)

[2.20.050 Agenda.](#)

[2.20.060 Order of business.](#)

[2.20.070 Committees and commissions.](#)

[2.20.080 Voting.](#)

[2.20.090 Suspension of rules.](#)

[2.20.100 Rules of decorum for meetings.](#)

[2.20.110 Parliamentary procedure.](#)

2.20.010 Regular meetings.

Generally, the mayor and common council will hold regular meetings on the second and fourth Thursdays of each month. All regular meetings will be held at 7:00 p.m., in the council chambers at Town Hall. The mayor and common council may cancel or reschedule regular meetings due to holidays and other special events. The town manager shall present a recommended meeting schedule to the mayor and council each fiscal year. (Ord. 18-17 § 1, 2018; Ord. 09-02, 2009; Ord. 84-12, 1984; prior code § 2-4-1)

2.20.020 Special meetings.

The mayor may convene the council at any time. Whenever a special meeting shall be called, a summons or a notice in writing signed by the mayor shall be served upon each member of the council either in person or by notice sent to their town issued email addresses, stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted thereat, except such as is stated in the notice. If the mayor is absent from the town, a special meeting may be convened in a similar manner by a majority of the council. Notice of any such meeting shall be provided to the public in the manner required by state law. (Ord. 15-04 § 1, 2015; prior code § 2-4-2)

2.20.030 Meetings to be public.

All proceedings of the council shall be open to the public, except that upon approval by a majority vote of the council, the council may meet in a closed executive session as provided by state law. (Prior code § 2-4-3)

2.20.040 Quorum.

A majority of the councilmen shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent members. (Prior code § 2-4-4)

2.20.050 Agenda.

A. Prior to each council meeting as directed by council policy, the clerk shall collect all written reports, ordinances, resolutions, contracts and other documents to be submitted to the council, and prepare an agenda according to the order of business and shall furnish each council member, the mayor and the attorney with a copy. The agenda shall be made available to the public in the manner required by state law.

B. The mayor and town council direct the town clerk to authorize the town secretary to post agendas for regular and special meetings as well as executive sessions and work sessions at the following locations: the town's website; Town Hall, inside and outside; the Huachuca City Police Station; the library and/or senior center and the Huachuca City Post Office. (Ord. 15-04 § 2, 2015; amended during 2015 recodification; Res. 03-017, 2003; prior code § 2-4-5)

2.20.060 Order of business.

A. The order of business for meetings of the council shall be established by resolution of the council, and may be amended from time to time, as determined by the council.

B. Consent Agenda.

1. The consent agenda lists items that are of such a nature that discussion is not required, or concerns issues that have been previously studied by the town council. These items may be adopted collectively by one motion.
2. There is no detailed discussion on items listed under the consent agenda, unless a member of the council requests that an item or items be removed for discussion. Councilmembers may ask questions without removal of an item from the consent agenda.
3. Items removed from the consent agenda are considered in their normal sequence as listed on the agenda, unless called out of sequence as provided herein.

C. Open Meeting Law Compliance. The town attorney shall be consulted before posting of agendas to ensure compliance with the open meeting statutes, ARS Section 38-431 et seq. (Ord. 18-19 § 1, 2018; Ord. 18-03 § 1, 2018; amended during 2015 recodification; Ord. 14-02 § 1, 2014; Ord. 03-005 § 1, 2003; Ord. 01-018 § 1, 2001;

Ord. 01-005 § 1, 2001; prior code § 2-4-6)

2.20.070 Committees and commissions.

The council may create such committees and commissions, standing or special, as it deems necessary. They shall consist of as many members and shall perform such duties as the council may require and shall exist at the pleasure of the council. (Prior code § 2-4-7)

2.20.080 Voting.

The mayor shall vote as a member of the council. The vote of every individual, on every issue that is voted upon, shall be included in the minutes. Unless a member of the council states that he is not voting, his silence shall be recorded as a vote with the majority. (Prior code § 2-4-8)

2.20.090 Suspension of rules.

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

2.20.100 Rules of decorum for meetings.

A. Decorum. Meetings of the city council shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process of the council is retained at all times. The presiding member of the council, who shall be the mayor, mayor pro tempore or, in their absence, other member so designated by the council, shall be responsible for maintaining the order and decorum of meetings.

B. Rules of Decorum. While any meeting of the city council is in session, the following rules of order and decorum shall be observed:

1. Council Members. The members of the city council shall preserve order and decorum, and a member shall not by conversation or other means delay or interrupt the council proceedings or disturb any other member while speaking.
2. City Staff Members. Employees of the city shall observe the same rules of order and decorum as those which apply to the members of council.
3. Persons Addressing the Council. Public oral communications at the city council meetings should not be a substitute for any item that can be handled during the normal working hours of the municipal government. The primary purpose of oral communications is to allow citizens the opportunity to formally communicate with the city council as a whole, for matters that cannot be handled during the regular working hours of the city government. Each person who addresses the council shall do so in an orderly manner and shall not make personal, impertinent, slanderous or profane remarks to any member of the council, staff or general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive

language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any council meeting shall, at the discretion of the presiding member or a majority of the council, be barred from further audience before the council during that meeting.

4. Members of the Audience. No person in the audience at a council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any council meeting. Any person who conducts himself in the aforementioned manner shall, at the discretion of the presiding member or a majority of the council, be barred from further audience before the council during that meeting.

C. Addressing the Council. At the discretion of the council, a person wishing to address the council regarding an item which is on the council meeting agenda shall submit a request on the form provided, or he or she may seek recognition by the presiding member of the council during discussion of any such item. Persons wishing to discuss a nonagenda item may seek recognition by the presiding member during the oral communications portion of the meeting. No person shall address the council without first being recognized by the presiding member. The following procedures shall be observed by persons addressing the council:

1. Each person shall step to the podium provided for the use of the public and shall state his or her name and address; the organization, if any, which he or she represents; and, if during the oral communications portion of the meeting, the subject he or she wishes to discuss.
2. During the oral communications portion, any subject which is not deemed relevant by the council shall be concluded.
3. Each person shall confine his or her remarks to the council agenda item or approved oral communications subject being discussed.
4. Each person shall limit his or her remarks to three minutes, unless further time is granted by the council.
5. All remarks shall be addressed to the council as a whole and not to any single member thereof, unless in response to a question from such member.
6. No question may be asked of a member of the council or of the city staff without permission of the presiding member.
7. At the conclusion of an open call to the public, individual members on council may respond up to three minutes (unless further time is granted by the presiding member) to criticism made by those who have addressed the council as a whole, may ask staff to review a criticism or may ask that a matter be put on a future agenda. However, individual members of the council shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

D. Enforcement of Decorum. The rules of decorum set forth above shall be enforced in the following manner:

1. Warning. The presiding member shall request that a person who is breaching the rules of decorum be orderly and silent. If, after receiving a warning from the presiding member, a person persists in disturbing the meeting, the presiding member shall order him or her to leave the council meeting. If such person does not remove himself or herself, then pursuant to ARS Section 13-3804, the presiding member may order any law enforcement officer who is on duty at the meeting as sergeant-at-arms of the council to remove that person from the council chambers.
2. Removal. Any law enforcement officer who is serving as sergeant-at-arms of the council shall carry out all orders and instructions given by the presiding member for the purpose of maintaining order and decorum at the council meeting. Upon instruction of the presiding member, it shall be the duty of the sergeant-at-arms to remove from the council meeting any person who is disturbing the proceedings of the council.
3. Resisting Removal. Any person who resists removal by the sergeant-at-arms shall be charged with a violation of this section.
4. Penalty. Any person who violates any provision of this section shall be guilty of a class one misdemeanor pursuant to ARS Section 13-2904.
5. Motion to Enforce. If the presiding member of the council fails to enforce the rules set forth above, any member of the council may move to require him or her to do so, and an affirmative vote of a majority of the council shall require him or her to do so. If the presiding member of the council fails to carry out the will of a majority of the council, the majority may designate another member of the council to act as presiding member for the limited purpose of enforcing any rule of this section which it wishes to enforce.
6. Adjournment. If a meeting of the council is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the meeting may be adjourned or continued by the presiding member or a majority of the council, and any remaining council business may be considered at the next meeting. (Ord. 03-010, 2003; prior code § 2-4-10)

2.20.110 Parliamentary procedure.

The town council shall use Webster's New World Third Edition of Robert's Rules of Order as the prevailing parliamentary procedure for conducting meetings of the town council. (Res. 15-03, 2015)

Chapter 2.25
ORDINANCES, RESOLUTIONS AND CONTRACTS

Sections:

[2.25.010 Prior approval.](#)

[2.25.020 Introduction.](#)

[2.25.030 Same day passage prohibited.](#)

[2.25.040 Two separate readings.](#)

[2.25.050 Requirements for an ordinance.](#)

[2.25.060 Effective date of ordinances.](#)

[2.25.070 Signatures required.](#)

[2.25.080 Publishing required.](#)

[2.25.090 Posting required.](#)

2.25.010 Prior approval.

All ordinances, resolutions and contract documents shall, before presentation to the council, have been reviewed as to form by the attorney and shall, when there are substantive matters of administration involved, be referred to the person who is charged with the administration of the matters. Such person shall have an opportunity to present his objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract. (Prior code § 2-5-1)

2.25.020 Introduction.

Ordinances, resolutions and other matters or subjects requiring action by the council shall be introduced and sponsored by a member of the council, except that the attorney or the clerk may present ordinances, resolutions and other matters or subjects to the council, and any councilman may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise they shall not be considered. (Prior code § 2-5-2)

2.25.030 Same day passage prohibited.

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

2.25.040 Two separate readings.

All ordinances, except emergency ordinances, shall have two separate readings, but the first and the second

reading shall never be made on the same day. The first reading may be by title only, but the second reading shall be in full, unless the council, in possession of printed copies of said ordinance, shall unanimously allow reading by title only. (Prior code § 2-5-4)

2.25.050 Requirements for an ordinance.

Each ordinance should have but one subject, the nature of which is clearly expressed in the title. Whenever possible, each ordinance shall be introduced as an amendment to this code or to an existing ordinance, and, in such case, the title of the sections to be amended shall be included in the ordinance. (Prior code § 2-5-5)

2.25.060 Effective date of ordinances.

No ordinance, resolution or franchise shall become operative until 30 days after its passage by the council and approval by the mayor, except measures necessary for the immediate preservation of the peace, health or safety of the town, but such an emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it should become immediately operative, and unless it is approved by the affirmative vote of three fourths of all the members elected to the council, taken by ayes and nays. (Prior code § 2-5-6)

2.25.070 Signatures required.

Every ordinance passed by the council shall, before it becomes effective, be signed by the mayor, the mayor pro tem or acting mayor and attested by the clerk. (Ord. 08-13, 2009; prior code § 2-5-7)

2.25.080 Publishing required.

Only such orders, resolutions, motions, regulations or proceedings of the council shall be published as may be required by state statutes or expressly ordered by the council. (Prior code § 2-5-8)

2.25.090 Posting required.

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

Chapter 2.30 OFFICERS IN GENERAL

Sections:

[2.30.010 Officers.](#)

[2.30.020 Treasurer.](#)

[2.30.030 Additional officers.](#)

[2.30.040 Bond.](#)

[2.30.050 Vacancies – Holding more than one office.](#)

[2.30.060 Additional powers and duties.](#)

2.30.010 Officers.

There are hereby created the offices of town manager, town clerk, town marshal, town engineer, town attorney, town magistrate, town building official and fire chief, who shall be appointed by the council and who shall serve at the pleasure of the council; provided, that the clerk, marshal and engineer shall be appointed biennially by the common council at its first regular meeting subsequent to the election of the council. (Ord. 16-14 § 1, 2016; prior code § 3-1-1)

2.30.020 Treasurer.

The finance clerk shall act as treasurer. (Ord. 19-14 § 1, 2019; prior code § 3-1-2)

2.30.030 Additional officers.

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

2.30.040 Bond.

The council shall require each officer of the town to give bond for the due discharge of his duties in such sums and with such security as it may direct and approve as determined by resolution. The town shall pay the costs of such bond. Pursuant to ARS Section 9-302, a blanket bond may be obtained to satisfy the requirements of this section. (Prior code § 3-1-4)

2.30.050 Vacancies – Holding more than one office.

Any vacancy that shall occur in any town office shall be filled by appointment by the council; provided, that one person may hold more than one office. At the discretion of the council, the functions of a town official may be validly performed and discharged by a deputy or another town official, or an otherwise qualified individual not holding office but employed at the pleasure of the council. (Prior code § 3-1-5)

2.30.060 Additional powers and duties.

In addition to any powers and duties prescribed in this code, each officer shall have such further powers, perform such further duties and hold such other office as may be provided by the council through ordinance, resolution or order. (Prior code § 3-1-6)

Chapter 2.35 OFFICERS

Sections:

[2.35.010 Town clerk.](#)

[2.35.015 Town manager.](#)

[2.35.020 Town marshal.](#)

[2.35.030 Town engineer.](#)

[2.35.040 Town attorney.](#)

[2.35.050 Town magistrate.](#)

[2.35.060 Fire chief.](#)

[2.35.070 Town building official and zoning administrator.](#)

[2.35.080 Department of library services.](#)

[2.35.090 Powers and duties – Director of library services.](#)

2.35.010 Town clerk.

A. Records. The clerk shall keep a true and correct record of all business transacted by the council and any other records that either pertain to the business of the town or that the council directs. The clerk shall number, plainly label and file separately in a suitable cabinet all resolutions, notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders and other documents of whatever nature.

B. Public Inspection of Records. The clerk shall keep convenient for public inspection all public records and public documents under his/her control, as provided by state statute.

C. Monthly Reports. The clerk shall prepare and collect from town officers and employees such monthly reports prepared in such manner and to include such information as may be directed by the council.

D. Minutes. The clerk shall prepare or cause to be prepared all minutes of council proceedings and ensure their correctness and accuracy.

E. Ordinances, Resolutions, Budgets and Notices. The clerk shall process, record, file, publish and, if required by state statute, post all ordinances, resolutions, budgets and notices that may be passed by the council.

F. Duties as Treasurer. The clerk shall hold the office of town treasurer and receive and safely keep all monies

that shall come to the town and pay out the same when authorized by the council. He shall keep a separate record and account of each different fund provided by the council, apportion the monies received among the different funds as prescribed by the council, and keep a complete set of books showing every money transaction of the town, the state of each fund, from what source the money in each fund was derived and for what purpose expended. He shall make monthly reports to the council of all receipts and disbursements and the balance in each fund. At the end of the fiscal year, he shall make a full and detailed statement of the receipts and expenditures of the town during the year, specifying the different sources of revenue and the amount received from each, all appropriations made by the mayor and council, and the object for which they were made, and the amount of money expended under each, the evidences of indebtedness issued, and what portion remains thereof outstanding, with the rate and amount of interest due thereon, and the amount of cash on hand.

G. Election Official. The clerk shall be the election official and perform those duties required by state statute.

H. Purchasing Agent. The clerk shall be the purchasing agent for the town and make purchases as authorized and directed by the council.

I. Licenses. The clerk shall issue or cause to be issued all licenses that may be prescribed by state statute or this code.

J. Administrative Duties. The clerk shall perform those administrative responsibilities and duties that are conferred upon him by the council in addition to those specified in this code. (Ord. 16-14 § 2, 2016; prior code § 3-2-1)

2.35.015 Town manager.

A. Establishment of Office. The office of the town manager is hereby created and established. The manager shall be appointed by the council wholly on the basis of his or her administrative and executive ability and qualifications and shall hold office for and at the pleasure of the council.

B. Residency. Residence in the town at the time of appointment of a manager shall not be required as a condition of the appointment, but within 90 days after reporting for work the manager must become a resident of the town, unless the council approves his or her residence outside the town.

C. Eligibility of Councilmember. No member of the council shall be eligible for appointment as manager until at least one year has elapsed after the councilmember has ceased to be a member of the council.

D. Compensation. The manager shall receive such compensation and benefits as the council shall from time to time determine. Nothing in this chapter shall be construed as a limitation on the power or authority of the council to enter into any supplemental agreement with the manager delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter or of state statutes.

E. Removal from Office. As required by ARS Section 9-303(C), the manager shall serve at the pleasure of the town council and may be removed without cause by a majority vote of the council.

F. Absence or Disability. To perform the duties of town manager during the temporary absence or disability of the permanent town manager, the town manager may designate by letter, filed with the clerk, a qualified administrative officer of the town to be chosen from current employees thereof. In the event of the incapacity or separation of the town manager, the council may, by formal action, appoint someone to perform the duties of the manager until the manager has returned to capacity or until a new town manager is appointed.

G. Powers and Duties. The manager shall be the administrative head of the government of the town under the direction and control of the council. He or she shall be responsible for the administration of all affairs of the town which are under his or her control. In addition to his or her general powers as administrative head, it shall be his or her duty and he or she shall have the powers set forth in the following:

1. Law Enforcement. It shall be the duty of the manager to see that all laws and ordinances of the town, and that all franchises, contracts, permits, and privileges granted by the council, are faithfully observed and to report any failure in that regard to the council, which shall give such instruction and direction as it may desire for remedial, corrective, or terminating action by the manager.

2. Personnel Officer and Authority over Employees. It shall be the duty of the manager to serve as the town's personnel officer, and he or she shall have the sole authority to hire, remove, control, order, and give directions to all heads of departments and to officers and employees of the town, pursuant to the town's personnel policies. However, the council must have the opportunity to approve or reject the hiring, termination and resignation of the following officers: town clerk, town marshal, town engineer, town attorney, and town magistrate. As to these officers, the manager shall recommend appointment and removal, subject to all applicable personnel policies, ordinances, rules, and regulations.

3. Ordinances and Policies. It shall be the duty of the manager to recommend to the council for adoption such policies and ordinances as he or she deems necessary.

4. Attendance at Council Meetings. It shall be the duty of the manager to attend all meetings of the council unless at his or her request he or she is excused therefrom by the mayor individually or by the council. Except when his or her removal is under consideration, he or she shall present definite recommendations relative to each item on the agenda for approval, rejection or modification by the council.

5. Financial Reports. It shall be the duty of the manager to keep the council fully advised as to the needs of the town in such form and at such times as requested by the council.

6. Budget. It shall be the duty of the manager to prepare and submit the proposed annual budget and the proposed annual salary plan to the council for its approval.

7. Expenditure Control and Purchasing. It shall be the duty of the manager to see that no indebtedness is incurred or expenditure made in violation of the state budget laws or the town's code and purchasing policies.

8. Investigations and Complaints. It shall be the duty of the manager to make investigations into the affairs of the town and any department or division thereof, and any contract or the proper performance of any obligations of the town and to report all findings to the council. Further, it shall be the duty of the manager to investigate all complaints in relation to matters concerning the administration of the town government and in regard to the service maintained by public utilities in the town and report all findings to the council.

H. Council-Manager Relations. The manager shall take his or her orders and instructions from the council only when promulgated at a duly convened meeting of the council, and no individual councilmember shall give any orders or instructions to the manager, except for purpose of inquiry. The council and its members shall deal with the administrative services of the town solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately, without the permission of the town manager. Any town business-related discussions between a councilmember and employees shall be approved by the town manager in advance, in writing.

I. Attendance at Meetings. The manager may attend all meetings of commissions, boards, or committees created by the council, upon his or her own volition or upon direction of the council. At the meetings which the manager attends, he or she shall be heard by the commissions, boards, or committees as to all matters upon which he or she wishes to address the members thereof, and he or she shall inform the members as to the status of any matter being considered by the council, and he or she shall cooperate to the fullest extent with the members of all commissions, boards, or committees appointed by the council.

J. Resignation of Manager. The manager shall provide the council a minimum of 45 days' written notice of intention to resign his or her position. The manager shall assist the council in the recruitment and selection of a replacement if requested by the council. In the event of resignation due to health reasons, the period of written notice shall be determined in conference between the manager and the council.

K. Policy Implementation. The manager shall not exercise any legislative function whatsoever, nor shall the manager engage in policy making or institute programs which require official action of the council. The manager shall receive policy from the council, and the manager shall faithfully implement that policy.

L. Public Relations Officer. The manager shall serve as public relations officer of the town government, and follow through and endeavor to adjust all complaints filed against any employee, department or service of the town to the end. The manager shall cooperate with all community organizations whose aims and purposes are to advance the interests of the town and its residents and provide them with all reasonable assistance obtainable through the town government within the limitations of the law.

M. Conduct in Office. The manager shall endeavor at all times to exercise the highest degree of tact, ethics, patience and courtesy in contacts with the public, media and with all town boards, departments and employees, and shall use best efforts to establish and maintain a harmonious relationship between all personnel employed in the town to the end that the highest possible standards of public service shall be continuously maintained. (Ord. 19-11 §§ 1, 2, 2019; Ord. 18-06 § 1, 2018; Ord. 16-14 § 3, 2016)

2.35.020 Town marshal.

The marshal shall be the chief of police and shall perform such duties as may be required of him by law and as the council may deem necessary. (Ord. 19-14 § 2, 2019; prior code § 3-2-2)

2.35.030 Town engineer.

The engineer shall have charge of the streets, sewers and waterworks and shall perform such duties as may be required of him by law and such other duties as the council may deem necessary. (Prior code § 3-2-3)

2.35.040 Town attorney.

The attorney shall act as the legal counselor and advisor of the council and other town officials and as such shall give his opinion in writing when requested. He shall draft all deeds, contracts, conveyances, ordinances, resolutions and other legal instruments when required by the council. He shall approve as to form, in writing, all drafts of contracts and all official or other bonds before final approval or acceptance thereof by the council. He shall return, within 10 days, all ordinances and resolutions submitted to him for consideration by the council, with his approval or disapproval as to form noted thereon, together with his reasons therefor. He shall prosecute and defend all suits, actions or causes where the town is a party and shall report to the council, when required, the condition of any suit or action to which the town is a party. (Prior code § 3-2-4)

2.35.050 Town magistrate.

The town magistrate shall be the presiding officer of the magistrate's court. He shall be selected by the council and shall perform those functions necessary to the maintenance of the magistrate's court as provided by state statute. (Prior code § 3-2-5)

2.35.060 Fire chief.

The duties of the fire chief are specified in Chapter [2.65](#). (Prior code § 3-2-6)

2.35.070 Town building official and zoning administrator.

The powers and duties of the town building official and the zoning administrator are as specified in state statutes and this code, and as prescribed by the council. These offices may be held by the same person or contracted entity appointed by the council. This code may use the terms "building official," "building inspector" and "zoning inspector" interchangeably for these offices. (Ord. 15-05 § 1, 2015; Ord. 98-008, 1998; prior code § 3-2-7)

2.35.080 Department of library services.

The department of library services is hereby created. The department of library services is a department of the

town. This department shall consist of the director of library services, who shall be the head of the department, and all offices and employees assigned thereto. All offices and employees shall perform their duties subject to the supervision of the director. The director shall supervise his or her department in accordance with the applicable personnel rules of the town. The director of library services shall be appointed by the town manager and shall serve under the direction and supervision of the town manager. (Ord. 18-06 § 2, 2018; Ord. 01-009 § 1, 2001; prior code § 3-2-8)

2.35.090 Powers and duties – Director of library services.

The director of library services shall:

- A. Administer the care, expansion, operation of the library facilities and programs; plan for development and operation of all library facilities and programs, in accordance with policies and lawful directives of the town clerk and town council. Whenever possible, incorporate the recommendations formulated by the library board into practices and procedures, as appropriate.
- B. Prepare and submit the annual department budget to the town clerk.
- C. Inform the general public of the services and facilities provided by the department of library services; address professional civic groups on library subjects; solicit suggestions from the general public on increasing the effectiveness of the library programs; cooperate with governmental and voluntary agencies or organization in solving library problems; provide advisory assistance to community organizations, related to library service programs.
- D. Advise the town council, town clerk, library board and community groups concerning the expenditure of public funds for library services; maintain effective and cooperative relations with all town officials, employees, state and federal agencies.
- E. The department of library services will also be responsible for other duties as assigned by the town clerk. (Ord. 01-009 § 2, 2001; prior code § 3-2-9)

Chapter 2.40 MAGISTRATE

Sections:

[2.40.010 Court established – Jurisdiction.](#)

[2.40.020 Presiding officer.](#)

[2.40.030 Town magistrate powers and duties.](#)

[2.40.040 Court proceedings.](#)

[2.40.050 Court fees.](#)

[2.40.060 Bail.](#)

[2.40.070 Rate of pay – Court appointed attorneys.](#)

[2.40.080 Home detention program.](#)

[2.40.090 Juvenile matters.](#)

2.40.010 Court established – Jurisdiction.

There is hereby established in the town a magistrate court which shall have jurisdiction of all violations of this code, and jurisdiction concurrently with justices of the peace of precincts in which the town is located of violations of laws of the state committed within the limits of the town. (Prior code § 5-1)

2.40.020 Presiding officer.

The presiding officer of the magistrate court shall be the town magistrate, who shall be appointed by the council and shall serve under a two-year contract. That certain code entitled “town magistrate” is hereby adopted and made a part of this chapter the same as though said code was specifically set forth in full here. At least three copies of said code shall be filed in the office of the clerk and kept available for public use and inspection. (Ord. 00-001, 2000; prior code § 5-2-1)

2.40.030 Town magistrate powers and duties.

The powers and duties of the magistrate shall include:

- A. The powers and duties set forth and conferred upon him under the provisions of the state constitution and statutes, this code and the ordinances and resolutions of the town.
- B. The keeping of a docket in which shall be entered each action and the proceedings of the court therein.

- C. The responsibility for fixing and receiving all bonds and bails and receiving all fines, penalties, fees and other monies as provided by law.
- D. Payment of all fees, fines, penalties and other monies collected by the court to the treasurer.
- E. Submitting a monthly report to the council summarizing court activities for that month.
- F. Preparation of a schedule of traffic violations not involving the death of a person, listing specific bail for each violation.
- G. Designation of a deputy other than a law enforcement officer and a specific location at which the deputy shall, during hours when the court is not open, set the amount of bail in accordance with the foregoing schedule and collect such bail, or accept proper bail bonds in lieu thereof, for and on behalf of the court.
- H. Serving as juvenile hearing officer in accordance with the authority granted by the Cochise County presiding superior court judge, Wallace R. Hoggatt. (Res. 07-04, 2007; Res. 01-010, 2001; prior code § 5-2-2)

2.40.040 Court proceedings.

- A. The proceedings shall be conducted in accordance with the state constitution, the applicable state statutes and rules of the state supreme court pertaining to police courts and justice of the peace courts. The proceedings shall also be conducted in accordance with the rules of criminal procedure for the superior court, unless otherwise prescribed, and providing this code and resolutions of the town are not in conflict therewith.
- B. The magistrate court proceedings shall be commenced by complaint under oath and in the name of the state setting forth the offense charged with and such particulars of time, place, person and property as to enable the defendant to understand distinctly the character of the offense complained of and to answer the complaint.
- C. If the magistrate is satisfied that the offense complained of has been committed by the person charged, he shall issue a summons or a warrant of arrest. Before issuing a summons or warrant of arrest on a complaint, the magistrate may subpoena and examine witnesses as to the truth of the complaint. (Prior code § 5-3-1)

2.40.050 Court fees.

The town council, in consultation with the town magistrate, shall adopt fees for court programs and services by resolution of the council. (Ord. 18-15 § 1, 2018; Ord. 10-01, 2010)

2.40.060 Bail.

The defendant at any time after arrest and before conviction shall be admitted to bail, if bailable. (Prior code § 5-3-2)

2.40.070 Rate of pay – Court appointed attorneys.

Payment to attorneys appointed by the Huachuca City magistrate to represent indigent criminal defendants shall

be as follows: \$100.00 per hour for a reasonable amount of hours to provide necessary defense. Reasonableness of fees will be determined by the town magistrate. Total payments shall not exceed \$1,500 for any one case, unless the town magistrate has approved a greater amount, in advance, upon motion and good cause shown. No costs will be reimbursed to attorneys for copies, postage, telephone charges, fax transmissions, travel time or expenses, research database fees or messenger service fees. Costs for service of process and expert witnesses may be reimbursed upon prior approval of the town magistrate. (Ord. 15-07 § 1, 2015; Ord. 13-01, 2013; prior code § 5-3-3)

2.40.080 Home detention program.

There is hereby established in the magistrate court a home detention program for offenders who are sentenced to jail confinement under ARS Sections 28-1381 and 28-1382. The home detention program is governed by the provisions of ARS Section 9-499.07(K) through (R), and will be administered in compliance with those provisions. The town is authorized to engage vendor services to administer the program. (Ord. 15-07 § 2, 2015)

2.40.090 Juvenile matters.

The town's magistrate court is authorized to hear and adjudicate cases in which a child under the age of 18 years on the date of the alleged offense is charged with violating any non-alcohol related provision of the State Motor Vehicle Code, not declared to be a felony, and violations of the town's code, not pertaining to curfew violations. (Res. 16-04, 2016)

Chapter 2.45
PLANNING AND ZONING COMMISSION

Sections:

[2.45.010 Established.](#)

[2.45.020 Membership.](#)

[2.45.030 Officers.](#)

[2.45.040 Duties.](#)

[2.45.050 Meetings.](#)

[2.45.060 Proceedings.](#)

[2.45.070 Uniform fee schedule.](#)

[2.45.080 Community development advisory committee.](#)

2.45.010 Established.

The planning and zoning commission of the town is hereby established. In the event that the members of the planning and zoning commission are not duly appointed or the commission is otherwise not fully constituted, as provided below, the town council may appoint a hearing officer to serve as the town's "planning agency," as contemplated by A.R.S. 9-461(4) et seq. (Ord. 20-01 § 1, 2020; prior code § 3-4-1)

2.45.020 Membership.

A. The planning and zoning commission shall be composed of a total of five members, who shall be residents of the town. The members of the commission shall be appointed by the mayor and council subject to the approval of the council. One member shall be appointed from the membership of the board of adjustment and appeals as a liaison member without voting rights, and five members shall be appointed at large. Appointments to the commission shall be for a period of four years. The terms of members shall be staggered so that the terms of no more than three members shall expire in any one year. In the event of death or resignation of a member, the vacancy may be filled for the unexpired term. The terms of all members shall extend until their successors are qualified; provided, however, three successive unexcused or unexplained absences from any regular or special meeting shall be grounds for termination at the will and pleasure of the appointing authority without the necessity of a hearing or notice, and such action shall be final.

B. All members shall serve without pay. Members of the commission may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the commission and approval of such expenditures by the council. (Ord. 18-08 § 1, 2018; Ord. 08-11, 2008; Ord. 07-01, 2007; prior code § 3-4-2)

2.45.030 Officers.

The commission shall elect a chairman and vice-chairman from among its own members, who shall serve for a two-year term and until their successors are elected and qualified. The chairman shall preside at all meetings and exercise the usual rights, duties and prerogatives of the head of any similar organization. The chairman shall have the power to administer oaths and to take evidence. The vice-chairman shall perform the duties of the chairman in the absence or disability of the chairman. Vacancies created by any cause shall be filled for the unexpired term by a new election. (Ord. 84-14, 1985; prior code § 3-4-3)

2.45.040 Duties.

It should be the duty of said commission to formulate, create and recommend for adoption any lawful plan to the governing body for the present and future growth of the town pertaining to the use of land and building for any purpose, together with all incidental activities usually associated therewith and commonly known as "planning and zoning"; to make or cause to be made a continuous study of the best present and future use to which land and buildings shall be put within the town and in cooperation with adjacent areas; to recommend to the governing body revisions in such plans which, in the opinion of the commission, are for the best interest of the citizens of the town; and to promulgate rules of procedure for the enforcement of rules so promulgated by the commission and approved by the governing body. (Prior code § 3-4-4)

2.45.050 Meetings.

The commission shall provide in its rules for its meetings; provided, that special meetings may be called by the chairman or in his absence the vice-chairman. In addition, any three members of the commission may make a written request to the chairman for a special meeting, and in the event such meeting is not called, such members may call such special meeting in such manner and form as may be provided in the commission rules. (Ord. 18-08 § 2, 2018; prior code § 3-4-5)

2.45.060 Proceedings.

A. The affirmative vote of a majority of the members present shall pass an issue. In this connection, the minutes of the meetings shall reflect the "ayes" and "nos" cast on a particular measure and shall reflect the vote of each member present.

B. A member who has a conflict of interest as defined in the state statutes in any matter before the commission shall make such conflict of interest known in the official records of the commission and shall refrain from participating in any manner in any proceedings regarding such matter. (Ord. 84-14, 1985; prior code § 3-4-6)

2.45.070 Uniform fee schedule.

The commission shall be authorized to establish a uniform schedule of fees for services with all receipts to be paid into the general fund of the town. Such fee schedules shall become effective upon approval by the council. (Prior code § 3-4-7)

2.45.080 Community development advisory committee.

A. Committee Created. There is hereby created a community development advisory committee under the direction of the planning and zoning commission.

B. Membership. The community development advisory committee shall be composed of persons who are residents of the town. The number of members and their method of appointment shall be determined by the mayor and council, upon advice from the planning and zoning commission, from time to time, as they see fit, by resolution.

C. Officers. The committee shall select its chairman, vice-chairman and recorder from among its members who shall serve for one year. The chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The vice-chairman shall perform the duties of the chairman in the absence or disability of the chairman. The recorder shall be responsible for recording and transcribing evidence taken by the committee in performance of its duties and for keeping minutes of the meetings.

D. Duties. The community development advisory committee shall:

1. Assist the planning and zoning commission, residents and town council in developing and understanding town problems, conditions and attitudes.
2. Provide organized and representative citizen input into decisions relating to neighborhood and town community development issues.
3. Provide citizen input into studies relating to neighborhood and town needs, which may include:
 - a. Questions of growth.
 - b. Questions of change.
 - c. Questions of neighborhood safety and appearance.
 - d. Needs for facilities, public improvements, transit service.
4. Formulate town policies which relate to community development planning.
5. Review proposed community development expenditure plans.
6. Act as a conduit for neighborhood expression of needs, conduct neighborhood meetings on neighborhood problems and establish and participate in review committees of projects.
7. Perform any other planning task which is under the purview of the planning and zoning commission.

E. Meetings. The committee shall meet quarterly; provided, that special meetings may be called by the chairman

or, in his absence, the vice-chairman. (Prior code § 3-4-8)

Chapter 2.50
LIBRARY ADVISORY BOARD

Sections:

[2.50.010 Establishment.](#)

[2.50.020 Appointment of library advisory board.](#)

[2.50.030 Powers and duties of library advisory board.](#)

[2.50.040 Library advisory board by-laws.](#)

2.50.010 Establishment.

The library advisory board of the town of Huachuca City, Arizona, is hereby created. (Ord. 02-001 § 1, 2002; prior code § 3-7-1)

2.50.020 Appointment of library advisory board.

The town council shall appoint six residents of the town as the library advisory board. Members of the board shall hold office for four years; provided, however, that the terms of three members of the library board shall initially be adjusted so that they expire on April 1, 2003, and that the terms of the remaining three members of the board shall expire on April 1, 2005, unless sooner removed. The office of board member shall be honorary and without compensation. (Ord. 02-001 § 1, 2002; prior code § 3-7-2)

2.50.030 Powers and duties of library advisory board.

A. The library advisory board shall meet once a month, and at such other times as they shall appoint, at a place to be provided for this purpose. They may elect from their body a chairperson, vice chairperson, secretary, county liaison, alternate county liaison, and meeting coordinator. The secretary shall keep a copy of proceedings of the board and submit copies to the town clerk and town council.

B. All meetings of the library advisory board shall be in compliance with Arizona state statutes and the Open Meetings Act, including executive sessions. A quorum is necessary to hold meetings and to make decisions. A quorum is defined as a simple majority of members currently serving on the board.

C. The board shall be advisory to the director of library services, the town clerk, and the town council. With the interest of serving the public with adequate quality library service, the board may make recommendations concerning:

1. Such rules, regulations, policies, or procedures governing the operation of the library.
2. Cooperative agreements with other library service providers.
3. Proposed expenditures or improvements for library facilities and services.

4. The development of such long-range plans for the enhancement of library services as it deems necessary. (Ord. 02-001 § 1, 2002; prior code § 3-7-3)

2.50.040 Library advisory board by-laws.

BY-LAWS OF THE LIBRARY

ADVISORY BOARD

FLORA M. JACKMAN PUBLIC LIBRARY

TOWN OF HUACHUCA CITY, ARIZONA

Article I. Creation

The Library Advisory Board of the town of Huachuca City, Arizona, was created by Ordinance No. 02-001 on the 14th day of February, 2002.

Article II. Purpose

The purpose of this Board shall be to advise the Director of Library Services and the Town Council on matters pertaining to the operation of the Library.

Article III. Membership

The Board shall consist of six regular members and one alternate member who shall be appointed pursuant to the laws of the Town of Huachuca City and who shall exercise the responsibilities delegated to them under said laws. The alternate member would attend all meetings in a nonvoting capacity and would only be empowered to vote at a meeting in which there is not a quorum of the regular members. Board members may reside in any area served by the Library District.

Article IV. Officers

Section 1. The Board shall choose from among its members a Chairperson who shall serve for two years and until the election of a successor, and who may stand for re-election.

Section 2. The Chairperson, or designate in the Chairperson's absence, shall preside at all meetings, call special meetings, appoint committees, sign all documents authorized by the Board, and generally perform all duties associated with that office.

Section 3. The Board shall choose from among its members a Vice Chairperson, County Liaison, Alternate Liaison, Secretary and a Meeting Coordinator; all of whom shall serve for two years and until the election of a successor and who may stand for reelection.

Section 4. The Vice Chairperson shall serve in the absence of the Chairperson.

Section 5. The Secretary shall keep a record of the proceedings of the Board and submit copies of these to the town clerk and the Town Council. The Secretary shall prepare such correspondence as may be directed by the Board.

Section 6. The Meeting Coordinator shall notify Board members of upcoming meetings.

Section 7. The County Liaison and Alternate shall attend all County Library meetings. They shall report to the Board on the content of these meetings.

Article V. New Members

Section 1. The Board shall make recommendations to the Town Council for appointments to the Board. It is desirable that candidates be representative of the diverse elements of the community and interested in providing the best possible services to all citizens. By majority vote, the Town Council makes appointments to the Board.

Section 2. The Director of Library Services shall give each new member a full technical tour of the inner operations of the Library so that members may be better prepared to deal with problems, make recommendations for changes and improvements, and have any questions answered.

Article VI. Meetings

Section 1. The Board shall follow Arizona Statutes and the Open Meetings Act.

Section 2. The Chairperson or acting Chairperson shall recognize members before they are allowed to address the Board.

Section 3. The Board shall meet for business purposes regularly each month and at such other times as it shall deem necessary.

Section 4. Notice of special meetings shall be given to each member at least two days before the meeting, except in emergencies.

Section 5. It shall be the duty of the Director of Library Services to prepare the agenda for each month's meeting. Any items wanted on the agenda by members or by employees of the Town shall be submitted to the Director of Library Services at least one week before the meeting and shall then be placed on the agenda.

Section 6. The Director of Library Services shall provide the agenda for the upcoming meeting and the secretary shall provide the minutes of the previous month's meeting to members before the next month's regular meeting.

Section 7. A Board member who, for whatever reason, cannot fulfill the obligations of a member and fails or is

unable to attend meetings regularly, shall be asked to submit a letter of resignation. If a member has three unexcused absences, the member will be asked to resign.

Section 8. A quorum for all business shall consist of a simple majority of the current membership of the Board. Should less than a quorum be present, the meeting shall be adjourned with no business being conducted.

Section 9. The Board shall act by means of an affirmative vote of the majority of members present at a meeting.

Article VII. Director of Library Services

In order that the Board may fulfill its advisory function, the Librarian shall:

- make monthly activity reports to the Board
- provide such other reports or data as requested

Article VIII. Finances

The Director of Library Services shall present rough drafts of the proposed fiscal year's budget to the Board for review and discussion in advance of presentation to Town Council. The Board shall be given adequate opportunity to review these drafts and make their recommendations.

Article IX. Committees

The Chairperson may appoint committees for such purposes as the Board may deem necessary. These committees shall serve until the completion of the task for which they were appointed.

Article X. Procedure

The order of business at each regular meeting shall be:

- Roll Call
- Approval of Minutes of Previous Meeting
- Correspondence and Communications
- Call to the Public
- Report of Director of Library Services

- Report of Committees
- Unfinished Business
- New Business
- Adjournment

This order is subject to rearrangement by the Chairperson at the meeting, if members do not object.

Article XI. Amendments

These by-laws may be amended by a simple majority vote of the Board. Amendments presented at one meeting shall be voted on at the following meeting and shall not take effect until approval by the Town Council. (Res. 02-009, 2002)

**Chapter 2.55
POLICE DEPARTMENT**

Sections:

[2.55.010 Created – Composition.](#)

[2.55.020 Appointment of police chief.](#)

[2.55.030 Compensation of officers.](#)

[2.55.040 Departmental rules and regulations.](#)

[2.55.050 Duties of police department.](#)

[2.55.060 Answering calls outside the town.](#)

[2.55.070 Fees chargeable for criminal background check before transfer of firearm.](#)

[2.55.080 Repealed and reserved.](#)

2.55.010 Created – Composition.

There is hereby created a police department for the town which shall consist of a chief of police who shall also serve as town marshal, and as many police officers as may from time to time be deemed necessary by the chief of police, based upon need and budget availability, for the safety and good order of the town. (Ord. 19-14 § 3, 2019; prior code § 4-1-1)

2.55.020 Appointment of police chief.

The chief of police shall be appointed by the council and shall serve at the pleasure of the council. (Ord. 19-14 § 4, 2019; prior code § 4-1-2)

2.55.030 Compensation of officers.

The chief of police shall be compensated as determined by the council. The chief of police shall not receive any perquisites, commissions or compensations for his services as chief of police or town marshal, except as the council may prescribe. Compensation of police officers will be determined by the chief of police, based on budget availability and approval of the town manager. (Ord. 19-14 § 5, 2019; prior code § 4-1-3)

2.55.040 Departmental rules and regulations.

The police department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the council. (Prior code § 4-1-4)

2.55.050 Duties of police department.

It is the duty of the police department, under the direction of the chief of police, to:

- A. Enforce this code and the statutes of the state of Arizona within jurisdictional limits as conferred by law and to arrest and charge the violators thereof.
- B. Take charge of the town jail and all prisoners confined therein, and all those who are sentenced to labor on the streets or public works of the town, and to see that orders and sentences with reference to such are fully executed and complied with.
- C. Deliver any persons who may be confined in the jail upon conviction of a crime committed under the jurisdiction of the magistrate's court to any authorized officer of the town who shall at any time demand such prisoners. Any such authorized person so demanding and receiving such prisoners shall work such prisoners on the streets or alleys of the town or on any and all authorized work as may be determined by the council.
- D. Render such account of the police department, its duties and receipts as may be required by the council, and keep records of the office open to inspection by the council at any time.
- E. Direct traffic and ensure the orderly flow thereof and investigate and make reports of traffic accidents.
- F. Inspect and ascertain the condition of traffic control devices of every description which have been erected within the town on the authority of the council and to notify the council of any defects found therein.
- G. Perform such additional duties as may be required by the council. (Prior code § 4-1-5)

2.55.060 Answering calls outside the town.

The members of the police department of the town are duly authorized to answer calls for aid and assistance beyond the corporate limits of the town whenever the chief of police in his discretion shall deem it necessary to protect lives and property, in accordance with existing agreements and when called upon for assistance by the proper jurisdictional authority. (Prior code § 4-1-6)

2.55.070 Fees chargeable for criminal background check before transfer of firearm.

The police department shall charge a fee, in addition to any other fees prescribed by law, in the amount of \$10.00 to recover the cost of criminal history background information checks which by law are conducted before transfer of a firearm to an individual who is not a federal firearms licensee. (Ord. 01-015 § 3, Ord. 94-003, 1994; prior code § 4-5)

2.55.080 Canine officer pay policy.

Repealed by Ord. 19-14. (Res. 08-13, 2008)

**Chapter 2.60
POLICE RESERVE**

Sections:

[2.60.010 Establishment of volunteer police reserve.](#)

[2.60.020 Reserve defined.](#)

[2.60.030 Appointment and qualification of members.](#)

[2.60.040 Limitations on membership.](#)

[2.60.050 Command and control.](#)

[2.60.060 Powers and duties.](#)

[2.60.070 Rules and regulations.](#)

[2.60.080 Insignia.](#)

[2.60.090 Eligibility for Workmen's Compensation benefits.](#)

2.60.010 Establishment of volunteer police reserve.

There is hereby established a volunteer police reserve for the town as auxiliary to the regular police department and as a component thereof. (Prior code § 4-2-1)

2.60.020 Reserve defined.

In this chapter, unless the context otherwise requires:

A. "Police" means the police department of the town.

B. "Reserve" means the volunteer police reserve of the town. (Prior code § 4-2-2)

2.60.030 Appointment and qualification of members.

The members of said reserve shall consist of United States citizens who are residents of the state, over 21 years of age, appointed by the council upon the recommendation of the chief of police. Any member of the reserve may have his authority revoked at any time by the chief of police without requirement of consent by the council. The qualifications set forth in this section shall not apply to reserve dispatchers. (Prior code § 4-2-3)

2.60.040 Limitations on membership.

The membership of the reserve shall not exceed six persons for each full-time regular policeman and three persons for each part-time regular policeman or matron. (Prior code § 4-2-4)

2.60.050 Command and control.

The reserve shall be under the command and subject to the direction and control of the chief of police or such member or members of the police as the chief of police shall designate. (Prior code § 4-2-5)

2.60.060 Powers and duties.

The members of the reserve shall render auxiliary support, without compensation, to the police department under such rules and regulations as the chief of police and council may prescribe. Members of the reserve may be called to duty by the chief of police during the time or in anticipation of any emergency situation or other occasion which, in the opinion of the chief of police, will reasonably require the aid of personnel other than that of the regular police department to maintain peace and good order in the town. Members of the reserve may also be called to duty at other times for training with the regular police department. Each member of the reserve shall, before entering on his duties, be required to take an appropriate oath. Each member shall have the powers and authority of a peace officer during such time, and only such time, as he is on duty in response to a call by the chief of police, subject, however, to such limitations as may be prescribed under rules and regulations adopted by the chief of police and council. (Prior code § 4-2-6)

2.60.070 Rules and regulations.

The chief of police, with the advice, consent and approval of the council, shall adopt rules and regulations expressly defining the powers and duties of the reserve, but such powers and duties shall not be in excess of those accorded to the police nor inconsistent therewith. (Prior code § 4-2-7)

2.60.080 Insignia.

The chief of police shall issue to each member of the reserve a badge of authority to be used by the member only while on duty. The badge shall be of such design as the chief of police may determine but shall bear the word "Reserve" across the face thereof. (Prior code § 4-2-8)

2.60.090 Eligibility for Workmen's Compensation benefits.

While on duty, members of the reserve shall be deemed employees of the town for the purpose of securing to such members the benefits of the Workmen's Compensation laws of the state of Arizona. (Prior code § 4-2-9)

**Chapter 2.65
VOLUNTEER FIRE DEPARTMENT**

Sections:

[2.65.010 Creation.](#)

[2.65.020 Scope.](#)

[2.65.030 Officers and composition.](#)

[2.65.040 Duties of chief officer.](#)

[2.65.050 Membership.](#)

[2.65.060 Equipment.](#)

[2.65.070 Providing fire protection outside the town.](#)

[2.65.080 General.](#)

[2.65.090 Offenses.](#)

[2.65.100 Enforcement.](#)

[2.65.110 Entry upon adjacent property.](#)

[2.65.120 Compensation.](#)

[2.65.130 Reference to fire code.](#)

[2.65.140 Adoption of the International Fire Code.](#)

[2.65.150 Burn permits.](#)

2.65.010 Creation.

There is hereby created a department to be known as the Huachuca City volunteer fire department. (Prior code § 4-3-1)

2.65.020 Scope.

The purpose of this department shall be to protect life and property in an emergency situation or when deemed necessary by the mayor, the council or the chief officer of the department. (Prior code § 4-3-2)

2.65.030 Officers and composition.

- A. The chief officer of the department shall have the position of fire department chief, and he shall also serve as town fire marshal and the head of the fire prevention bureau.
- B. The chief officer of the fire department shall be appointed by the council and serve at the pleasure of the council.
- C. The chief officer of the fire department shall be accountable to the council only.
- D. All other officers shall be appointed by the chief officer and shall be under his direct supervision and control and accountable to him. They are subject to disciplinary action as prescribed under the personnel rules of the town.
- E. The chief officer shall appoint a person to assume the duties of the chief officer in his absence. The person so appointed shall make a full report of any activities of the fire department upon the chief officer's return.
- F. All officers of the Huachuca City volunteer fire department shall conduct themselves so as to reflect credit upon Huachuca City. (Prior code § 4-3-3)

2.65.040 Duties of chief officer.

- A. The chief officer shall formulate a set of rules and regulations to govern the department and the organization and operation thereof, subject to the approval of the council. He shall also formulate standard operating procedures for fire department personnel as he feels necessary. It will be his responsibility to keep the council informed as to the general efficiency of the department.
- B. He shall investigate all fires, as head of the fire prevention bureau, and determine the cause, origin and circumstance of all fires. Furthermore, he shall cause adequate reporting of all fires and assist in the suppression of the crime of arson.
- C. The chief officer is empowered under existing law to enter any and all buildings and premises during normal daylight business hours for the purpose of making inspections and to serve written notice upon the owner, occupant or such person in charge thereof to abate within a specified period of time any and all fire hazards that may be found.
- D. The chief officer shall also make inspections and reports that may be requested from any other board, commission or department of the town in regard to fire hazards or suppression. (Prior code § 4-3-4)

2.65.050 Membership.

- A. The number of members, the manner of their appointment and the qualifications required for membership shall be prescribed by resolution of the council from time to time.
- B. Any member of the department may be suspended or discharged from the department by the chief at any time

he may deem such action necessary for the good of the department. On written request of such member to the council, he shall be afforded a hearing according to the established grievance procedures of the Huachuca City personnel board rules. (Prior code § 4-3-5)

2.65.060 Equipment.

A. The department shall, within the discretion of the council, be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire.

B. Suitable arrangements and equipment shall be provided for citizens to turn in an alarm and for notifying all members of the department so that they may promptly respond. (Prior code § 4-3-6)

2.65.070 Providing fire protection outside the town.

A. The council may enter into agreements or contracts to furnish fire protection outside the town or enter into mutual aid agreements, and the fire department is authorized to render firefighting service pursuant to the terms of such agreements or contracts. In addition, the fire department may provide services or assist in providing services outside the town when those services are unavailable or are provided at the request of any law enforcement agency, fire district, fire department or private person, and may receive reimbursement for the costs of providing the emergency services. The person receiving the services, or on whose behalf the services are provided, is liable to the town for the costs, and these costs constitute a debt of that person and may be collected by the town.

B. The costs of providing services are those costs set forth in resolutions adopted by the town council establishing fee schedules for emergency response, standby charges, fees for fire cause determination or any other fee that may be required or appropriate to provide services outside of the town's corporate limits. The town council may engage a service provider to pursue collection of the fees, or may refer them to the town attorney for collection. (Ord. 17-01 § 1, 2017; prior code § 4-3-7)

2.65.080 General.

A. All department vehicles shall have the right-of-way over all other traffic when responding to an alarm.

B. Personal cars belonging to fire department personnel shall respond in the most expedient manner, obeying all traffic regulations.

C. Emblems for members of the fire department shall be issued to be attached to their cars. (Prior code § 4-3-8)

2.65.090 Offenses.

A. Any person served by the chief of the department with a notice to abate any fire hazard shall comply therewith within a reasonable time and promptly notify the chief of such compliance.

B. No person shall drive any vehicle over a fire hose except upon specific order of the chief or other officer of

the department in charge where such hose is being used.

C. No person shall park any vehicle or otherwise cause any obstruction to be placed within 20 feet of the entrance to any fire station or other place where the apparatus is stored, or within 15 feet of any fire hydrant or cistern.

D. No unauthorized person, with any vehicle, shall follow within 500 feet of any apparatus belonging to the department, or park any vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

E. No person shall give, turn in, or cause to be given or turned in, a fire alarm, knowing such alarm to be false. (Prior code § 4-3-9)

2.65.100 Enforcement.

All regularly appointed members are hereby given and authorized to exercise the necessary powers to enforce the provisions of this chapter and Section [2.65.140](#) which pertains to the fire code. These powers shall include, but are not limited to, crowd control, traffic control, right of entry and any other police power that is necessary in the enforcement of their duty. (Prior code § 4-3-10)

2.65.110 Entry upon adjacent property.

It shall be lawful for any fireman acting under the direction of the person in command to enter upon the premises adjacent to or in the vicinity of any building or other property that is an emergency operation for the purpose of abating that emergency, and no person shall hinder, resist or obstruct any fireman in the discharge of his duties as provided in this chapter. (Prior code § 4-3-11)

2.65.120 Compensation.

All firemen of the Huachuca City fire department shall be compensated as determined by the council. No member of the department shall receive any compensation for his duties except as the council may prescribe. (Prior code § 4-3-12)

2.65.130 Reference to fire code.

The "International Fire Code" adopted by Section [2.65.140](#) shall serve as reference for all definitions pertinent in this chapter. (Ord. 16-02 § 2, 2016; prior code § 4-3-13)

2.65.140 Adoption of the International Fire Code.

That certain code entitled "International Fire Code" and supplements thereto, 2012 Edition, as copyrighted by the International Code Council, Inc., is hereby adopted as the "Fire Code of Huachuca City" and made a part of this chapter the same as though said code was specifically set forth in full herein. At least three copies of said code shall be filed in the office of the clerk and kept available for public use and inspection. Refer to Section [15.50.020](#) of the town code (buildings and construction) for the adopted amendments to the 2012 International Fire Code. (Ord. 16-02 § 2, 2016; Ord. 06-01, 2006; Ord. 96-002, 1996; Ord. 95-001, 1995; Ord. 90-07, 1990; prior code § 4-

4)

2.65.150 Burn permits.

The town, through the fire chief, is hereby authorized to cooperate in administering a burn permit program with the Arizona Department of Environmental Quality, pursuant to statutes and rules adopted by the state of Arizona. (Ord. 16-02 § 3, 2016)

Chapter 2.70
ANIMAL CONTROL DEPARTMENT

Sections:

[2.70.010 Creation.](#)

[2.70.020 Members.](#)

[2.70.030 Salaries.](#)

[2.70.040 False representation of an officer.](#)

[2.70.050 Responsibilities.](#)

[2.70.060 Citation authority.](#)

[2.70.070 Records and reports.](#)

2.70.010 Creation.

Within the police department there shall be and hereby is created the animal control department of the town (hereinafter referred to as the department). (Ord. 08-03 (Exh. A), 2008; prior code § 4-6-1)

2.70.020 Members.

Members of the department shall include the animal control officer and such deputies as may be authorized by the mayor and common council. The animal control officer shall report to the chief of police. (Ord. 08-03 (Exh. A), 2008; prior code § 4-6-2)

2.70.030 Salaries.

Salaries of the members of the department shall be such sums as designated by the mayor and common council. (Ord. 08-03 (Exh. A), 2008; prior code § 4-6-3)

2.70.040 False representation of an officer.

Any person who shall falsely represent himself as an animal control officer or any deputy thereof of this town, and falsely exercise the authority of the officer including but not limited to arrest or attempting to arrest, under such representation, shall be guilty of a misdemeanor, punishable by not less than a \$25.00 nor more than a \$300.00 fine, or three months in jail, or both. (Ord. 08-03 (Exh. A), 2008; prior code § 4-6-4)

2.70.050 Responsibilities.

The department shall enforce laws under the Arizona Revised Statutes and the town code with regard to the control of animals except where the enforcing authority is delegated to someone else or some other agency. In such event the department shall cooperate by exercising its authority when requested to do so. (Ord. 08-03 (Exh. A), 2008; prior code § 4-6-5)

2.70.060 Citation authority.

All regular members of the department are hereby delegated authority to issue citations for violation of the town animal code. (Ord. 08-03 (Exh. A), 2008; prior code § 4-6-6)

2.70.070 Records and reports.

The department shall maintain and submit such reports as are requested by the mayor and common council and the chief of police from time to time. (Ord. 08-03 (Exh. A), 2008; prior code § 4-6-7)

Chapter 2.75
ANIMAL CONTROL RESERVE

Sections:

[2.75.010 Establishment of volunteer animal control reserve.](#)

[2.75.020 Reserve defined.](#)

[2.75.030 Appointment and qualification of members.](#)

[2.75.040 Limitations on membership.](#)

[2.75.050 Command and control.](#)

[2.75.060 Powers and duties.](#)

[2.75.070 Rules and regulations.](#)

[2.75.080 Insignia.](#)

[2.75.090 Workmen's Compensation benefits.](#)

[2.75.100 Animal shelter kennel cleaning program.](#)

[2.75.110 Animal shelter dog walking program.](#)

[2.75.120 Animal shelter cat care program.](#)

2.75.010 Establishment of volunteer animal control reserve.

There is hereby established a volunteer animal control reserve for the town as auxiliary to the regular animal control department and as a component thereof. (Ord. 10-07, 2011; prior code § 4-7-1)

2.75.020 Reserve defined.

In this chapter, unless the context otherwise requires:

A "reserve" means the volunteer animal control reserve of the town. (Ord. 10-07, 2011; prior code § 4-7-2)

2.75.030 Appointment and qualification of members.

The members of said reserve shall be over 21 years of age and appointed by the council upon the recommendation of the chief of police. Any member of the reserve may have his/her authority revoked at any time by the chief of police without requirement of consent by the council. (Ord. 10-07, 2011; prior code § 4-7-3)

2.75.040 Limitations on membership.

The membership of the reserve shall not exceed two persons for each full-time regular officer. (Ord. 10-07, 2011; prior code § 4-7-4)

2.75.050 Command and control.

The reserve shall be under the command and subject to the direction and control of the chief of police or such member or members of the police as the chief of police shall designate. (Ord. 10-07, 2011; prior code § 4-7-5)

2.75.060 Powers and duties.

The members of the reserve shall render auxiliary support, without compensation, to the animal control department under such rules and regulations as the chief of police and council may prescribe. Members of the reserve may be called to duty by the senior animal control officer (ACO) or chief of police (COP) during the time or in anticipation of any emergency situation or other occasion which, in the opinion of the ACO or COP, will reasonably require the aid of personnel other than that of the regular department to maintain peace and good order in the town. Members of the reserve may also be called to duty at other times for training. Each member of the reserve shall, before entering on his duties, be required to take an appropriate oath. Each member shall have the power to issue citations for violations of the town code. (Ord. 10-07, 2011; prior code § 4-7-6)

2.75.070 Rules and regulations.

The police department, with the advice, consent and approval of the council, shall adopt rules and regulations expressly defining the powers and duties of the reserve, but such powers and duties shall not be in excess of those accorded to the regular employees nor inconsistent therewith. (Ord. 10-07, 2011; prior code § 4-7-7)

2.75.080 Insignia.

The chief of police shall issue to each member of the reserve a badge of authority to be used by the member only while on duty. The badge shall be of such design as the chief of police may determine but shall bear the word "Reserve" across the face thereof. (Ord. 10-07, 2011; prior code § 4-7-8)

2.75.090 Workmen's Compensation benefits.

While on duty, members of the reserve shall be deemed employees of the town for the purpose of securing to such members the benefits of the Workmen's Compensation laws of the state of Arizona. (Ord. 10-07, 2011; prior code § 4-7-9)

2.75.100 Animal shelter kennel cleaning program.

A. Standard Operating Procedures for Volunteers.

1. Volunteers will attend a 30- to 45-minute orientation/training once application is approved and forms signed.
2. We require at least 16 hours commitment per month.
3. Cleaning and sanitizing kennels is the most important task in a shelter setting to prevent the spread of

disease and provide the best home possible while the animals are maintained at the shelter.

4. Volunteers assigned to clean dog and/or cat kennels will receive formal training by an animal control officer(s).
5. Cleaning guidelines will be provided upon orientation and a staff member will supervise the volunteer to ensure the assignment is being carried out properly, until the volunteer becomes proficient in their task.
6. If the volunteer becomes unsure of an animal, they will not attempt to handle that animal, and will report it immediately to a staff member.
7. If an animal is found to be ill or injured while cleaning the kennels, volunteers are to report it immediately to a staff member.
8. When opening a cage/kennel for any reason, the volunteer must look to verify that nearby doors are closed and no other animals are out of their cages.
9. Volunteers must maintain a safe distance between dogs.
10. Orientation will include: tour of shelter, proper cage/kennel cleaning, feeding/watering of animals and staff expectations of volunteers.
11. Disciplinary actions will be taken for violations of procedures. The sanction imposed will depend upon the severity of the violation and discretion of shelter command and/or staff. First offense may be a memo-to-file, a written warning; second offense may be a formal write-up; and third offense will be dismissal from program.

B. Any violation of procedures may be grounds for dismissal from the volunteer program. (Approved by city council July 24, 2014)

2.75.110 Animal shelter dog walking program.

A. Standard Operating Procedures for Volunteers.

1. Volunteers will attend a 30- to 45-minute orientation/training once application is approved and forms signed.
2. For the regular program we require at least four hours commitment per month. For the part-time program we require at least two hours commitment per month.
3. Only three dogs may be walked at a time, but not together.

4. Volunteers shall finish walking by 1630 hours (4:30 p.m.).
5. During inclement weather (rain, high winds, snow, etc.) dogs will not be walked.
6. During hot weather, dogs will only be walked 15 minutes, and not on asphalt or concrete. When the temperatures reach 90 degrees or higher, dogs will not be walked.
7. When opening a cage/kennel for any reason, the volunteer must look to verify that nearby doors are closed and no other animals are out of their cages.
8. Volunteers must maintain a safe distance between dogs.
9. When the dog is ready to be returned, the volunteer must ensure that the pathway is clear of other animals and assorted hazards.
10. Do not attempt to walk a dog that you are not physically able to control.
11. Volunteers will be responsible for picking up all feces from dog being walked or taken into fenced yard.
12. Volunteers will not conduct or attend “sniff and greets” between shelter dogs and potential adopters’ dogs.
13. Orientation will include: tour of shelter, proper leash etiquette, proper way to open kennels and put dog on a leash, and staff expectations of volunteers.
14. Disciplinary actions will be taken for violations of procedures. The sanction imposed will depend upon the severity of the violation and discretion of shelter command and/or staff. First offense may be a memo-to-file, a written warning; second offense may be a formal write-up; and third offense will be dismissal from program.

B. Any violation of procedures may be grounds for dismissal from the volunteer program. (Approved by city council July 24, 2014)

2.75.120 Animal shelter cat care program.

A. Standard Operating Procedures for Volunteers.

1. Volunteers will attend a 30- to 45-minute orientation/training once application is approved and forms signed.
2. For the regular program we require at least four hours commitment per month. For the part-time program we require at least two hours commitment per month.

3. Only one cat may be out of cage/kennel at a time, not together, unless they are kennel mates.
4. When opening a cage/kennel for any reason, the volunteer must look to verify that nearby doors are closed and no other cats are out of their cages/kennels.
5. Volunteers must maintain a safe distance between cats.
6. Volunteers will not conduct or attend meetings between shelter cats and potential adopters' animals.
7. Orientation will include: tour of shelter, proper cat handling, proper way to open kennels, and staff expectations of volunteers.
8. Disciplinary actions will be taken for violations of procedures. The sanction imposed will depend upon the severity of the violation and discretion of shelter command and/or staff. First offense may be a memo-to-file, a written warning; second offense may be a formal write-up; and third offense will be dismissal from program.

B. Any violation of procedures may be grounds for dismissal from the volunteer program. (Approved by city council July 24, 2014)

Chapter 2.80
PARKS AND RECREATION COMMISSION

Sections:

[2.80.010 Established – Purpose.](#)

2.80.010 Established – Purpose.

The parks and recreation commission was established by Resolution No. 46 (August 23, 1962) and modified by the resolution codified in this chapter (February 14, 2002). The commission consists of five members serving four-year staggered terms. The chairman is selected from among the members. Members may be selected from the greater Huachuca City area known as the “sports district.” Appointments are made by the town council. This is not a decision or policy making commission but recommendations are made to council for legal action. The function of this commission is planning for recreational programs and projects for the town. The commission may establish a subcommittee to be known as the “activities committee” of as many members as it may wish. The purpose of this committee shall be to assist in the planning and coordination of recreational programs and projects of the commission. (Res. 02-007, 2002; Res. 46, 1962)

Chapter 2.85 TOWN FACILITY USE POLICY

Sections:

[2.85.010 Purpose.](#)

[2.85.020 Applicability.](#)

[2.85.030 Background.](#)

[2.85.040 Procedures.](#)

[2.85.050 Charges.](#)

[2.85.060 Rules and regulations.](#)

2.85.010 Purpose.

The purpose of this policy is to establish procedures and guidelines for persons and/or organizations requesting use of town facilities. It is the goal of the policy to encourage the use of the facilities by making them accessible to the community yet doing so in a fair, equitable and cost effective manner. (Res. 08-12, 2008)

2.85.020 Applicability.

This policy applies to all persons and/or organizations requesting use of the town facilities. This policy does not apply to the city council chambers nor does it include the use of town equipment/furniture other than what is available in the Community Center and kitchen. Town facilities include use of town parks and athletic fields. (Res. 08-12, 2008)

2.85.030 Background.

The town is often contacted by persons and/or organizations seeking to use town facilities. To clarify the procedure for reservation and usage, the following procedures and guidelines are established. (Res. 08-12, 2008)

2.85.040 Procedures.

All persons and/or organizations requesting to use the town facilities shall follow this procedure:

- A. Submit written application to the town clerk as far in advance of the date requested as possible. Applications are available at Town Hall and will be mailed upon request.
- B. Full payment of scheduled fee and deposit are due when application for use has been approved.
- C. Approval for usage will be determined by availability. After the request has been approved and the deposit received, the facilities will be considered reserved. Reservations will be based on whichever organization has

submitted the deposit first.

D. All groups will be required to make the necessary deposits, regardless of their fee status. (Amended during 2015 recodification; Res. 08-12, 2008)

2.85.050 Charges.

The mayor and council recognize that certain costs are associated with usage of the facilities and have developed the following guidelines:

A. All residents and/or organizations will be required to pay the scheduled fee, with the exception of the following:

1. Governmental jurisdictions conducting town-related business will have no fee assessed.

B. Any organization denied use under this policy as defined in this section may appeal to the city council. (Ord. 19-07 § 1, 2019; Ord. 15-03 § 1, 2015; Res. 08-12, 2008)

2.85.060 Rules and regulations.

A. The rules and regulations of this section shall apply to the Community Center, Senior Center, restrooms, and kitchen.

B. The town parks and athletic fields shall be available for use under this policy.

C. Users of the facilities will dispose of all refuse properly and adequately clean up after usage. Failure to provide proper clean up/maintenance will result in forfeiture of deposit and/or future use of the facilities. This will be determined by the town manager.

No person shall dig or remove any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means.

D. Children, eight years old and younger, must be supervised by an adult while playing on park playground equipment.

E. No overnight camping is allowed in the parks. No overnight parking of recreational vehicles is allowed in the parks without a town permit. The town will only permit 20 vehicles per park facility permit for overnight use.

F. Fire restrictions issued by the town or other authorities to help prevent wildfires may prohibit all fires, including the use of park grills, from time to time. No open fires are permitted, unless specifically authorized by permits issued by the town and the fire department. Only charcoal may be used in fixed grills provided in town parks, and charcoal fires shall be attended at all times.

G. Food, beverage and merchandise sales, smoking and the use of intoxicating liquor are prohibited in the parks and all other town-owned facilities and property, except as provided below:

1. Beer and wine, in plastic containers only, may be consumed when a special event permit for beer and wine sales to the public has been approved by the town.
2. Consumption of beer and wine pursuant to a special event permit issued for town parks is only permissible when there are no children's sports leagues events taking place at the same time as the special event.
3. Individuals applying for a special event permit, or selling or consuming alcoholic beverages, must abide by all terms and conditions of the special event permit, as well as all state and town laws, rules and regulations. Any event including the sale of alcohol must be a non-town-sponsored event, and no town funds may be utilized for an event involving the sale of alcohol.
4. The special event permit holder shall check every person's identification and provide wristbands for purchase and consumption of alcohol. No alcohol shall be sold or provided to anyone who is under age or showing signs of inebriation.
5. Smoking is prohibited within 20 feet of any athletic field, athletic facility, children's play area or entrance to the Community Center, Senior Center, or Town Hall. For purposes of this subsection, "smoking" means to inhale, exhale, burn, carry or possess any lighted tobacco or smoke tobacco-type products including cigarettes, medicinal or recreational marijuana, cigars, pipes, e-cigarettes, vapor and other synthetic-type products or smokeless types of devices, water pipes, hookah, shisha, chewing tobacco, snuff and other products containing tobacco.
6. Glass beverage bottles and containers are not allowed in the parks or other town facilities.
7. The sale of food, beverages or other merchandise is prohibited, unless specifically authorized by permit issued by the town.

H. The town of Huachuca City assumes no liability for loss, damage, injury or illness incurred by the users of the facilities. Users shall secure and maintain, throughout the period of use, general liability insurance with policy limits of not less than \$1,000,000 per occurrence. The town of Huachuca City, its elected and appointed officials, officers, agents and employees shall be named as additional insured by endorsement. Such policy or policies of insurance shall further provide that said policies of user shall be primary over any insurance held by the town that may be applicable. The types and limits of insurance may be changed from time to time as determined by the town of Huachuca City. Within 72 hours of scheduling, excluding weekends and observed holidays, all users must provide the town of Huachuca City with a certificate of insurance and other documentation as may be required by the town. Failure to provide the required documentation may result in cancellation and forfeiture of

any deposits paid.

User agrees to hold the town of Huachuca City harmless and free from any liability of any nature arising out of the use of town recreational facilities, to include reimbursement of any legal costs and fees incurred in defense of such claims.

I. Insurance may be obtained by qualified users through the Tenant Users Liability Insurance Program (TULIP) as provided by the National League of Cities and the Arizona Municipal Risk Retention Pool (AMRRP). The program can be accessed at www.ebi-ins.com/tulip. The town code required for access may be obtained from the town clerk. Users are solely responsible for obtaining and paying for the insurance. Use of this program is voluntary at the discretion of the user.

J. The individual representing the user of the facilities, i.e., person signing the application, shall be responsible for:

1. Proper disposal of all trash.
2. Rearrangement of furniture.
3. Turning off heating and cooling, shutting off all lights (including restroom lights), closing and locking windows, and lock exterior doors.
4. Reimbursing the town for any damage or loss to the facilities or equipment within 48 hours of use.
5. Proper maintenance of fields.

K. Failure to conform to these policies and rules may be cause for forfeiture of future use privileges and/or deposit.

L. Additional rules and procedures for using the Community Center are contained in Section [10.30.030](#). Payment for use of the facilities shall be as established pursuant to the most current fee schedule approved by the mayor and council.

M. Civil Violations. When a violation of this chapter is undesignated or designated a first offense by the enforcement officer or the town attorney, a person found to have been in violation of this chapter shall be deemed to have committed a civil offense and shall be subject to a civil penalty of not less than \$50.00 nor more than \$500.00, plus restitution for personal injuries, property damage or any other economic loss suffered by any person(s) including the town.

N. Criminal Violations. When a person convicted of a violation of this chapter is a person who has been previously found responsible or convicted of a violation of a provision of this chapter within a period of 12

months, the person shall be deemed to have committed a class two misdemeanor, pursuant to Title 13, Chapters 6, 7 and 8, Arizona Revised Statutes, as amended, and shall be subject to a fine of not less than \$75.00 nor more than \$750.00 for each violation or count, plus surcharges, fees and restitution for personal injuries, property damage or any other economic loss suffered by any person(s) including the town. (Ord. 18-26 § 1, 2018; Ord. 15-03 § 1, 2015; Res. 08-12, 2008)

Chapter 2.90
FAIR HOUSING POLICY

Sections:

[2.90.010 Fair housing policy.](#)

2.90.010 Fair housing policy.

Discrimination in the sale, rental, leasing and financing of housing or land to be used for construction of housing or in the provision of brokerage services on the basis of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the Fair Housing Amendments Act of 1988. It is the policy of the town of Huachuca City to implement programs, within the constraints of its resources, to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin; and within available resources the town of Huachuca City will assist all persons who feel they have been discriminated against in housing issues on the basis of race, color, religion, sex, handicap, familial status or national origin to seek equity under existing federal and state laws to file a complaint with the Arizona Attorney General's Office or the U.S. Department of Housing and Urban Development. The town of Huachuca City shall publicize the resolution codified in this chapter and thereby encourage owners of rental properties, developers, builders and others involved with housing to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances. (Res. 2017-03, 2017; Res. 06-04, 2006)

**Chapter 2.95
TRANSIT PROGRAM POLICIES**

Sections:

[2.95.010 Equal employment opportunity.](#)

[2.95.020 Title VI of the Civil Rights Act of 1964.](#)

[2.95.030 Limited English proficiency – LEP.](#)

[2.95.040 Americans with Disabilities Act of 1990.](#)

[2.95.050 Private enterprise involvement.](#)

[2.95.060 Disadvantaged business enterprises.](#)

[2.95.070 Subcontractor compliance.](#)

[2.95.080 Other legal requirements.](#)

2.95.010 Equal employment opportunity.

A. The town of Huachuca City, Arizona, hereby reaffirms its commitment to providing equal employment opportunities for all qualified persons without regard to race, color, national origin, religion, gender, sexual orientation, disability, age or any other basis which is prescribed by law. In addition, the town of Huachuca City is committed to providing a work environment free of retaliation, harassment, intimidation and coercion. These protections shall be provided to both candidates and employees at all applicable stages of the town's employment process, including recruitment, hiring, benefits, training, job assignments, promotion and compensation.

B. The town recognizes that the effective implementation of this equal employment policy requires more than a statement of principles. The town clerk or its designee shall be responsible for developing and implementing the specific plans and procedures that are necessary for this policy to be properly applied. All department heads and all other employees are required to cooperate and coordinate their actions with this policy and all applicable equal employment plans and procedures to ensure that they are properly applied.

C. Any employee or candidate for employment with the town who believes that he or she has been improperly discriminated against in any manner in violation of this policy, or subject to any unlawful retaliation, harassment, intimidation or coercion, is encouraged to submit a report of any such action directly to the applicable department head and to the town clerk. The town clerk will provide a written response to any such complaint within 10 calendar days of receipt of any complaint. Any employee or candidate who is not satisfied with that response may submit a written request for further review by the mayor and town council. Any such complaint will be addressed by the mayor and council in the manner provided for in the town personnel rules and regulations.

Nothing in this section shall infringe upon any other legal remedies that any employee or candidate for employment may have for the enforcement of any such rights. (Res. 12-02, 2012)

2.95.020 Title VI of the Civil Rights Act of 1964.

A. Intent. The transit service for the town of Huachuca City is to provide transportation for senior citizens and disabled residents of the town of Huachuca City. If space is available then other residents of the town may ride the bus.

B. Services Open to All. Public transportation services provided by the town of Huachuca City, either directly, or through a contractor, are open to the public. Neither the town nor its contractors shall discriminate on the basis of race, color, religion, gender, national origin, age, sex, disability, military or veteran status, political status or other legally protected status in the delivery of any transit services.

C. Complaints.

1. Complaints regarding general services including schedules, driver performance, fares, route deviations, vehicle cleanliness or similar types of performance issues may be directed to the Town Clerk, Town of Huachuca City, 500 N. Gonzales Blvd., Huachuca City, AZ 85616.

Complaints of this nature will be responded to in writing within 10 days of receipt.

Any person who believes that he or she may have been subjected to any discrimination prohibited by Title VI of the Civil Rights Act of 1964 may file a written complaint, either directly or by a representative, with ADOT Civil Rights Office at 1135 N. 22nd Avenue Mail Drop 154A, Phoenix, AZ 85009 or call their office at 602-712-7761. All such complaints will be promptly investigated.

Town of Huachuca City transit staff members are not authorized to investigate civil rights complaints.

2. Complaint Form. Complaint forms will be made available on each vehicle in both English and Spanish that direct riders to the proper person. All civil rights complaints are directed to ADOT and all service complaints are directed to the town of Huachuca City.

At a minimum, the form will include the complainant's name and contact information, a check box for the type of complaint, and instructions on how to formally file a complaint. The form will also include space for the complainant to describe the complaint in writing.

TOWN OF HUACHUCA CITY – RIDER COMPLAINT FORM

Please determine the type of complaint you wish to lodge and forward this completed form to the proper office. If you require access to TOY or Braille services, call Town Hall.

Type of complaint:

Civil Rights complaints

- I feel I have been discriminated against
- I feel that I have not been given equal or proper access under the Americans with Disabilities Act
- I feel that important information has not been provided to me in a language I understand
- Other _____ .

Describe your complaint in detail. Include date and time, names of personnel, names of witnesses, and all other pertinent information. Use additional paper if necessary.

Service complaints

- Bus and Equipment
- Driver or other personnel
- Other riders
- Schedule and Stops
- Other

Describe your complaint in detail. Include date and time, names of personnel, names of witnesses, and all other pertinent information. Use additional paper if necessary.

Civil Rights Complaints must be mailed to:

ADOT Civil Rights Office
1135 N. 22nd Avenue Mail Drop 154A
Phoenix, AZ 85009
or call their office at 602-712-7761.

Service Complaints must be mailed to:

Town Clerk or its designee

Town of Huachuca City

500 N. Gonzales Boulevard

Huachuca City, AZ 85616

D. Posting. The town of Huachuca City transit program will assure that a copy of this nondiscrimination policy and the complaint procedures will be posted on each transit vehicle in both English and Spanish and that these policies and procedures will be printed in the official transit guide in both English and Spanish.

E. Contractors – Subcontractors. The town of Huachuca City transit program will assure that all contractors and subcontractors will comply with these requirements. (Amended during 2015 recodification; Res. 12-02, 2012)

2.95.030 Limited English proficiency – LEP.

The town of Huachuca City transit program provides the transit guide in English and Spanish, including all nondiscrimination policies and procedures. The town of Huachuca City also has Spanish speaking drivers and staff available to assist passengers and others who may have limited English proficiency. Persons whose primary language is neither English or Spanish will be provided online translation services or direct translation services through the state's university programs. (Res. 12-02, 2012)

2.95.040 Americans with Disabilities Act of 1990.

A. General Statement. It is the policy of the town of Huachuca City transit program to abide by all provisions of the Americans with Disabilities Act (ADA) of 1990, as amended, including but not limited to those stated in this policy, in all of its activities, operations, and relationships with, and accommodations of, employees, clients, customers, and the general public.

B. Wheelchair Lift Availability. As required by the ADA, the town of Huachuca City transit program has, and shall maintain, a sufficient number of wheelchair accessible vehicles in the transit fleet to ensure that persons needing a wheelchair have equivalent access to transportation services as ambulatory persons.

C. Maintenance of Accessible Features. As required by the ADA, the accessible features on transit vehicles are maintained to a high level, and shall continue to be so maintained, so that persons needing these features receive equivalent service to persons not needing those features.

D. Adequate Time for Boarding and Disembarking. As required by the ADA, the town of Huachuca City transit program provides, and shall continue to provide, adequate time for persons with disabilities to board and disembark from transit vehicles.

E. Use of Portable Oxygen or Respirator. As required by the ADA, persons using transit vehicles may bring respirator, portable oxygen, and/or other life support equipment on board as long as they do not violate the law or rules relating to the transportation of hazardous materials. All equipment must be small enough to fit into the

vehicle safely and without obstructing the aisle and/or block emergency exits.

F. Service Animals. As required by the ADA, any guide dog, signal dog, or other animal individually trained to work or perform tasks for the benefit of an individual with a disability, including but not limited to guiding individuals with impaired vision or alerting individuals with impaired hearing, are accepted on transit vehicles.

G. Driver Training. As required by ADA, drivers are trained to proficiency in the use of wheelchair equipment on board transit vehicles and in passenger sensitivity. (Res. 12-02, 2012)

2.95.050 Private enterprise involvement.

In order to protect the interests of private for-profit and private nonprofit transportation operators in the area, the town of Huachuca City will:

A. Solicit private sector participation in the planning and implementation of transit service in the area. This includes reviewing the possibility of contracting with private operators to provide general public transportation services.

B. Maintain a list and description of all transportation providers in our service area including the days and hours of service, number of passengers, frequency of service, fare charged, and area served.

C. Provide reasonable notice to all transportation providers in the area to inform them of project grant applications and potential participation opportunities. Reasonable notice includes public notice in a newspaper of general circulation and direct notice by mail.

D. Receive and respond to any concern or dispute by any private transportation provider which is provided in writing to the Town Clerk, Town of Huachuca City, 500 N. Gonzales Blvd., Huachuca City, AZ 85616. (Res. 12-02, 2012)

2.95.060 Disadvantaged business enterprises.

The town of Huachuca City shall adopt the Arizona Department of Transportation's DBE Plan when the town receives in excess of \$250,000 in FTA funding exclusive of vehicle purchases, or when any such plan is otherwise required. Any such DBE Plan will be approved by the ADOT Civil Rights Office. Until that threshold is reached, the town of Huachuca City shall make sure that disadvantaged business enterprises in this area have an equal opportunity for all contracts awarded by the town in connection with the delivery of these services. (Res. 12-02, 2012)

2.95.070 Subcontractor compliance.

All subcontractors and agents that are retained by the town of Huachuca City for the purpose of providing any of the services that are the subject of these transit program policies shall be required, as a condition for any such agreement, to comply with all of these policies and procedures. (Res. 12-02, 2012)

2.95.080 Other legal requirements.

The town of Huachuca City shall comply with all other applicable state and federal requirements in delivery of these services. Staff is hereby directed and authorized to promulgate any additional policies and procedures that may be necessary to ensure that program is operated in full compliance with all applicable laws, rules and regulations. (Res. 12-02, 2012)

**Chapter 2.100
PUBLIC SWIMMING POOL POLICY**

Sections:

[2.100.010](#) **Adopted.**

2.100.010 Adopted.

The town of Huachuca City hereby adopts the AMRRP Municipal Aquatic Facility Procedures, Vol. 3, and AAC Title [9](#), Chapter 8, Article 8, Public and Semipublic Swimming Pools and Bathing Places, as the town's guide to operating policies and procedures. (Amended during 2015 recodification; Res. 06-12, 2006)

**Chapter 2.115
EMERGENCY SERVICES**

Sections:

[2.115.010 Purposes.](#)

[2.115.020 Definitions.](#)

[2.115.030 Director of emergency services.](#)

[2.115.040 Duties of director.](#)

[2.115.050 Department of emergency services.](#)

[2.115.060 Unauthorized warning or all clear signals prohibited.](#)

[2.115.070 Lights during blackouts declared public nuisance.](#)

[2.115.080 Conflicting orders, rules and regulations suspended.](#)

[2.115.090 No conflict with state or federal statutes.](#)

[2.115.100 No municipal or private liability.](#)

[2.115.110 Expenses for emergency services.](#)

2.115.010 Purposes.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the care of persons and property within the town in the event of a disaster and to provide for the coordination of the emergency services and disaster functions of the town with all other public agencies and affected private persons, corporations and organizations. (Prior code § 6-1-2)

2.115.020 Definitions.

In this chapter, unless the context otherwise requires:

“Disaster” means actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity or disaster.

“Emergency services” means the preplanning and preparation necessary to carry out emergency functions, other than functions for which military forces or federal agencies are primarily responsible, to prevent or minimize the loss of lives or property caused by disasters of every kind. (Prior code § 6-1-1)

2.115.030 Director of emergency services.

The office of director of emergency services is hereby created with the director having the authority to request the mayor and common council to declare the existence of an emergency. In any event, if the Governor of the state of Arizona declares an emergency under provisions of ARS Section 35-192, as may be amended from time to time, then any emergency plans of the town shall immediately become effective, and the Huachuca City emergency services plans shall be implemented. (Prior code § 6-2-1)

2.115.040 Duties of director.

The duties and responsibility of the director of emergency services shall include the following:

- A. The promotion, control and direction of the training of emergency services personnel and the public.
- B. The organization, administration and the execution of all emergency services plans adopted by the town and the appointment and training of section leaders or aides.
- C. The maintenance of necessary liaison with other emergency services organizations.
- D. The marshaling, in the event of an emergency or disaster, of all necessary personnel, equipment or supplies available to the town.
- E. The issuing of all necessary proclamations as to the existence of an emergency and the immediate operational effectiveness of the emergency services plan.
- F. The issuance of reasonable rules and regulations which are necessary for the protection of life and property in the town.
- G. The negotiation and drafting of mutual aid agreements and the execution of all those entered into by the town.
- H. The procurement and supervision of all necessary supplies and equipment, including an acceptance of private contributions.
- I. The recommendation of agreements for the use of private property for air raid shelters and other civil defense purposes.
- J. The emergency services director shall work under the direction of and at the pleasure of the council. (Prior code § 6-2-2)

2.115.050 Department of emergency services.

The emergency services organization of the town shall be known as the “Huachuca City department of emergency services” and shall consist of all the officers and employees of the town and all volunteers. The functions and duties shall be designated by an emergency services plan adopted by the council and shall provide for the divisions and categories necessary for the operation of any and all disaster work. Insofar as possible,

such an organization shall conform to the regulations and recommendations of the federal government and the state of Arizona. (Prior code § 6-3)

2.115.060 Unauthorized warning or all clear signals prohibited.

It shall be unlawful for any unauthorized person to operate a siren or other device so as to simulate a blackout signal or air raid or the termination of a blackout or air raid. (Prior code § 6-4-1)

2.115.070 Lights during blackouts declared public nuisance.

Any light displayed contrary to any rule, order or regulation promulgated pursuant to the provisions of this chapter constitutes a public nuisance and when deemed necessary in order to protect life or property during blackout or raids, the police are authorized and directed to enter upon any premises within the town using reasonable force and extinguish lights or take other necessary action to make effective any order, rule or regulation promulgated under the authority conferred by this chapter. (Prior code § 6-4-2)

2.115.080 Conflicting orders, rules and regulations suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing orders, rules and regulations insofar as the latter may be inconsistent therewith. (Prior code § 6-5)

2.115.090 No conflict with state or federal statutes.

This chapter shall not be construed as to conflict with any state or federal statute or with any military or naval order, rule or regulation. (Prior code § 6-6)

2.115.100 No municipal or private liability.

The enactment of this chapter constitutes an exercise by the town of its governmental functions for the protection of the public peace, health and safety, and neither the town, the agents and representatives of said town, nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to person or property as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the town a license or privilege, or otherwise permits the town to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack shall, together with his successors in interest, if any, be not civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to the property of such person. (Prior code § 6-7)

2.115.110 Expenses for emergency services.

No person shall have the right to expend any public funds of the town in carrying out any emergency services activity authorized by this chapter without prior and specific approval of the council; except that the council may

budget money for emergency services activities and such funds shall be spent at the direction of the director and with the approval of the council. (Prior code § 6-8)

Chapter 2.120
NAMING AND RENAMING OF PUBLIC MEMORIALS

Sections:

[2.120.010 Purpose.](#)

[2.120.020 Composition of the board – Terms of office – Vacancies.](#)

[2.120.030 Powers and duties of the board.](#)

[2.120.040 Meetings.](#)

[2.120.050 Compensation of board members.](#)

[2.120.060 Procedures.](#)

2.120.010 Purpose.

The purpose of this chapter is to provide a citizen board, called the memorial review board, to receive, review and make recommendations on proposals to name and rename public memorials. The board shall serve as a facilitator and shall encourage dialogue on such proposals; hold public hearings; conduct focus groups, discussions and surveys; and balance the public's sense of place, history and identity with special recognition for a particular community, leader or history. (Ord. 02-003 § 1, 2002; prior code § 3-8-1)

2.120.020 Composition of the board – Terms of office – Vacancies.

A. The memorial review board shall consist of five residents of the town of Huachuca City who are appointed by the town council.

B. Appointments to the board for the first term shall be for one-, two- and three-year terms. Thereafter, there shall be four-year terms, commencing July 1st. The chairperson shall be elected annually by a majority vote of the membership of the board. (Ord. 02-003 § 1, 2002; prior code § 3-8-2)

2.120.030 Powers and duties of the board.

The memorial review board shall be informed of, and review and advise upon, all matters pertaining to the naming or renaming of the public areas, such as streets, buildings or structures, or other public objects. (Ord. 02-003 § 1, 2002; prior code § 3-8-3)

2.120.040 Meetings.

A. The memorial review board shall hold regular meetings once a month unless it has no agenda items, and shall consider applications for a public memorial on the agenda of the next regular meeting of the memorial review board, when an application for naming or renaming a public memorial has been filed with the town clerk.

B. The business conducted by the memorial review board shall be open to the public and held in compliance with

the Open Meetings Act. Public notice of the time, date and place of such meetings shall be given in the manner required by the Act. (Ord. 02-003 § 1, 2002; prior code § 3-8-4)

2.120.050 Compensation of board members.

The memorial review board members shall not receive compensation for their service on the board. (Ord. 02-003 § 1, 2002; prior code § 3-8-5)

2.120.060 Procedures.

A. An application shall be filed with the town clerk requesting the following information:

1. The proposed name and the basis for the proposal;
2. The object or site that is the subject of the proposal;
3. The current name, if applicable;
4. The effect of the proposed name change upon residents and businesses;
5. The projected cost of the proposal; and
6. Anticipated support or opposition to the proposal.

B. The town clerk shall refer the application to the memorial review board upon receipt.

C. When a petition is required, the town clerk shall verify the petition and refer it to the memorial review board.

D. Within 90 days of receiving the application, the memorial review board shall review all proposals and make a recommendation and pass its recommendation on to the town council.

E. The memorial review board shall notify the applicant of the initial scheduled meeting to review the application. At such meeting, the board shall determine how to proceed to review the application.

1. The board may require the applicant to provide such additional information as is determined to be necessary for the board to make an informed recommendation and which can reasonably be produced by the applicant in a timely manner. Failure of the applicant to provide such information shall not relieve the board of its obligation to make a recommendation to town council within 90 days.
2. The board shall make a determination of the accuracy of the information presented in the application and include such determination in the recommendation forwarded to town council.
3. The board shall determine appropriate language to be included in public notices and notifications to affected parties under this chapter, subject to the approval of the town attorney. At a minimum, such

notices and notifications shall include the location to be named or renamed and the cost of such naming or renaming to the city, together with the time, date and location of any subsequently scheduled public hearings or meetings of the board at which the proposed naming or renaming is to be discussed.

F. If the proposed naming or renaming is of a street, the applicant shall be responsible for, and bear the cost of, printing and delivering to affected businesses and residences notice of the name change for which an application has been submitted. Such notification shall be made to all businesses and residences with mailing addresses on the street in question and to all businesses and residences on the immediate corners of each street transversed by such street. As part of the notification process, the applicant shall make a reasonable effort to present to such residences and businesses written notice as described in subsection (E)(3) of this section.

1. Such notification shall also include information as prepared by the board and approved by the town attorney, describing the town's process for naming and renaming public objects and streets as public memorials.

2. Further, the applicant shall request that the occupant of a residence or business sign a statement, in a form acceptable to the board and the town attorney, acknowledging receipt of the notification. If such occupant is not available or chooses not to sign the statement, the applicant should list the address of such occupant on the statement and the date and time notification was attempted, and indicate that the occupant was not available or chose not to sign. A signature on the petition submitted by the applicant shall be considered to fulfill this requirement for acknowledgment of notification. A copy of all acknowledgments or petitions shall be forwarded to the board for its review within 60 days of the submission of the application.

G. If the proposed naming or renaming is of a local street, a petition indicating support for the proposed change and bearing the signatures of one percent of the town's registered voters must be submitted within 60 days of the application. If the proposed naming or renaming is of a major street, a petition bearing the signatures of three percent of the town's registered voters must be submitted within 60 days of the application. If the applicant fails to submit valid petitions as verified by the town clerk, the memorial review board shall report to town council that the applicant has failed to collect sufficient signatures and the application is invalid. Town council shall not be obligated to hold public hearings or to vote on the proposed naming or renaming, should sufficient valid signatures not be collected by the applicant.

H. Town council shall hold a public hearing on the proposal. At least 30 days prior to such public hearing, notification shall be published in a newspaper of general circulation within the town. If the proposal is to name or rename a street, the town clerk shall cause to be mailed to the owners of record of properties with mailing addresses on such street, and on the street corners of streets immediately transversing such street, notification of the proposal and the date, place and time of the proposed public hearing.

I. Town council shall vote on the proposal within 90 days of the memorial review board's recommendation to council.

J. The actual naming or renaming shall be done within 90 days after the proposal has been passed by resolution or ordinance. (Ord. 02-003 § 1, 2002; prior code § 3-8-6)

**Chapter 2.125
PERSONNEL SYSTEM**

Sections:

[2.125.010 Creation and scope.](#)

[2.125.020 Conditions of employment.](#)

[2.125.025 Nepotism and conflicts of interest.](#)

[2.125.030 Rules and regulations.](#)

[2.125.040 Political contributions.](#)

[2.125.050 Use of town vehicles.](#)

2.125.010 Creation and scope.

There is hereby adopted a merit system for the employees of the town, the provisions of which shall apply to all employees of the town except elected officials, officers of the town appointed by the council, persons engaged under contract to supply expert, professional or technical services, temporary employees, volunteer firemen and volunteer personnel who receive no regular compensation from the town. (Prior code § 3-3-1)

2.125.020 Conditions of employment.

The appointment, promotion and tenure of every employee shall be conditioned solely on merit and fitness and the satisfactory performance of the duties and responsibilities assigned. No employee or applicant for employment shall be discriminated against on the basis of race, color, religion, sex or political affiliation. (Prior code § 3-3-2)

2.125.025 Nepotism and conflicts of interest.

A. Pursuant to ARS Section 38-481, it is unlawful, unless otherwise expressly provided by law, for an executive, legislative, ministerial or judicial officer to appoint or vote for appointment of any person related to him by affinity or consanguinity within the third degree to any clerkship, office, position, employment or duty in any department of the town's government of which such executive, legislative, ministerial or judicial officer is a member, when the salary, wages or compensation of such appointee is to be paid from public funds or fees of such office, or to appoint, vote for or agree to appoint, or to work for, suggest, arrange or be a party to the appointment of any person in consideration of the appointment of a person related to him within the degree provided by this section.

B. In addition to the prohibitions described in subsection A of this section, the town adopts Title 38, Chapter 3, Article 8, Arizona Revised Statutes, prohibiting officers and employees of the town from participating, in any manner, in matters in which they, or their relative has, a substantial interest. (Ord. 17-05 § 1, 2017)

2.125.030 Rules and regulations.

The council may adopt by resolution rules and regulations to give effect to this section, which may be modified or changed from time to time, but such rules and regulations shall follow the generally accepted principles of good personnel administration. (Prior code § 3-3-3)

2.125.040 Political contributions.

No officer, official or employee of the town shall use any influence or pressure upon any employee to obtain any assessment or contribution of money or time, either direct or indirect, for any political campaign or personal gain. (Prior code § 3-3-4)

2.125.050 Use of town vehicles.

A. A motor vehicle owned or leased by the town shall not be provided to an employee, including contractors and elected officials, for the employee's personal use.

B. All town employees, contractors or elected officials shall use motor vehicles owned or leased by the town for town business only.

C. No town employees, contractors or elected officials may use motor vehicles owned or leased by the town to transport friends or family.

D. For purposes of this section, town business does not include normal commuting to and from the employee's residence at any time, unless the employee is on duty or on call for duty during the time that the employee is at the employee's residence.

E. Except as provided by ARS Section 38-538.03(B), all vehicles leased or owned by the town shall bear the designation of the town and the phrase "for official use only" placed in a uniform manner and in a visible location on said vehicles. (Ord. 13-09, 2013; prior code § 3-3-5)

Chapter 2.130
PERSONNEL POLICIES AND PROCEDURES

(Repealed by Ord. 18-04)

Chapter 2.135
PSPRS LOCAL BOARD

Sections:

[2.135.010 Local board.](#)

2.135.010 Local board.

Pursuant to ARS Section 38-847(A), the town hereby establishes a local board to administer and implement the PSPRS for the town's employee members. The local board shall be composed as provided by ARS Section 38-847(A)(1), and shall operate as required by ARS Title 38, Articles 4, 4.1 and 4.2. (Ord. 19-15 § 1, 2019)

**Title 3
REVENUE AND FINANCE**

Chapters:

[3.05 Procurement and Investment](#)

[3.10 Credit Card Policy](#)

[3.15 Library Fees](#)

[3.20 Surplus Property](#)

**Chapter 3.05
PROCUREMENT AND INVESTMENT**

Sections:

Article I. Procurement Procedures

[3.05.010 Purpose – Rules of construction.](#)

[3.05.020 Definitions.](#)

[3.05.030 Purchasing organization.](#)

[3.05.040 Methods of procurement.](#)

[3.05.050 Formal sealed bids.](#)

[3.05.060 Informal quotations.](#)

[3.05.070 Direct selection for small purchases.](#)

[3.05.080 Other types of procurement.](#)

[3.05.090 Cooperative purchasing agreements.](#)

[3.05.100 Cancellation of invitations for bids or requests for proposals.](#)

[3.05.110 Responsibility of bidders and offerors.](#)

[3.05.120 Prequalification of bidders or offerors.](#)

[3.05.130 Multi-year contracts.](#)

[3.05.140 Inspection of contractor's plant and records.](#)

[3.05.150 Determinations.](#)

[3.05.160 Reporting of suspected collusive bidding or negotiation.](#)

[3.05.170 Enforceability and modifications.](#)

[3.05.180 Emergency purchases.](#)

[3.05.190 Penalty.](#)

3.05.200 Bid protests.

Article II. Investment of Town Funds

3.05.210 Policy for the investment of town funds.**3.05.220 Authorized investments.****3.05.230 Management of investments.****3.05.240 Prohibition of conflicts of interest.****3.05.250 Investment reports.****Article I. Procurement Procedures****3.05.010 Purpose – Rules of construction.**

A. Liberal Construction. This article shall be liberally construed and applied to promote its underlying purposes and policies. Procurement situations may arise that do not fall within the parameters of following procedures. When such situations arise every effort will be made to adhere to the intent of purposes and policies as outlined in subsection B of this section.

B. Purposes and Policies. Underlying purposes and policies of this article are:

1. To simplify, clarify and modernize the law governing purchasing by the town.
2. To permit the continued development of purchasing policies and practices.
3. To make as uniform as possible the procedures on purchasing among the various departments and agencies of the town.
4. To provide for increased public confidence in the procedures followed in public purchasing.
5. To promote fair and equitable treatment to all suppliers or prospective suppliers of goods and services.
6. To promote effective competition among prospective suppliers of goods and services.

C. Supplementary General Principles of Law Applicable. Unless displaced by the particular provisions of this article, the principles of law and equity, including the Uniform Commercial Code, the law relative to capacity to contract, principal and agent, fraud, misrepresentation, duress, coercion, mistake and bankruptcy, shall supplement its provisions.

D. Application of the Code. This article shall apply to every expenditure of public monies by the town, including funds available under any contract, grant or like business agreement. In the event that any contracts, grants or other agreements with any state or federal agencies may require that the town comply with certain state or federal procurement laws or regulations as a condition for any such contract, grant or agreement, the requirements of any such applicable state or federal provisions shall be met. (Ord. 14-06 § 2, 2014; prior code § 18-1-1)

3.05.020 Definitions.

The words in this article shall have the following meanings unless the context in which they are used clearly requires a different meaning, or a different definition is prescribed for a particular section or portion thereof:

“Architect-engineer services” means those professional services within the scope of practice of architecture, professional engineering or registered land surveying as defined by the laws of Arizona.

“Business” means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any legal entity through which business is conducted.

“Confidential information” means any information which is available to an employee only because of his status as an employee of the town and is not a matter of public knowledge or available to the public on request.

“Conspicuously” means written in such special or distinctive format, print or manner that a reasonable person against whom it is to operate ought to have noticed it.

“Construction” means the building, erection, alteration, demolition or repair of public buildings, structures and highways and other improvements or additions to real property. It does not include routine maintenance, operation or repair of existing facilities.

“Contract” means all types of agreements and orders for the procurement or disposal of supplies, services, construction insurance or any other item. It includes awards and notices of award; contracts of a fixed price, costs, costs-plus-fixed-fee or incentive types; contracts providing for the issuance of job orders, task orders or task letters thereunder; letter contracts, purchase orders and leases. It also includes supplemental agreements with respect to any of the foregoing.

“Contract modification” means any written alteration in the specification, delivery point, rate of delivery, contract period, price, quantity or other contract provisions of any existing contract, whether accomplished by unilateral action in accordance with a contract provision or by mutual action of the parties to the contract. It includes bilateral actions such as supplemental agreements, and unilateral actions such as change orders, orders for provisions items, administrative changes, notices of termination and notices of the exercise of a contract option.

“Contractor” means any person having a contract with the town.

“Cooperative procurement” means purchasing conducted by or on behalf of more than one public purchasing unit.

“Data” means recorded information, regardless of form or characteristic.

“Debarment” means the disqualification of a person to receive invitations for bids or requests for proposals, or the award of a contract by the town, or any department thereof, for a specified period of time.

“Department” means any agency or governmental body which is authorized or created by the town or any division thereof.

“Department head” means the director or chief administrative officer of the department, agency or governmental body.

“Designee” means a duly authorized representative. The term may include one or more persons.

“Employee” means any person drawing a salary from the town, whether elected or not, and any nonsalaried person performing services for the town, exclusive of contractor’s personnel.

“Established catalogue price” means a price included in the most current catalogue, price list, schedule or other form that is regularly maintained by the manufacturer or vendor of an item; is either published or otherwise available for inspection by customers and states prices at which sales are currently or were last made to a significant number of buyers constituting the general buying public for that item.

“Exhibit” means a document attached to a procurement instrument, referenced by its capital letter identified in a line or sub-line item in the procurement instrument schedule, which establishes deliverable requirements in the attached document as an alternative to establishing an extensive list of line or subline items in the procurement instrument schedule.

“Financial interest” means:

1. Ownership of any interest or involvement in any relationship from or as a result of which the owner has, within the past three years, received or is presently or in the future entitled to receive more than \$100.00 per year; or
2. Ownership of more than a three percent interest in any business; or
3. Holding a position in a business such as an officer, director, trustee, partner, employee or the like or holding any position of management.
4. This definition is not in any way intended to modify the provisions of ARS Section 38-502.

“Foreign purchasing activity unit” means any buying organization not located in the state of Arizona which, if located in Arizona, would qualify as a public purchasing unit. An agency of the United States government is a foreign purchasing activity unit.

“Government body” means any department, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation or other establishment of the executive or judicial branch of the town, state of Arizona or the United States of America.

“Gratuity” means a payment, loan, subscription, advance, deposit of money, services, offer of employment or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

“Immediate family” means a spouse, children, grandchildren, parents, brothers and sisters.

“Includes” means includes, but is not limited to.

“Invitation for bids” means all documents, whether attached or incorporated by reference, utilized for soliciting bids in accordance with the procedures set forth in this code.

“Local public purchasing unit” means procuring activities of any county, city, town, governmental entity and other subdivision of the state and public agency thereof, public authority, any other entity which expends public funds for the acquisition or leasing of supplies, services and construction, and any nonprofit corporation operating a charitable hospital.

“Negotiate or negotiation,” when applied to the making of purchases and contracts, means making purchases and contracts without competitive sealed bidding.

“Procurement or purchasing” includes buying, renting, leasing or otherwise obtaining supplies, materials or services, construction insurance or any other item. It also includes all functions that pertain to the obtaining of such supplies, services, including description (but not determination) of requirements, election and solicitation of sources, preparation and award of contract, and all phases of contract administration, acquisition warehousing and disposal.

“Professional services” means work to be performed by persons in possession of a valid license for proficiency in a particular field of endeavor.

“Public purchasing unit” means local public purchasing units, state public purchasing units or foreign purchasing activity.

“Purchase request” means that document whereby a requiring agency requests that a contract be obtained for a specified need and may include, but is not limited to, the technical description of the requested item, delivery

schedule, transportation, criteria for evaluation of solicitees, suggested sources of supply, and information supplied for the making of any determination and funding required pursuant to this article.

“Request for proposals” means all documents, whether attached or incorporated by reference, utilized for soliciting proposals in accordance with the procedures set forth in this code.

“Responsible bidder or offeror” means one who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.

“Responsive bidder” means one who has submitted a bid which conforms in all material respects to the invitation for bids, so that all bidders may stand on an equal footing with respect to method and timeliness of submission and as to the substance of any resulting contract.

“State public procurement unit” means procuring activities of Arizona.

“Subcontractor” means any business which holds an agreement or purchase order to perform any part of the work or to make or furnish any article or service required for the performance of a townfunded prime contract or subcontract thereunder.

“Supplemental agreement” means any contract modification which is accomplished by the mutual action of the parties.

“Supplies” means all property, except land or interest in land.

“Suspension” means the disqualification of any person to receive invitations for bid or requests for proposals, or to be awarded a contract by the town or any governmental body thereof, for a temporary period pending the completion of an investigation, and any legal proceedings that may ensue.

“Using agency (UA)” means any governmental body or activity of the town which consumes supplies or uses services. (Ord. 14-06 § 2, 2014; prior code § 18-1-2)

3.05.030 Purchasing organization.

A. The town clerk shall have full power and authority to serve as the town’s chief administrative officer for the purchase of any and all supplies, services, construction, insurance and other items required by the town, subject to the requirements of this code.

B. Specific Areas of Responsibility. The town clerk or duly authorized designee shall have the following specific areas of responsibility:

1. Provide policy guidance to and exercise overall supervision of the other town employees exercising purchasing or property management authority pursuant to this article;

2. Conduct periodic reviews of the manner in which the provisions of this article are being complied with;
3. Make recommendations to the council for changes in this article as it deems necessary or desirable to improve the procurement of supplies and services;
4. Establish rules and regulations and standard forms and procedures, consistent with the provisions of this article;
5. To serve as the purchasing and contracting authority of the town;
6. To contract for, purchase, lease-purchase, lease or otherwise acquire all supplies, construction, services, printing and insurance for the town;
7. To sell, trade or otherwise dispose of surplus town supplies, as provided under Arizona Revised Statutes;
8. To accept grants and subsidies from any federal or other governmental body, and to enter into agreements and property transactions or projects with any federal or other governmental body;
9. To accept gifts, donations, legacies or usages of money from individuals, organizations and public or private corporations, as shall be deemed to be in the public interest;
10. To exercise general supervision and control over all inventories of supplies belonging to the town; and
11. To establish and maintain a program for the development and usage of standard specifications and for the inspection and testing of supplies and the inspection of construction and services. (Ord. 14-06 § 2, 2014; prior code § 18-1-3)

3.05.040 Methods of procurement.

All town procurement subject to this code shall be conducted by one of the means specified in this code. All contracts for purchases exceeding the sum of \$5,000 shall be submitted to the mayor and council for approval prior to signing the contract. Prior approval for the initiation of the bidding and procurement process shall not be required for purchases that are within the scope of a previously approved budget and for which the town clerk has determined that funds are available.

A. Formal sealed bids shall be required for the purchase of materials, supplies, equipment and other property with an estimated cost of \$10,000 or more. This process shall also be used for the purchase of those professional services with a cost that will equal or exceed this amount and for which there is no other authorized or required procedure.

B. Informal quotations may be used for the purchase of those materials, supplies, equipment and other property

with an estimated cost of less than \$10,000 or for the purchase of professional services with an estimated cost of less than this maximum amount.

C. Direct solicitation may be used for the purchase of materials, supplies, equipment and other property with an estimated cost of less than \$5,000.

D. Other procurement procedures, as described in this code and as may be required by applicable state law, may be used for the procurement of certain professional services, for authorized sole source purchases, for emergency purchases, or for construction services.

E. Cooperative purchasing agreements, in conjunction with other public agencies, may be used as a means of fulfilling these procurement requirements; provided, that the participating agencies have conducted the solicitations for the subject property or services in a manner that fosters competition and results in the best available price for the town.

F. The intent of each of these methods of procurement is to obtain a proposal that is the most advantageous to the town under the circumstances, with regard to price, conformity to the specifications and other relevant factors. (Ord. 14-06 § 2, 2014; prior code § 18-1-4)

3.05.050 Formal sealed bids.

For those purchases for which formal sealed bids are to be used, procurement shall be as follows:

A. An advertisement for bids shall be published in the newspaper at least once prior to the date of the bid opening. This advertisement shall specifically describe the goods or services to be purchased and the date upon which bids are due. The publication date shall be not less than five days prior to the date of the bid opening. For construction contracts, two publications are required. (See ARS Section 34-201.)

B. A notice of the bid shall be posted on the town's website, together with all of the specifications and requirements for this contract. This posting shall occur not less than 14 days prior to the date of the bid opening. Longer periods may be appropriate, depending upon the circumstances of the purchase.

C. Copies of the bid notice, the specifications and requirements shall be transmitted by the department head or designee responsible for the procurement to any potentially eligible companies, firms or individuals who may have expressed interest in the proposed purchase or other similar purchases. Copies may also be transmitted directly to other parties that the department head or designee can identify who may be eligible and interested in this contract.

D. The procedures for the opening and evaluation of any sealed bids and the award of any contract shall be as specified in the standard procedures and forms developed for this process. (Ord. 14-06 § 2, 2014; prior code § 18-1-5)

3.05.060 Informal quotations.

For those purchases for which the informal quotation process is to be used, procurement shall be as follows:

- A. A notice of the solicitation shall be posted on the town's website, together with all of the specifications and requirements for this contract. This posting shall occur not less than 14 days prior to the date the quotations are due. Longer periods may be appropriate, depending upon the circumstances of the purchase.
- B. Copies of the solicitation, the specifications and requirements shall be transmitted by the department head or designee responsible for the procurement to any potentially eligible companies, firms or individuals who may have expressed interest in the proposed purchase or other similar purchases. Copies may also be transmitted directly to other parties that the department head or designee can identify who may be eligible and interested in this contract. This notice shall be transmitted, if possible, to not less than three potentially eligible contractors.
- C. The contract may be awarded to the potential contractor whose quotation is most advantageous to the town. The department head responsible for this procurement may discuss the quotation and the requirements of the contract, together with any adjustments that may be appropriate, with any party prior to the final approval of the award, provided that information derived from proposals submitted by other offerors is not disclosed.
- D. The procedures for the opening and evaluation of any proposals and the award of any contract shall be as specified in the standard procedures and forms developed for this process. (Ord. 14-06 § 2, 2014; prior code § 18-1-6)

3.05.070 Direct selection for small purchases.

For those purchases for which direct selection is to be used, procurement shall be as follows:

- A. Price comparisons for goods and services may be made by a review of the available prices and specifications that are available through catalogues, Internet listings, verbal communications, personal inspection or other information. The employee responsible for this procurement shall maintain a written summary of the sources that were checked for any purchase of more than \$1,000, sufficient to demonstrate that the purchase is in the best interests of the town and is consistent with the purpose of these policies.
- B. This type of procurement will generally only be appropriate for goods and services that are readily available in standard commercial transactions and for which no particular specifications are necessary.
- C. This type of purchase may also be used for the purchase of tools, materials and replacement parts from those suppliers that are available in this immediate area, when the additional costs associated with the time and travel required for the use of alternative sources may outweigh the value of any savings in price in those particular circumstances. (Ord. 14-06 § 2, 2014; prior code § 18-1-7)

3.05.080 Other types of procurement.

- A. Professional services from a technical registrant, including but not limited to an architect, engineer, geologist or surveyor, shall be procured in a manner that is consistent with applicable state law. Such services may be procured in any manner allowed by such laws. (See ARS Section 34-103.)
- B. Construction work shall be procured in a manner that is consistent with applicable state law. Such work may be procured in any manner allowed by such laws. (See ARS Section 34-201.) Any such work may be obtained through the design-bid-build, construction-manager-at-risk, design-build, job-order-contracting or any other such procedures that are authorized by applicable state law. (See ARS Section 34-603.)
- C. A contract may be awarded for materials, equipment or services without competition if the clerk determines in writing that there is only one source for the required materials, equipment or services. The town clerk shall require the submission of cost or pricing data in connection with any such contract. Sole source procurement shall be avoided except when no reasonable alternative source exists. A written determination of the basis for the sole source procurement shall be included in the contract file.
- D. Emergency procurement may be authorized by the town clerk in appropriate circumstance. See Section [3.05.180](#).
- E. Contracts for legal services, medical and dental services, appraisal services and other similar services from licensed or certified professionals may be solicited on the basis of a request for a statement of qualifications and an expression of interest. If prices for such work are included in the proposals, any such contract shall be awarded on the basis of the best interests of the town and not solely on the basis of price. (Ord. 14-06 § 2, 2014; prior code § 18-1-8)

3.05.090 Cooperative purchasing agreements.

- A. Cooperative purchasing, by which the procurement is conducted on behalf of more than one public entity, is an acceptable method of complying with these requirements and in many cases will result in an offer that is more advantageous to the town than what would be otherwise available only to this town.
- B. The town may enter into, conduct, administer and otherwise fully participate in any cooperative purchasing agreement that has been approved by the mayor and council, in accordance with the terms and conditions of any such agreement. Proposals that are obtained for goods and services through any such agreement shall be deemed to be consistent with the requirements of this code and no further public notice or solicitation shall be required by these provisions. (Ord. 14-06 § 2, 2014; prior code § 18-1-9)

3.05.100 Cancellation of invitations for bids or requests for proposals.

When it is determined to be in the best interest of the town, any invitation for bids, request for proposals or other solicitation may be canceled or all bids may be rejected by the town clerk or designee or by the mayor and council. (Ord. 14-06 § 2, 2014; prior code § 18-1-10)

3.05.110 Responsibility of bidders and offerors.

A. Determination of Responsibility. The responsibility of a bidder or offeror shall be determined as provided herein.

B. Investigation Authorized. A reasonable investigation to determine the responsibility of a bidder or offeror may be conducted. The unreasonable failure of a bidder or offeror to promptly supply information in connection with such an investigation may be grounds for a determination of nonresponsibility with respect to such bidder or offeror. (Ord. 14-06 § 2, 2014; prior code § 18-1-11)

3.05.120 Prequalification of bidders or offerors.

The town clerk may employ a method whereby suppliers seeking to provide particular types of supplies, services or construction may prequalify as responsible prospective contractors for such supplies, services or construction. Solicitation mailing lists of potential suppliers of such supplies, services or construction shall include, but shall not be limited to, such prequalified suppliers. Prequalification shall not foreclose a determination between the time of the bid opening or receipt of offers and the making of an award, that a prequalified supplier is not responsible or that a supplier who is not prequalified at the time of bid opening or receipt of offers is responsible. (Ord. 14-06 § 2, 2014; prior code § 18-1-12)

3.05.130 Multi-year contracts.

A. Specified Period. Unless otherwise provided in the budget, a contract for supplies or services may be entered into for periods of more than one year, if funds for the first fiscal year of the contemplated contract are available at the time of contracting. Payment and performance obligations for succeeding fiscal years shall be subject to the availability of funds.

B. Determination Prior to Use. Prior to the utilization of a multi-year contract, it shall be determined:

1. That estimated requirements cover the period of the contract and are reasonably firm and continuing; and
2. That such a contract will serve the best interests of the town by encouraging effective competition or otherwise promoting economies in town procurement.

C. Cancellation Due to Unavailability of Funds in Succeeding Years. When funds are not made available to support continuation of performance in a subsequent year of a multi-year contract, the contract for such subsequent year shall be canceled and the contractor shall be reimbursed for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the supplies and services delivered under the contract. The cost of cancellation may be paid from:

1. Appropriations currently available for performance of the contract;
2. Appropriations currently available for procurement of similar property or services and not otherwise

obligated; and

3. Appropriations made specifically for the payment of such cancellation costs. (Ord. 14-06 § 2, 2014; prior code § 18-1-13)

3.05.140 Inspection of contractor's plant and records.

A. Right to Inspect. The town may inspect the plant or business of a contractor or any subcontractor under any contract awarded or to be awarded by the town.

B. Right to Audit. The town shall be entitled to audit the books and records of a contractor or any subcontractor under any negotiated contract or subcontract other than a firm-fixed-price type contract. Such books and records shall be maintained by the contractor for a period of three years from the date of final payment under the prime contract and by the subcontractor for a period of three years from the date of final payment under the subcontract. (Ord. 14-06 § 2, 2014; prior code § 18-1-14)

3.05.150 Determinations.

A. Written Determinations Required. Each determination or decision shall be based upon written findings of the officer making the determination or decision and shall be retained in the official contract file.

B. Finality of Determinations. Any such determinations are final and conclusive, unless they are clearly erroneous, arbitrary, capricious or contrary to law. (Ord. 14-06 § 2, 2014; prior code § 18-1-15)

3.05.160 Reporting of suspected collusive bidding or negotiation.

A. Notification to the Town Attorney. When for any reason collusion is suspected among any bidders or offerors, a written notice of such suspicion shall be transmitted to the town attorney.

B. Retention of All Documents. All documents involved in any procurement in which collusion is suspected shall be retained until the town attorney gives notice that they may be destroyed. All retained documents shall be made available to the town attorney or designee upon request. (Ord. 14-06 § 2, 2014; prior code § 18-1-16)

3.05.170 Enforceability and modifications.

A. Contracts, grants and agreements of any kind that have been approved by the mayor and council shall be enforced.

B. If any section, subsection or paragraph of this article is in violation of applicable state or federal law, the provisions of this article shall be applied in a manner that is consistent with all applicable law. (Ord. 14-06 § 2, 2014; prior code § 18-1-17)

3.05.180 Emergency purchases.

A. Notwithstanding any provisions herein, the town clerk or designee may purchase materials or services in the event of an emergency which poses an imminent danger to the health, safety and welfare of the residents of the

town for the purpose of ameliorating or dealing with said emergency.

B. Bids and contracts for said emergency services shall be bid telephonically with response time and agreement to price to be established by the town clerk or designee.

C. In the event that telephonic bids received are not sufficient, due to price, delivery time, and/or capability of bidder to deliver said services, the town clerk or designee may competitively negotiate with other potential contractors for provisions of services in time of emergency. Every effort will be made to consider local suppliers and contractors for emergency purchases which are outside the normal bid process. (Ord. 14-06 § 2, 2014; prior code § 18-1-18)

3.05.190 Penalty.

Any person who knowingly violates or solicits the violation of any of the provisions of this article wherein such action or inaction is deemed unlawful shall be deemed guilty of a misdemeanor and shall, on conviction thereof, be punished by a fine of not less than \$500.00. (Ord. 14-06 § 2, 2014; prior code § 18-1-19)

3.05.200 Bid protests.

A. Filing of Protest.

1. Any interested party may protest a solicitation issued by the town, or the proposed award or the award of a town contract.
2. Content of Protest. The protest shall be in writing and shall include the following information:
 - a. The name, address and telephone number of the protester;
 - b. The signature of the protester or the protester's representative;
 - c. Identification of the solicitation or contract;
 - d. A detailed statement of the legal and factual grounds of the protest including copies of relevant documents; and
 - e. The form of relief requested.
3. The protester shall promptly supply any other information requested by the town.

B. Time for Filing Protests.

1. Protests Concerning Improprieties in a Solicitation.
 - a. Protests based upon alleged improprieties in a solicitation that are apparent before bid opening shall

be filed before the closing date or bid opening.

b. Protests based on other alleged improprieties that occur during the solicitation process shall be filed as soon as possible and prior to the closing or bid opening date.

2. Protests Concerning Contract Award. Protests concerning alleged improprieties in the award of a contract shall be filed within five working days of contract award.

3. In cases other than those covered in subsections (B)(1) and (2) of this section, protests shall be filed within five working days after the protester knows or should have known the basis of the protest, whichever is earlier, but in no event shall a protest be filed more than 10 days after the award of a contract.

4. Protests shall be filed with the town clerk.

5. The town clerk shall immediately give notice of the protest to the successful contractor if award has been made or, if no award has been made, to all persons submitting bids/proposals.

6. Protests that are not filed within the time period required shall be deemed to be waived and no further action shall be taken on any such protest.

C. Stay of Procurement During the Protest. If a protest is filed before the award of a contract, the award may be made unless the town clerk determines that the award of the contract is contrary to the best interests of the town.

D. Decision by Town Clerk.

1. The town clerk shall issue a written decision within three working days after a protest has been filed. The decision shall include a statement of the decision with supporting rationale and a notice of the right to appeal set forth in subsection E of this section.

2. The town clerk shall furnish a copy of the decision to the protester by any method that provides evidence of receipt.

3. The time limit for decision set forth in subsection (D)(1) of this section may be extended for good cause for a reasonable time not to exceed 30 days. The town clerk shall notify the protester in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.

4. If the town clerk fails to issue a decision within the time limits set forth in subsection (D)(1) or (3) of this section, the protester may proceed as if the town clerk had issued an adverse decision.

5. If the town clerk sustains the protest in whole or in part and determines that a solicitation, proposed

contract award or contract award does not comply with applicable law and regulations, the town shall implement an appropriate remedy.

6. In determining an appropriate remedy, the town clerk shall consider all the circumstances surrounding the procurement including, but not limited to, the seriousness of the procurement deficiency, the degree of prejudice system, the good faith of the parties, the extent of performance, costs to the town, the urgency of the procurement and the impact of the relief on the functioning of the town.

E. Appeal of Town Clerk's Decision.

1. An appeal from a decision entered or deemed to be entered by the town clerk shall be filed with the town clerk within five working days from the receipt of the town clerk's decision.

2. Content and Appeal. The appeal shall contain:

a. The information set forth in subsection (A)(2) of this section; and

b. The precise factual or legal error in the decision of the town clerk from which the appeal is taken.

3. The town council shall hear and consider the appeal within two regular meetings. The protester and the town clerk shall be given a reasonable opportunity to be heard in the matter.

4. If the town council sustains the protest in whole or in part and determines that a solicitation, proposed contract award or contract award does not comply with applicable law and regulations, the town shall implement an appropriate remedy pursuant to subsection (D)(6) of this section.

5. The decision of the town council is final. (Ord. 14-06 § 2, 2014; prior code § 18-1-20)

Article II. Investment of Town Funds

3.05.210 Policy for the investment of town funds.

This article shall govern the investment of all funds of the town which are not immediately necessary for the payment of the town's expenses. The primary objectives of any investment of town funds, in order of priority, shall be to preserve the principal amount of any such funds and to maintain the safety of all such capital; to provide for availability to such funds by maintaining the liquidity necessary to meet all operating requirements; and to produce a reasonable rate of return, subject to these requirements for safety and liquidity. Approval shall first be obtained from the legal aid or council. (Ord. 14-07 § 1, 2014; prior code § 18-2-1)

3.05.220 Authorized investments.

A. The funds of the town may be invested in one or more of the following:

1. Certificates of deposit in eligible depositories or in federally insured banks or savings and loan

associations, in accordance with applicable law.

2. Interest-bearing savings accounts in banks and savings and loan institutions doing business in this state whose accounts are insured by federal deposit insurance, but only if deposits in excess of the insured amount are secured in the manner required by state law.
3. Repurchase agreements that are fully secured in the manner required by state law.
4. The pooled investment funds established by the State Treasurer pursuant to law.
5. Obligations issued or guaranteed by the United States or any of the senior debt of its agencies, sponsored agencies, corporations, sponsored corporations or instrumentalities.
6. Bonds or other evidence of indebtedness of this state or any of its counties, incorporated cities or towns or school districts.

B. The investment of all funds of the town shall be made in the manner required by state law, with such security and safekeeping arrangements as may be required by such law. (See ARS Section 35-323 and Article 2.1 of Title 35.) (Ord. 14-07 § 1, 2014; prior code § 18-2-2)

3.05.230 Management of investments.

The town clerk shall have the authority to invest the funds of this town, in the manner stated in this article. Bids and proposals for certificates of deposit and other marketable securities may be accepted by the town clerk either orally, in writing, electronically, or in any combination of these methods. The town clerk shall obtain sufficient comparable prices and quotes as necessary to obtain a reasonable return on any such investment, consistent with the requirements of this article. (Ord. 14-07 § 1, 2014; prior code § 18-2-3)

3.05.240 Prohibition of conflicts of interest.

The town clerk, and any other person exercising any delegated authority over the investment of town funds, shall refrain from any personal business activity that could conflict with the proper execution and management of the investment of town funds. Such officials and employees shall not undertake any personal investment transactions with the same individuals with whom business is being conducted on behalf of the town. This prohibition shall be in addition to the more general prohibitions against any conflicts of interest under applicable state law (see ARS Section 38-501 et seq.) or the town code. (Ord. 14-07 § 1, 2014; prior code § 18-2-4)

3.05.250 Investment reports.

The town clerk shall maintain a comprehensive record of the investment of all town funds. The town clerk shall provide to the mayor and council, on at least an annual basis, a management summary that indicates the status of the investment portfolio and the return received from such investments. (Ord. 14-07 § 1, 2014; prior code § 18-2-5)

Chapter 3.10 CREDIT CARD POLICY

Sections:

[3.10.010 Purpose.](#)

[3.10.020 Applicability.](#)

[3.10.030 Policy.](#)

[3.10.040 Procedures.](#)

[3.10.050 Control.](#)

3.10.010 Purpose.

To authorize the town's policy on use of town credit cards to transact official town business. (Res. 12-08 (Att. A), 2012)

3.10.020 Applicability.

A. Employees affected:

1. Town clerk/administrator;
2. Court clerk;
3. Accounting clerk.

B. Elected officials affected: mayor. (Res. 12-08 (Att. A), 2012)

3.10.030 Policy.

A. The town council pursuant to the resolution codified in this chapter has authorized the town clerk/administrator to implement procedures for the use of town credit cards for the following uses:

1. Travel. Credit cards may be used by the above assigned individuals for official business-related expenditures for hotel, parking, taxi, meals, gas, airline tickets, emergency town vehicle repairs, and other travel related expenses as authorized by the mayor or town clerk/administrator. In addition the assigned individual may use the town credit card for conference and class registrations. Out-of-state travel and out-of-state registrations require the mayor's preapproval.
2. Purchases. The assigned credit cards may be used for ordering supplies, including online purchases, under \$1, 000 for town purposes; purchases above that amount must be preapproved by the town clerk/administrator or mayor.

B. The credit limit for each assigned town credit card shall be \$5, 000.

C. Town credit cards shall not be used for cash advances or personal purchases. (Res. 12-08 (Att. A), 2012)

3.10.040 Procedures.

A. Authorization. All credit card expenditures are contingent upon the town clerk/administrator's approval of the monthly statement of transactions. If an expenditure is deemed inappropriate, the assigned credit card holder will be responsible for reimbursing the town.

The grantor is the town of Huachuca City, the town clerk/administrator signs the application on behalf of the town.

B. Receipts/Verification. Receipts must be obtained for each credit card transaction. The purpose of the charge and the name of the individual involved must be clearly written on the receipt. Receipts are to be saved and retained by the assigned individual, or designee. Each assigned individual will be provided with a monthly transaction summary (original or copy) by the finance department, and within five days, will:

1. Verify all credit card expenditures against the monthly transaction summary;
2. Sign the transaction summary;
3. Attach corresponding town credit card receipts and corresponding detail receipts which show exactly what was being purchased; and
4. Forward to the town administrator for approval. (Res. 12-08 (Att. A), 2012)

3.10.050 Control.

A. The assigned individual is responsible for contacting the vendor when supplies purchased with the credit card are not acceptable (incorrect order, damaged, etc.) and for arranging a return for credit or exchange.

B. The town clerk/administrator is responsible for administration of the cards to include, but not be limited to: selection of card provider, payment of credit card bills, managing the issuance of cards, and ensuring proper use.

C. The town clerk/administrator will disallow use of the assigned town credit card for violation or misuse of the credit card in accordance with this policy.

D. Any exceptions to this policy must be approved in advance by the town clerk/administrator.

E. Assigned individuals will sign a credit card user agreement (Attachment B of the resolution codified in this chapter) before they are eligible to use it. The credit card user agreement will be kept in the finance files and a

copy placed in the employee personnel file.

F. Credit cards are to be returned to the town immediately upon ending employment with the town. (Res. 12-08 (Att. A), 2012)

**Chapter 3.15
LIBRARY FEES**

Sections:

[3.15.010 Library fees.](#)

3.15.010 Library fees.

Library fees shall be established by resolution of the council and amended from time to time. (Ord. 18-13 § 1, 2018; Ord. 10-02, 2010; prior code § 18-3)

Chapter 3.20
SURPLUS PROPERTY

Sections:

[3.20.010 Property tracking – Disposal – Proceeds.](#)

3.20.010 Property tracking – Disposal – Proceeds.

- A. The town manager shall be responsible for the tracking and management of town supplies and property during their entire life cycle.
- B. The town manager may sell, lease, transfer, or dispose of surplus supplies and property (but excluding real property interests) with a value of \$500.00 or less, in accordance with state law, in the best interests of the town, and in as competitive a manner as the town manager determines to be practicable.
- C. The town manager shall make recommendations and present for council approval all transfers and disposals of real property interests, and surplus supplies and other property, with a value of \$501.00 or more.
- D. No town employee or his immediate family shall be entitled or permitted to purchase or otherwise acquire any surplus supplies or property from the town.
- E. Unless otherwise provided by law or council direction, all proceeds from the sale of surplus supplies and property will be deposited into the town's general fund. Proceeds from sale of enterprise, federal or state grant or other special designation property will be reimbursed, less prorated selling expenses, to the appropriate fund, after completion of each sale. (Ord. 18-01 § 1, 2018)

**Title 4
(Reserved)**

**Title 5
BUSINESS LICENSES AND REGULATIONS**

Chapters:

[5.05 Business Licenses](#)

[5.10 Peddlers](#)

[5.15 Cable Television](#)

[5.20 Telecommunications Service](#)

[5.25 Park and Swap Operations](#)

[5.30 License for Manufactured Home Parks and Recreational Vehicle Parks](#)

**Chapter 5.05
BUSINESS LICENSES**

Sections:

[5.05.010 Definitions.](#)

[5.05.020 License required.](#)

[5.05.030 Application for license.](#)

[5.05.040 Clerk to issue and renew licenses.](#)

[5.05.050 Clerk's mistakes not to excuse payment.](#)

[5.05.060 Amount of license fees deemed debt to town.](#)

[5.05.070 License fees not to exceed limits established by state law.](#)

[5.05.080 Exemptions for charitable and civic organizations.](#)

[5.05.090 Payment of taxes.](#)

[5.05.100 Licenses due and payable.](#)

[5.05.110 More than one business in a single location.](#)

[5.05.120 More than one location.](#)

[5.05.130 Posting or display of license.](#)

[5.05.140 Penalty for delinquencies.](#)

[5.05.150 Transferability of licenses.](#)

[5.05.160 Amount of fees.](#)

[5.05.170 License inspections.](#)

[5.05.180 License fees must conform to this chapter.](#)

[5.05.190 *Repealed.*](#)

[5.05.200 License revocation.](#)

5.05.210 Right to hearing for license denial or revocation.

5.05.010 Definitions.

In this chapter unless the context otherwise requires:

“Additional employees” means regular employees as carried on the payroll of the previous quarter.

“Agents, salesmen, solicitors, representatives, peddlers or drummers” means those who, in any manner and in any type of commercial activity, do contact homes or individuals other than purchasers engaged in buying merchandise, materials, supplies or services for a licensed business or occupation.

“Business” means all activities or acts, personal or corporate, engaged in or caused to be engaged in with the object of gain, benefit or advantage either directly or indirectly, but not casual activities or sales. Making deliveries within the town from a plant or establishment located outside the town shall be included in the definition of business.

“Contracting” means activities engaged in by a person who, for either a fixed sum, price, fee, percentage, bonus or other compensation other than actual wages, undertakes to or offers to undertake to or purports to have the capacity to undertake or submits a bid to or does himself or by or through others construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement or to do any part thereof, including the erection of scaffolding or other structures of works in connection therewith. The term “contractor” means one who is engaged in contracting and includes subcontractors, specialty contractors, developers and speculative builders.

“Engaging” means when used with reference to engaging or continuing in business the exercise of corporate or franchise powers.

“Home type business” means any business conducted and operated wholly within the home of the person and not providing the primary or principal source of income for such person.

“Person or company” means the individual, firm, partnership, joint venture, association, corporation, municipal corporation, estate, trust or any other group or combination acting as a unit and the plural as well as the singular number.

“Resident” means any person having a permanent place of business residing or owning real property within the corporate limits of the town. (Prior code § 9-2-1)

5.05.020 License required.

It is unlawful for any person to engage in any business specified in this chapter without first having obtained a license from the town to engage in such business. (Prior code § 9-2-2)

5.05.030 Application for license.

Every person who engages in a business or other activity for which a license is required by this chapter, desiring to engage or to continue in such business or other activity, shall make application to the clerk for a business license. (Prior code § 9-2-3)

5.05.040 Clerk to issue and renew licenses.

The clerk shall issue and renew licenses in accordance with the provisions of this chapter. If the business is to be located within the town limits, the business location must be inspected and approved by the building official, or his designated representative, prior to the issuance of the business license to ensure the building and site meet the provisions of the building code, as well as the minimum requirements for zoning, safety, fire, Americans with Disabilities Act, and town regulations and ordinances. The building official will issue a certificate of occupancy once he is satisfied the location meets all the requirements, at which time the business license will be issued. (Ord. 98-004, 1998; prior code § 9-2-4)

5.05.050 Clerk's mistakes not to excuse payment.

In no case shall any mistake made by the clerk in stating, fixing or collecting the amount of any license or the acceptance by the clerk of anything other than legal currency in payment thereof or the issuance of any license certificate prevent, prejudice or stop the town from collecting the correct amount of the license as provided by this chapter in legal currency. (Prior code § 9-2-5)

5.05.060 Amount of license fees deemed debt to town.

Every license fee imposed by this chapter, and all increases and penalties thereon shall become, from the time they are due and payable, a personal debt of the taxpayer to the town and may be collected by action in court as any other debt may be collected. Such remedy shall be in addition to any other remedies afforded under the laws of the state and of the town. (Prior code § 9-2-6)

5.05.070 License fees not to exceed limits established by state law.

Notwithstanding any other provision of this chapter, no license fee charged hereunder shall exceed the limit specified during such time as such section shall be applicable to the town or any other limit prescribed by the laws of the state. (Prior code § 9-2-7)

5.05.080 Exemptions for charitable and civic organizations.

All charitable and civic organizations are exempted from the provisions of this chapter. (Prior code § 9-2-8)

5.05.090 Payment of taxes.

All taxes and licenses required by this chapter shall be paid in advance in legal currency of the United States to the clerk at the Town Hall. (Prior code § 9-2-9)

5.05.100 Licenses due and payable.

A. The daily licenses provided for in this chapter shall be due and payable to the town in advance of the day for

which issued.

B. The monthly licenses provided for in this chapter shall be due and payable to the town on the first day of each month.

C. The annual licenses provided for in this chapter shall be due and payable to the town on the first day of January and shall expire on the last day of each year. (Prior code § 9-2-10)

5.05.110 More than one business in a single location.

Every person engaged in more than one business in the same location for which license fees are hereinafter provided shall pay all fees which are set up for all of the businesses in which he is engaged at such location. (Prior code § 9-2-11)

5.05.120 More than one location.

Every person, firm or corporation engaged at more than one location within the city in any business for which license fees are hereinafter provided shall pay a separate license fee for each location at which such business is conducted. (Prior code § 9-2-12)

5.05.130 Posting or display of license.

Every person having a license under the provisions of this chapter and carrying on a trade, calling, profession, occupation or business at a fixed place of business shall keep his license certificate posted and exhibited while in force in some conspicuous part of such place of business. Every person having such a license and not having a fixed place of business shall carry such license certificate with him at all times while carrying on the business or other activity for which the license or any renewal thereof was granted. Every person having a license under the provisions of this chapter shall produce and exhibit a license certificate whenever requested to do so by any police officer or by any officer or person authorized to issue license certificates, inspect or audit records or collect license taxes. (Prior code § 9-2-13)

5.05.140 Penalty for delinquencies.

No license or renewal thereof pursuant to this chapter shall be issued to any applicant who has engaged in a business or other activity without a license in violation of the provisions of this chapter, unless the applicant first pays the amount of license tax for which he would have been liable under the terms of this chapter had he been licensed, plus an additional sum equal to 25 percent of the amount. (Ord. 01-015 § 6, 2001; prior code § 9-2-14)

5.05.150 Transferability of licenses.

No license granted or issued under the provisions of this chapter shall be in any manner assignable or transferable to any other person, firm, company or corporation other than is therein mentioned or named to do business, or authorize any other business than is therein mentioned or named to be done or transacted, or at any place other than is therein mentioned or named, without permission from the council. (Prior code § 9-2-15)

5.05.160 Amount of fees.

Town business license fees shall be in the amounts established by resolution of the council and amended from time to time. (Ord. 18-12 § 1, 2018; Ord. 01-015 § 6, 2001; prior code § 9-2-16)

5.05.170 License inspections.

A. The chief of police shall be inspector of licenses for the town and all police officers of the town shall be assistant inspectors of licenses.

B. Each police officer, as such assistant inspector of licenses, shall report to the police chief the names of all such persons, firms, companies or corporations doing business without a license, immediately upon the facts coming to his knowledge.

C. A police officer shall have the power to enter, free of charge, at any time any place of business for which a license is required by this chapter, and to demand the exhibition of such license for the current term, from any person engaged or employed in the transaction of such business, and if such person shall then and there fail to exhibit such license, such person shall be guilty of a misdemeanor.

D. It shall be the duty of the police department to cause complaints to be filed against all persons violating any of the provisions of this chapter. (Prior code § 9-2-17)

5.05.180 License fees must conform to this chapter.

No greater or less amount of money shall be charged or received for any license than is established by the council, and no license shall be issued for any period of time other than as provided in this chapter. (Ord. 18-12 § 2, 2018; prior code § 9-2-18)

5.05.190 Fee schedule.

Repealed by Ord. 18-12. (Ord. 01-015 § 6, 2001; prior code § 9-2-19)

5.05.200 License revocation.

Licenses issued under the provisions of this chapter may be revoked by the clerk after notice and hearing, for any of the following causes:

A. Fraud, misrepresentation or false statement contained in the application for license.

B. Any violation of this chapter.

C. Conducting a trade, business, game or amusement, calling, profession or occupation in violation of any town ordinance or state statute. (Ord. 01-015 § 6, 2001; Ord. 98-004, 1998; prior code § 9-2-20)

5.05.210 Right to hearing for license denial or revocation.

A. Notice of the hearing for revocation of license shall be given in writing, setting forth specifically the grounds of

complaint and the time and place of hearing. The notice shall be mailed, postage prepaid, to the licensee at the address shown on application for license at least 10 days prior to the date set for hearing.

B. Any person aggrieved by the denial of an application for license as provided in this chapter or the decision with reference to the revocation of a license shall have the right to appeal to the council. The appeal shall be taken by filing with the council, within 14 days after notice of the clerk's decision to revoke said license has been mailed to the person's address shown on application for license, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on the appeal, and notice of the hearing shall be given to the applicant in the same manner as provided for notice of hearing on revocation. The decision and order of the council in the appeal shall be final and conclusive, except any person aggrieved may pursue any proper judicial proceedings. (Ord. 98-004, 1998; prior code § 9-2-21)

Chapter 5.10 PEDDLERS

Sections:

[5.10.010 Registration required.](#)

[5.10.020 Application to police chief.](#)

[5.10.030 Issuance of registration cards.](#)

[5.10.040 Revocation of registration cards.](#)

[5.10.050 Peddling without registration cards prohibited.](#)

[5.10.060 Permission required for selling on streets or sidewalks.](#)

[5.10.070 Signs to be observed.](#)

[5.10.080 Newsboys exempt.](#)

[5.10.090 Farm products exemption.](#)

5.10.010 Registration required.

Any person operating as a solicitor, peddler, hawker, salesman or vendor of goods, wares, merchandise, newspapers, magazines or services, who goes from house to house, or to only one house, in the town shall register with the police department and obtain an identification card showing such registration. (Prior code § 9-1-1)

5.10.020 Application to police chief.

A. Applicants for police registration under the terms of Section [5.10.010](#) shall be required to furnish two satisfactory photographs of the applicant, one to be attached to the applicant's registration card and the other to be retained by the police department. The chief of police shall require the applicant to file his fingerprint identification with the police department.

B. Such applicants for police registration shall be required to furnish to the police department a complete description of the product to be sold in the town, together with information regarding sales methods to be used and references that will enable the chief of police to determine whether or not such applicant is qualified to receive a registration card as provided in Section [5.10.030](#). Investigation by the chief of police under the provisions of this chapter shall be completed within 15 days after the applicant has given the required information. (Prior code § 9-1-2)

5.10.030 Issuance of registration cards.

Registration cards under this chapter shall be given without charge to all applicants who have complied with Section [5.10.020](#), unless the chief of police discovers that any such applicant is deemed not to be a proper person to be permitted to go from house to house because of any of the following reasons:

- A. He has a criminal record;
- B. He is associated with a company that has engaged in fraudulent dealings; or
- C. The proposed sales proposition includes some element of trickery, fraud or deceit, in which case, in the interest of public safety and protection, the applicant shall not be registered. (Prior code § 9-1-3)

5.10.040 Revocation of registration cards.

Registration cards under this chapter may be revoked by the chief of police if at any time he deems such action necessary in the interest of public safety and protection. (Prior code § 9-1-4)

5.10.050 Peddling without registration cards prohibited.

It is unlawful for any person to take part in the act of soliciting, peddling, hawking, selling or vending of goods, wares, merchandise, newspapers, magazines or services from house to house, or to only one house, in the town, without having registered with the police department and without having obtained a registration card; without having such card in possession; or failing to exhibit such card when request is made for the registration card by any resident of the town. (Prior code § 9-1-5)

5.10.060 Permission required for selling on streets or sidewalks.

It is unlawful for any person to erect or maintain any booth, stand or counter on any sidewalk in the town for the purpose of barter, sale or trade, or keep or maintain upon the streets or alleys any wagon, cart, wheel, vehicle, movable booth or stand for the purpose of barter or trade without obtaining permission of the council. (Prior code § 9-1-6)

5.10.070 Signs to be observed.

It is unlawful for any peddler, solicitor or canvasser in the course of his business to ring the doorbell or knock at any building whereon a sign bearing the words "no peddlers, solicitors or canvassers" is exposed to public view. (Prior code § 9-1-7)

5.10.080 Newsboys exempt.

Newsboys are exempt from the provisions of this chapter for the sale of newspaper subscriptions. (Prior code § 9-1-8)

5.10.090 Farm products exemption.

Any person selling produce from a farm or orchard which is produced by the seller is exempt from the provisions of this chapter as provided by state statute. (Prior code § 9-1-9)

Chapter 5.15 CABLE TELEVISION

Sections:

[5.15.010 Definitions.](#)

[5.15.020 License granted.](#)

[5.15.030 Construction.](#)

[5.15.040 Transmission and distribution system.](#)

[5.15.050 Use of grantee's poles by the town.](#)

[5.15.060 Rates and charges.](#)

[5.15.070 Color signals.](#)

[5.15.080 Fees and taxes.](#)

[5.15.090 Effect of franchise.](#)

[5.15.100 Indemnification.](#)

[5.15.110 Expiration of franchise.](#)

[5.15.120 Purchase by town.](#)

[5.15.130 Service standards.](#)

[5.15.140 Timetable for installation.](#)

5.15.010 Definitions.

In this chapter unless the context otherwise requires:

“Community antenna television system or CATV” means coaxial cables, waveguides or other conductors and equipment for providing television and audio communication services by cable or through its facilities as herein contemplated.

“Council” means the present governing body or future governing body of the town.

“Grantee” means the person to whom a franchise under this chapter is granted.

“Gross receipts” means any and all compensation and other consideration in any form whatever and any contributing grant or other subsidy received directly or indirectly from subscribers, users, television stations or others in payment for the grantee’s services in providing television signals or electrical impulses to subscribers within the town. In the event that the grantee should engage in business or businesses connected with, or incidental to the business of providing television signals or electrical impulses to subscribers within the town, the receipts from said business or businesses connected with, or incidental to the business of providing television signals or electrical impulses to subscribers within the town, shall be included within the term “gross receipts.” The term also shall include any and all compensation received from transmission of any special programs or events for which a separate and distinct charge is made to the subscriber in the manner commonly known and referred to as “pay television” or “HBO.”

“Public way” means any street, highway, road, walk, freeway, parkway, lane, alley, court or drive, in which the public has a right-of-way, or any easement which the town controls, now or hereafter existing as such.

“Subscribers” means any person or entity receiving for any purpose, the CATV service of the grantee herein.

“Television” means a system for transmission or reception of data, audio signals or visual images by means of electrical impulses.

“Town” means the town of Huachuca City, Cochise County, Arizona, in its present incorporated form, or in any later recognized, consolidated, enlarged or re-incorporated form. (Prior code § 9-3-1)

5.15.020 License granted.

A. There is hereby granted and sold to Jim R. Smith and Company, dba Dragoon CATV, Inc., an Arizona Corporation, its successors and assigns (herein called “grantee”) the rights, privilege and franchise to engage in the business of providing and operating a CATV system in Huachuca City, Arizona, and for that purpose to construct, erect, lease, install, replace, reconstruct, maintain and retain in, on, under, across and along any public way such as poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and appurtenant to the CATV system; and in addition, so to use, operate and provide similar facilities on properties rented or leased from a public utility franchised or permitted to do business in the town.

B. No provision of this chapter shall be construed to preclude the grantee from introducing program materials into the franchised CATV system or portion thereof. (Prior code § 9-3-2)

5.15.030 Construction.

All construction under this grant shall be constructed and maintained with respect to such public ways, in accordance with the National Electrical Safety Code, insofar as it applies to a CATV system, and before any installations are made in said public ways, a map showing the location of such installations shall be submitted to the council for its approval. (Prior code § 9-3-3)

5.15.040 Transmission and distribution system.

A. The poles used for the grantee's distribution system shall be those erected and maintained by the Mountain Bell Telephone Company or the Sulphur Springs Valley Electric Cooperative, Inc., when and where practicable or mutually satisfactory. If rental agreements cannot be made with said corporations, the grantee shall have the right to erect and maintain its own poles, as may be necessary for the proper construction and maintenance of the television distribution system. Justification and location of said poles must meet with the majority approval of the council.

B. The grantee's transmission and distribution system poles, wires and appurtenances shall be located, erected and maintained so as not to endanger or interfere with the lives of persons, or to interfere with new improvements this town may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges or other public property. Removal of poles to avoid such interference will be at the company's expense.

C. Construction and maintenance of the transmission distribution system, including house connections, shall be in accordance with the provisions of the National Electrical Safety Code and such applicable ordinances and regulations of the town affecting electrical installations, which may be presently in effect or changed by future ordinances.

D. Installation shall be uniform throughout the town, except that the grantee shall be free to change its hardware and installation procedure as the art progresses.

E. In the maintenance and operation of its television transmission and distribution system in the streets, alleys and other public places, and in the course of any new construction or addition to its facilities, the grantee shall proceed so as to cause the least possible inconvenience to the general public. Openings or obstructions in the streets or other public places made by the company in the course of its operations shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which, during period of dusk and darkness, shall be clearly designated by red warning lights. What are "adequate" barriers and the like shall rest in the discretion of the council. (Prior code § 9-3-4)

5.15.050 Use of grantee's poles by the town.

The town shall have the right, without cost, to make attachments to poles owned and used by the grantee within the town for the town's wires used by it in connection with its fire alarm or police signal system or for seasonal decorations, such attachments to be installed and maintained in accordance with the requirements of the National Electrical Safety Code, pertaining to such construction, and only after written notice to the grantee; provided, however, that the grantee shall assume no liability nor be put to any additional expense in connection therewith; and, provided further, that the town's use thereof shall be in such manner as not to interfere with the grantee's use of the same. (Prior code § 9-3-5)

5.15.060 Rates and charges.

All rates and charges exacted by the company shall be fair, reasonable, just and uniform. Further, said rates may be implemented only after a public hearing. All rates shall be governed by the existing rate structures for cable television provided by Jim R. Smith and Company, dba Dragoon CATV, Inc., an Arizona corporation, in adjoining communities. "Adjoining communities" shall be defined as any and all communities receiving cable television service from Jim R. Smith and Company, dba Dragoon CATV, Inc. (Prior code § 9-3-6)

5.15.070 Color signals.

Installation and maintenance of equipment shall be such that standard color signals shall be transmitted to any subscriber receiver. (Prior code § 9-3-7)

5.15.080 Fees and taxes.

A. As further consideration for the franchise hereby granted, grantee will pay to the town a sum equal to two percent of the gross receipts of the grantee from the sale of CATV service to subscribers within the corporate limits of the town, as shown by grantee's collection records, such payments to be due and payable quarterly. For the purpose of verifying the amounts payable hereunder, the books and records of the grantee shall be subject to inspection by duly authorized officials or representatives of the town, at reasonable times.

B. In the event that the town, in addition to the payments hereinabove provided for, shall assess, charge or levy upon grantee or its business within the town, any license, privilege, occupation, excise or revenue taxes or other exactions (except general ad valorem property taxes and special assessments for local improvements), then the payments hereinabove provided for shall be reduced by the amount of the license, privilege, occupation, excise or revenue taxes or other exactions paid by the grantee. If, in any year, said taxes or exactions equal or exceed the payments hereinabove provided for, then no such payments shall be due or payable hereunder for such year. (Ord. 01-015 § 6, 2001; prior code § 9-3-8)

5.15.090 Effect of franchise.

The right, privilege and franchise hereby granted shall continue and exist for a period of 15 years from the effective date hereof. Said right, privilege and franchise shall be subject to review of each newly elected council because of laws of the state of Arizona which indicate that one council cannot bind or commit a newly elected council. If at any time during the term of said franchise the grantee shall fail to comply with a material provision of this chapter and if such noncompliance shall continue for a period of 60 days after written notice of the same has been given by the town to the grantee, then, and in such event, but not before the expiration of said 60-day period, the council shall serve notice upon the grantee of a public hearing, and after having held said hearing, upon a finding by the majority of the members of the council that the grantee has failed to comply with any material provision of this chapter, the council may declare said franchise terminated. It is further provided that the grantee shall be given at least 60 days' notice of any public hearing to be held on the question of the grantee's failure to comply with any of the material provisions of this chapter. (Prior code § 9-3-9)

5.15.100 Indemnification.

The grantee shall indemnify, protect and save harmless the town from and against losses and physical damages to property and bodily injury or death to persons, including payments made under any Workmen's Compensation law, which may arise out of or be caused by the erection, maintenance, presence, use or removal of said attachments on poles within the town, or by any act of the grantee, its agent or employees. The grantee shall carry insurance to protect the parties hereto from and against all claims, demands, actions, judgments, costs, expenses and liabilities which may arise or result, directly or indirectly, from or by reason of such loss, injury or damage. The amounts of such insurance against liability due to physical damage to property shall not be less than \$50,000 as to any one accident and not less than \$500,000 aggregate in any single policy year; and against liability due to bodily injury or to death of persons not less than \$500,000 as to any one person and not less than \$1,000,000 as to any one accident. The grantee shall also carry such insurance as it deems necessary to protect it from all claims under any Workmen's Compensation laws in effect that may be applicable to the grantee. All insurance required by this agreement shall be and remain in full force and effect for the entire life of this agreement. Said policy or policies of insurance or a certified copy or copies thereof shall be approved by the town attorney and then deposited with and kept on file by the town clerk. (Prior code § 9-3-10)

5.15.110 Expiration of franchise.

Upon the expiration of this franchise, if the grantee shall not have acquired an extension or renewal thereof and accepted the same, it may have and it is hereby granted the right to enter upon the public ways in said town for the purpose of removing therefrom any of its structures, appurtenances and equipment, amplifiers, transmission and distribution system and appliances, pipes, poles and wires appurtenant thereto, at any time within six months after the termination of this franchise. In so removing said transmission and distribution system and appliances pertaining thereto, the grantee shall, at its own expense, refill any excavations that may be made by it, and then leave such streets, alleys and other public ways in as good condition as that prevailing prior to the grantee's removing its equipment and appliances. (Prior code § 9-3-11)

5.15.120 Purchase by town.

In the event the town shall at any time hereafter acquire by purchase or otherwise the properties of the grantee, it is agreed that in any negotiations or proceeding looking toward the acquisition of said property by said town, the value of this franchise shall be fixed at the agreed sum of \$1.00. (Prior code § 9-3-12)

5.15.130 Service standards.

The CATV system shall be installed and maintained in accordance with the highest and best accepted standards of the CATV industry, to the effect that subscribers shall receive the highest possible quality service. (Prior code § 9-3-13)

5.15.140 Timetable for installation.

Grantee shall proceed within 30 days after this franchise is granted hereunder to secure all pole line attachment agreements, licenses required by the Federal Communications Commission for the operation of microwave and other equipment which may be necessary for the receiving of television signals desired by grantee, and other

pertinent permits as required and necessary for the installation; shall commence installation within 150 days of the date that all necessary pole line attachment agreements, licenses and permits are obtained; shall complete installation and operation within at least 30 percent of the town within 210 days of the date that all necessary pole line attachment agreements, licenses and permits are obtained; and shall complete installation and operation within all of the developed streets and areas within the incorporated town limits at the time of the awarding of this franchise, within two years of the date that all necessary pole line attachment agreements, licenses and permits are obtained. The council may extend the time for the beginning of the installation for an additional period or periods in the event that the grantee can demonstrate that delays are caused by reasons or circumstances beyond its control and cannot be overcome by the exercise of reasonable diligence on its part; provided, further, time limits not thus excused shall be deemed a material failure to perform under the terms of this contract, and said franchise may be forfeited on declaration thereof by the council. (Prior code § 9-3-14)

Chapter 5.20 TELECOMMUNICATIONS SERVICE

Sections:

[5.20.010 Definitions.](#)

[5.20.020 License required.](#)

[5.20.030 License proposal.](#)

5.20.010 Definitions.

In this chapter, unless the context otherwise requires:

“Commercial mobile radio service” means two-way voice commercial mobile radio service as defined by the Federal Communications Commission in 47 United States Code Section 153.

“Facilities” means the plant, equipment, and property, including but not limited to poles, wires, pipe, conduits, pedestals, antenna, and other appurtenances placed in, on, or under highways and not owned by the town and used in the provision of telecommunication services.

“Public highway” or “highway” means all roads, streets and alleys and all other dedicated public rights-of-way and public utility easements of the town.

“Telecommunications” means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received. The term does not include commercial mobile radio services, pay phone services, interstate services or cable services.

“Telecommunications corporation” means any public service corporation to the extent that it provides telecommunications services in this state.

“Telecommunications services” means the offering of telecommunications for a fee directly to the public, or to such users as to be effectively available directly to the public, regardless of the facilities used. (Ord. 99-001, 1999; prior code § 9-4-1)

5.20.020 License required.

A. No telecommunications corporation shall install, maintain, construct, or operate telecommunications facilities in any public highway in the town, or provide telecommunications service by means of such facilities unless a license to provide telecommunications services has first been granted by the town council under this chapter.

B. Notwithstanding subsection A of this section, any telecommunications corporation that was providing telecommunications service within the state of Arizona as of October 31, 1997, pursuant to a grant made to it or its lawful predecessors prior to the effective date of the Arizona Constitution, may continue to provide

telecommunications services pursuant to that state grant, until the state grant is lawfully repealed, revoked, or amended, and need not obtain any further authorization from the town to provide telecommunications services; provided, however, that such entity must in all other respects comply with the requirements applicable to telecommunications corporations, as provided in Title 9, Chapter 5, Article 7, Arizona Revised Statutes.

C. Nothing in this chapter shall be deemed to affect the terms or conditions of any franchise, license, or permit issued by the town prior to October 31, 1997, or to release any party from its obligations thereunder. Those franchises, licenses, or permits shall remain fully enforceable in accordance with their terms. The town clerk, with the consent of the town council, may enter into agreements with franchise holders, licensees, or permittees to modify or terminate an existing franchise, license, or agreement.

D. A license to any telecommunications corporation to use the highways to install, maintain, construct, or operate telecommunications facilities or to provide telecommunications services under this chapter shall not authorize the use of the highways to provide any other service; nor shall the issuance of the same invalidate any franchise, license, or permit that authorizes the use of the highways for such other service; nor to make any other use of the highway or to provide any other service authorize installation, maintenance, construction, or operation of telecommunications facilities in any highway in the town, or permit such entity to provide telecommunications services by means of such facilities without obtaining a license hereunder.

E. Any license granted shall not be exclusive. (Ord. 99-001, 1999; prior code § 9-4-2)

5.20.030 License proposal.

A. A telecommunications corporation desiring a license to occupy the streets and other highways of the town to provide telecommunications service shall file a proposal with the town clerk, in the form prescribed by the town, and shall pay a fee determined by the town council. The amount of the fee shall be reasonably related to the cost directly incurred by the town relating to the granting or administration of the license.

B. Each application shall, at a minimum, (1) show where the facilities the applicant will use will be located, or contain such other information as the town may deem necessary in order to ensure that the applicant will comply with requirements for use of the highways; (2) identify the applicant, its name, address, and telephone number; (3) contain a description of the services to be provided; and (4) set out a description of any agreement with any other entity that would permit such entity to use the facilities.

C. Upon receiving an application for a license that satisfies the conditions of subsection B of this section, the town shall promptly proffer a telecommunications license to the applicant for its review, and may inquire into matters relevant to the issuance of the license. If the applicant agrees to the terms and conditions of the license, the request shall be approved. Notwithstanding the foregoing, the town need not issue or renew a license if the applicant has previously had a license or permit revoked, or for any other reason permitted under Arizona law.

D. As a condition of issuing or renewing a license to use the public highways to provide telecommunications

services, the town may require that:

1. The applicant shows that it has received a certificate of public convenience and necessity from the Arizona Corporation Commission;
2. The applicant agrees to comply with the highway use requirements that the town may establish from time to time;
3. The applicant agrees to provide and maintain accurate maps showing the location of all the facilities it will use in the highways within the town, and to comply with such other mapping requirements as the town may establish from time to time;
4. The applicant obtains the insurance, and provides proof of insurance as required by the town; posts the performance bonds and security fund required by the town; agrees to fully indemnify the town, its officers, agents, boards and commissions, in a form satisfactory to the town; and agrees that it shall have no recourse against the town for monetary damages as a result of any damage that may result from the town's exercise of its rights under the license, or applicable provisions of law;
5. The applicant agrees to comply with and be bound by the administrative and enforcement provisions as may be prescribed from time to time by the town, which may include:
 - a. Provisions covering assignment.
 - b. The right to inspect records to determine compliance by the licensee.
 - c. Provisions for renewal.
 - d. Fees and charges contemplated by ARS Section 9-582(C) may be charged by the town pursuant to Chapter [5.05](#).

E. Any license granted by the town pursuant to this chapter shall commence upon adoption of the license and acceptance of the license by the provider. The license shall be for a term of five years, and subject to the conditions and restrictions provided in the instrument and this chapter.

F. Every licensee shall be subject to the town's exercise of such police, regulatory and other powers as the town now has or may later obtain, and a license may not waive the application of the same, and must be exercised in strict conformity therewith. Every license shall be subject to revocation if the licensee fails to comply with the terms and conditions of the license or applicable law; provided, however, that a license shall not be revoked unless the licensee is given written notice of the defect in performance and fails to cure the defect within 60 days of the notice, except where the town finds that the defect in performance is due to intentional misconduct, is a violation of criminal law, or is part of a pattern of violations where the licensee has already had notice and

opportunity to cure. A hearing shall be held before a license is revoked or not renewed if the licensee requests a hearing.

G. The issuance of a license by the town is not a representation or warranty that such license is a legally sufficient substitute for a franchise and is not a representation or warranty that a franchise is not required. (Ord. 99-001, 1999; prior code § 9-4-3)

Chapter 5.25
PARK AND SWAP OPERATIONS

Sections:

[5.25.010 Definitions.](#)

[5.25.020 License.](#)

[5.25.030 Fee.](#)

[5.25.040 Application for license.](#)

[5.25.050 Revocation or suspension of license – Appeals.](#)

[5.25.060 Reports required.](#)

[5.25.070 Trading area.](#)

5.25.010 Definitions.

In this chapter, unless the context otherwise requires:

“Owner” or “operator” means the person or persons who control the admission directly, or through agents, of persons and merchandise into the trading area.

“Park and swap lot” means a building, structure, enclosure, lot or other area into which persons are admitted to display, exchange, barter, buy, sell or bargain for new and used merchandise, excluding those places normally engaged in the business of making sales at retail.

“Park and swap meet” means the activity carried on at the park and swap lot and consists of the admitting of persons into a park and swap lot for the purpose of displaying, exchanging, bartering, buying, selling or bargaining for new and used merchandise.

“Park and swap meet participant” means any person other than an owner or operator who brings goods, wares and merchandise, both new and second hand, to a park and swap meet for the purpose of displaying, exchanging, bartering, buying, selling or bargaining these goods, wares and merchandise. (Prior code § 9-5-1)

5.25.020 License.

- A. A license issued under the provisions of this chapter shall be displayed in a conspicuous place.
- B. All licenses, unless specifically excepted, shall be issued for a period of one year and shall run from January 1st in each calendar year to the December 31st next following when they may be renewed; provided, that no license shall be renewed unless the licensee conforms with the provisions of this chapter. Licenses issued under

this chapter shall not be transferable.

C. All licenses issued pursuant to this chapter during a license year may have the license fee prorated to the next month except that the license fee shall not be less than the application fee for said license. (Prior code § 9-5-2)

5.25.030 Fee.

The following fee shall be charged for applications and licenses for the operation of a park and swap lot: application fee, \$75.00; license fee, \$150.00, annually. Such application fee shall, upon the granting of the license, be applied to the total of the required license fee. In the event a license is not issued, the application fee shall not be returned to the applicant but shall be applied to cover the cost of processing the application. (Ord. 01-015 § 6, 2001; prior code § 9-5-3)

5.25.040 Application for license.

An application for a license under this chapter shall be made on forms furnished by the town. Every application shall be accompanied by an application fee in the amount provided in Section [5.25.030](#). (Prior code § 9-5-4)

5.25.050 Revocation or suspension of license – Appeals.

The chief of police or his delegate, whenever he has knowledge or it is brought to his attention that any person has violated, or is violating, any of the provisions of this chapter, shall cite such person to appear before the town magistrate on a day certain to answer the charge. Such citation shall state the duty of the person cited to appear personally at the time and place and shall be served in the manner prescribed by law. It shall be the duty of the person cited to appear personally at the time and place named in the citation. He shall have the right at such hearing to be represented by counsel and to introduce witnesses on his behalf. If, after such hearing, the town magistrate determines that the charge is substantiated beyond a reasonable doubt, he shall enter a judgment and appropriate sentence and so notify the cited person. If the person cited is dissatisfied with the order of the magistrate, he may appeal to the superior court in the manner provided by law within 10 days after entry of the judgment and sentence. (Prior code § 9-5-5)

5.25.060 Reports required.

A. On each day of operation of a park and swap lot, the owner or operator shall submit to the chief of police on forms provided by the town the following information on each park and swap meet participant:

1. Name and address.
2. Date and time of entry.
3. Vehicle description and license plate number.
4. Signature of park and swap meet participant.

5. Driver's license number and the state where issued, if any.

6. Social Security number.

7. Date of birth.

B. These forms and admission records shall be available for police inspection during normal business hours. These forms may be filled out by the park and swap meet participant and turned over to the owner, operator or his designated employee.

C. Each park and swap meet participant shall submit daily to the owner, operator or his designated employee a list giving the complete description of each item of property traded, bartered or sold by him which had a sale price of \$25.00 or more or had or did have a serial number and the name and address of the person receiving said property. The owner or operator shall be responsible for forwarding these reports to the police chief at the close of each day's business. Forms for these reports will be provided to the owner or operator by the town of Huachuca City. (Prior code § 9-5-6)

5.25.070 Trading area.

The swap meet activities shall be conducted only in a building, structure or other area which is sufficiently enclosed to enable the owner or operator or his employees to control effectively all persons and merchandise. (Prior code § 9-5-7)

Chapter 5.30
LICENSE FOR MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS

Sections:

[5.30.010 License.](#)

[5.30.020 Application.](#)

[5.30.030 Revocation or suspension of license.](#)

[5.30.040 Notice.](#)

[5.30.050 Enforcement.](#)

5.30.010 License.

It is unlawful for any person to establish, operate or maintain; permit to be established, operated or maintained upon any property owned or controlled by him or her, a manufactured home park or a recreational vehicle park within the limits of the town without first having secured a license therefor from the town clerk. Said license shall be granted and remain in compliance with the terms outlined within Title [18](#). Such license shall expire on December 31st of each year, but may be renewed under the provisions of this title for additional periods of one year. (Ord. 16-19 § 2, 2016)

5.30.020 Application.

A. The application for such license, or the renewal thereof, shall be filed with the town clerk. The application for a license, or a renewal thereof, shall be made on a form furnished by the town clerk and shall include the name and address of the owner of the tract and a legal description of the premises upon which the park is or will be located which will readily identify and definitely locate the premises. An original application shall be accompanied by two copies of the park plan showing the following either existing or as proposed:

1. The extent and area used for park purposes.
2. Roadways or driveways.
3. Location of manufactured home or recreational vehicle sites.
4. Location and number of accessory uses (community recreational buildings and areas, parking areas, laundry buildings, office buildings, child care facilities and other similar accessory uses for the exclusive benefit of the park residents).
5. Method and plan of sewage disposal.
6. Method and plan of garbage removal.

7. Plan for water supply.
8. Plan for electrical lighting of the park and streets.
9. Any and all additional provisions as outlined in Title [18](#).

B. The premises and plans described in all original applications must be inspected and approved by the public works director, the chief of police, the fire marshal and the building official, or their duly authorized representatives, so far as sufficiency of the plans and proposed improvements satisfy the various codes and standards of the town. The application then shall be referred to the planning and zoning commission, along with the inspection reports and recommendations of the noted town personnel. If the planning and zoning commission by majority vote gives approval of the plans, they shall submit unto the mayor and council their recommendation for license issuance by the town clerk in accordance with this and all other sections of the code. If the planning and zoning commission does not by majority vote approve of the plans, the town clerk shall not issue a license. The applicant(s) then have the opportunity to appeal the decision of the planning and zoning commission with the board of adjustments. A park or site which has previously been issued a license but which has failed to renew it within two weeks after expiration of such a license shall be required to follow the application requirements of this subsection.

C. Licenses issued under the terms of this chapter convey no right to erect any building, to do any plumbing work or to do any electrical work without first obtaining a building permit from the building official. (Ord. 16-19 § 2, 2016)

5.30.030 Revocation or suspension of license.

The town clerk is hereby authorized to revoke or suspend any license issued pursuant to the terms of this chapter, if, after due investigation, it is deemed that the holder thereof has violated any of the provisions of this chapter or that any manufactured home park or recreational vehicle park is being maintained in an unsanitary or unsafe condition. (Ord. 16-19 § 2, 2016)

5.30.040 Notice.

Prior to the entry of any order of revocation or suspension by the town clerk, notice in writing shall be issued by the clerk directed to the person charged with the violation of the provisions of this chapter and requiring said person to appear not later than 10 days from the date of said notice and show cause why the order of revocation should not be made. (Ord. 16-19 § 2, 2016)

5.30.050 Enforcement.

It is hereby made the duty of the town clerk, chief of the fire department, chief of police and building official to enforce the provisions of this chapter as set out herein or as may hereinafter be enacted, and, for the purpose of securing such enforcement, any of the above named officials or their authorized representatives shall have the

right and are hereby empowered to enter upon any premises upon which manufactured homes and/or recreational vehicles are parked or stored and to inspect the same. (Ord. 16-19 § 2, 2016)

**Title 6
ANIMALS**

Chapters:

[6.05 Dogs and Cats](#)

[6.10 Impounding Generally](#)

[6.15 Rules and Regulations](#)

[6.20 Fees and Enforcement](#)

[6.25 Cleaning Up After Pets](#)

[6.30 Animal Capture](#)

[6.35 Exotics, Hybrids, and Wildlife](#)

Chapter 6.05 DOGS AND CATS

Sections:

[6.05.010 Definitions.](#)

[6.05.020 Licenses and tags generally.](#)

[6.05.030 Vaccination required.](#)

[6.05.040 Dogs at large prohibited.](#)

[6.05.050 Confinement of animals in a motor vehicle.](#)

[6.05.060 Cruelty to animals.](#)

[6.05.070 Dogs and cats in city parks prohibited.](#)

6.05.010 Definitions.

In this chapter unless the context otherwise requires:

“At large” means off the premises of the owner, not under the control of the owner, or other persons acting for the owner.

“Cat” means a member of the feline family.

“Chemical immobilization” means any humane use of a tranquilizer to immobilize any animal for capture, relocation or treatment.

“Collar” means a band, chain, harness or suitable device worn around the neck and/or shoulders of a dog or cat to which a license tag must be affixed.

“Dog” means a member of the *Canis familiaris* family.

“Owner” means any person owning, keeping, possessing, harboring or maintaining a dog or cat.

“Pound, animal shelter, or animal control center” means any establishment authorized by the town for the confinement, maintenance, safekeeping and control of animals that come into the custody of the town.

“Vaccination” means an anti-rabies vaccination using a type of vaccine approved by the state veterinarian.

“Vicious animal” means any animal of the order Carnivora that has a propensity to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals without provocation, or that has been so

declared after a hearing before a justice of the peace or a city magistrate.

“Wild animal” means any animals which are nondomesticated or the offspring of any nondomesticated animal crossbred to a domestic animal. These are considered to be wild animals and will be managed as wild animals in the event of a bite.

“Wildlife management” means the Department of Game and Fish or an agent will act to humanely capture, relocate, monitor or destroy wildlife for the interest of public and animal safety. (Ord. 18-23 § 2, 2018; Ord. 07-02, 2007; Ord. 01-011 § 1, 2001; prior code § 7-1-1)

6.05.020 Licenses and tags generally.

- A. All dogs and cats kept, harbored or maintained in the town must be licensed and registered if over four months of age. Dog and cat licenses shall be issued by the police department upon payment of license fees as prescribed in Section [6.20.010](#). All licenses shall expire on December 31st of each year. The owner shall state, at the time application is made for such license, his/her name and address, telephone number, the name, breed, color, sex and, if applicable, proof of spay or neuter, for each dog and cat owned or kept by him/her. Penalties for violations of this subsection shall be as provided in Section [6.20.040\(A\)](#).
- B. If the license is not obtained by the owner prior to April 1st of any year, or within 60 days of the date of the first possession of any dog or cat, or upon its becoming four months old, or within 60 days from the arrival of the dog or cat in the town, the license payment shall be deemed delinquent and a penalty as provided in the fee schedule set forth in Section [6.20.010](#) shall be paid.
- C. A guide dog belonging to a blind person or to any bona fide nonprofit organization which is in the business of breeding, raising or training dogs that are used for guiding the blind shall not be required to be licensed. Also, any handicapped person who owns a dog which is specifically trained and used to guide or assist that person shall not be required to pay a dog license fee.
- D. Each dog or cat licensed under the terms of this chapter shall receive, at the time of licensing, a tag on which shall be inscribed the name of the town, the number of the license and the year in which it expires. The tag shall be attached to a collar, harness or other device, which shall be worn by the dog or cat at all times except as otherwise provided in this chapter. Penalties for violations of this subsection shall be as provided in Section [6.20.040\(A\)](#).
- E. Any person who knowingly fails within 15 days after written notification from the police department to obtain a license for a dog or cat required to be licensed, or counterfeits an official tag, or removes such tag from any dog or cat for the purpose of intentional and malicious mischief or places a tag upon a dog or cat unless the tag was issued for that particular dog or cat is guilty of a misdemeanor as provided in Section [6.20.040\(B\)](#).
- F. Whenever the ownership of a dog or cat has been changed, the new owner shall secure a transfer of license

to such owner. A transfer fee shall be paid as prescribed in Section [6.20.010](#).

G. Dogs, while being used for hunting, or dogs or cats while being exhibited at shows or dogs while engaged in races approved by the Arizona Racing Commission and such dogs or cats while being transported to and from such events need not have the license tag affixed to the animal; provided, that the animals are properly vaccinated and licensed.

H. The police department can apprehend and impound any dog or cat found without a current valid license tag. (Ord. 18-23 § 2, 2018; Ord. 01-011 § 2, 2001; prior code § 7-1-2)

6.05.030 Vaccination required.

A. Before a license is issued for any dog or cat, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's or cat's description, date of the vaccination and type, manufacturer and serial number of the vaccine and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the town on or before the tenth day of the month following the month during which the dog or cat was vaccinated. No dog or cat shall be licensed unless it is vaccinated in accordance with the provisions of this chapter and the regulations promulgated hereunder.

B. A dog or cat vaccinated in any other place prior to entry into the town may be licensed in the town; provided, that at the time of licensing, the owner of such dog or cat presents a vaccination certificate, signed by a veterinarian licensed to practice in that place or a veterinarian employed by a governmental agency in that place, stating the owner's name and address and giving the dog's or cat's description, date of vaccination and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this chapter and the regulations promulgated hereunder.

C. The police department shall make provisions for low-cost vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

D. If a dog or cat is impounded and found to be unvaccinated, the police department is hereby authorized to cause such dog or cat to be vaccinated at a cost to be borne by the owner. The vaccination shall be performed by a veterinarian, who shall issue a certificate of vaccination.

E. All vaccination requirements will conform automatically with the changes contained in the Compendium of Animal Rabies Control Vaccine prepared by the National Association of Public Health Veterinarians, Inc. (Ord. 18-23 § 2, 2018; prior code § 7-1-3)

6.05.040 Dogs at large prohibited.

A. It is unlawful for the owner of a dog to allow such animal to be at large in the town limits. Cats are considered to be a free roaming animal unless they become a nuisance and then may be captured. Penalties for violations of this subsection shall be as provided in Section [6.20.040\(A\)](#).

B. A dog shall not be deemed at large:

1. If said dog is restrained by a leash, chain, rope or cord of not more than 10 feet in length and of sufficient strength to control the action of said dog.
2. While said dog is actively engaged in obedience training, accompanied by and under the control of his/her owner or trainer; provided, that the person training said dog has, in his/her possession, a leash, chain, rope or cord of not more than 10 feet in length and of sufficient strength to control said dog, and, further, that said dog is actually enrolled in or has graduated from an obedience training school.
3. While said dog is being used for hunting purposes.
4. While said dog is being exhibited at any approved animal show.
5. While said dog is engaged in races approved by the Arizona Racing Commission.
6. While on the owner's property when physically confined to the property.

C. No person in charge of any dog shall permit such dog in a public park or upon any public school property unless the dog is physically restrained by a leash, chain, rope or cord, enclosed in a car, cage or similar enclosure, or being exhibited or trained at a recognized and approved event, public school or park sponsored event. Penalties for violations of this subsection shall be as provided in Section [6.20.040\(A\)](#). (Ord. 18-23 § 2, 2018; Ord. 01-011 § 3, 2001; prior code § 7-1-4)

6.05.050 Confinement of animals in a motor vehicle.

A. In this section only, unless the context otherwise requires:

“Animal” means all species of mammals, except humans, and all species of birds.

B. No person having charge or custody of an animal, as owner, caretaker, or otherwise, shall place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle under such conditions or for such period of time as may endanger the health or well-being of such animal to cause suffering, disability or death. Penalties for violations of this subsection are criminal and shall be penalized as provided in Section [6.20.040\(B\)](#).

C. No person having dominion or control over a motor vehicle, as owner or otherwise, shall place or confine an animal or allow an animal to be placed or confined or to remain in a motor vehicle under such conditions or for such periods of time as may endanger the health or well-being of such animal due to lack of food or drink, or such other circumstances as may reasonably be expected to cause suffering, disability or death. Penalties for violations of this subsection are criminal and shall be penalized as provided in Section [6.20.040\(B\)](#).

D. Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purpose.

E. A member of the police department who finds an animal in a motor vehicle in violation of this section may break and enter the motor vehicle if necessary to remove the animal. Neither the officer nor the police department shall be held responsible for damages. The officer removing the animal shall take the animal to an animal shelter or other place of safe keeping and shall, in the event the person having custody cannot be otherwise contacted, leave in a prominent place in the motor vehicle a written notice bearing his name and office and the address where the animal may be reclaimed by the owner thereof. The animal will be surrendered to the owner if the owner claims the animal within five working days from the time the animal was removed from the motor vehicle and pays all charges that have accrued for the maintenance of the animal. (Ord. 18-23 § 2, 2018; Ord. 01-011 § 4, 2001; prior code § 7-1-5)

6.05.060 Cruelty to animals.

A. A person is guilty of cruelty to animals if, except as otherwise authorized by law, such person recklessly:

1. Subjects any animals under human custody or control to cruel mistreatment; or
2. Kills, maims or wounds any animal under the custody or control of another without either legal privilege or consent of the owner.

B. No person shall abandon an animal, or drop or leave an animal on a street, road or highway, in a public place or on private property with the intent to abandon it. An animal is also abandoned when the owner, possessor or custodian fails to claim it from a boarding facility or veterinarian within five days of the date a registered letter is received by such person from the boarding facility or veterinarian requesting that the owner, possessor or custodian reclaim the animal.

C. Any person who conducts a shooting event at which any person uses a firearm to shoot, kill or wound a live bird or animal that is tied, staked out, caged, held or restrained in any manner and used as a target to be fired at in such event is guilty of a class one misdemeanor.

D. Any person owning or having care, control or custody of any animal shall ensure:

1. That the animal receives daily, food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health; and
2. That potable water is accessible to the animal at all times, either free flowing or in a clean receptacle; and
3. That all animals have convenient access to natural or artificial shelter throughout the year. Any such artificial shelter shall be structurally sound and maintained in good repair to protect the animal from injury

and from the elements and of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, is in violation of this chapter. Any shelter, all bedding and any space accessible to the animal shall be maintained in a manner which minimizes the risk of the animal contracting disease, being injured or becoming infested with parasites; and

4. That the animal receives care and medical treatment for debilitating injuries, parasites and diseases, sufficient to maintain the animal in good health and minimize suffering; and

5. That the animal is given adequate exercise space either:

a. Within an enclosure that shall be constructed of material, and in a manner to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition; or

b. On a tie-out, consisting of a chain, leash, wire cable or similar restraint attached to a swivel or pulley. Tie-outs shall be so located as to keep the animal exclusively on the secured premises. Tie-outs shall be so located that they cannot become entangled with other objects. Collars used to attach an animal to a tie-out shall not be of a choke type. No tie-out shall employ a restraint which is less than 10 feet in length.

E. Violations of this section are criminal and shall be penalized as provided in Section [6.20.040\(B\)](#). (Ord. 18-23 § 2, 2018; prior code § 7-1-6)

6.05.070 Dogs and cats in city parks prohibited.

A. Dogs and cats are prohibited from Keeline Park, Hunt Park and Leffingwell Park. Penalties for violations of this subsection shall be as provided in Section [6.20.040\(A\)](#).

B. Dogs and cats are not prohibited from other city parks but shall abide by the requirements established in Chapter [6.25](#).

C. Dogs and cats being exhibited in any approved animal show are exempt from this section. Pursuant to this section, exhibitors shall abide by the requirements established in Chapter [6.25](#).

D. Certified guide dogs that assist blind and/or handicapped people are exempt from this section. (Ord. 18-23 § 2, 2018; Ord. 01-011 § 5, 2001; prior code § 7-1-7)

Chapter 6.10 IMPOUNDING GENERALLY

Sections:

[6.10.010 Impounding of animals at large.](#)

[6.10.020 Notice to owners of impoundment.](#)

[6.10.030 Report of impounded animals.](#)

[6.10.040 Conditions and duration of impoundment.](#)

[6.10.050 Redemption of impounded animals.](#)

[6.10.060 Adoption of unredeemed animals.](#)

[6.10.070 Disposition of unredeemed or unadopted animals.](#)

[6.10.080 Impeding enforcement.](#)

[6.10.090 Sterilization.](#)

6.10.010 Impounding of animals at large.

It shall be the duty of the police department to impound all dogs and cats found at large in the streets, alleys or other public places or unimproved lots in the town or not in the charge or under the care or control of some person. (Ord. 18-23 § 2, 2018; prior code § 7-2-1)

6.10.020 Notice to owners of impoundment.

If the owner of any dog or cat impounded shall be known to the police department and shall reside or have a known business in the town, a member of the police department may attempt to notify the owner of such animal if possible. (Ord. 18-23 § 2, 2018; prior code § 7-2-2)

6.10.030 Report of impounded animals.

The police department shall, within 24 hours after impounding a dog or cat, make a report stating the kind of dog or cat and describing it in color or otherwise or by any marks or brands that may be on it, and when it was impounded. Each report shall be maintained at the animal shelter or police department record storage area for not less than six months. (Ord. 18-23 § 2, 2018; Ord. 01-011 § 6, 2001; prior code § 7-2-3)

6.10.040 Conditions and duration of impoundment.

The police department shall provide for the keeping of all dogs and cats impounded in a safe, convenient and comfortable place within or conveniently near the town limits and shall feed and water such animals once every 24 hours and treat them in a humane manner during the time they are impounded, which shall not be less than

five working days, unless claimed sooner by the owner, or unless the animal is diseased. The five-day period shall start once the animal has been impounded. (Ord. 18-23 § 2, 2018; prior code § 7-2-4)

6.10.050 Redemption of impounded animals.

If the owner of a dog or cat shall within five working days after such animal has been impounded, apply to the police department and pay the fees and charges provided by this chapter, the police department shall return said animal to the rightful owner. (Ord. 18-23 § 2, 2018; prior code § 7-2-5)

6.10.060 Adoption of unredeemed animals.

A. Any dog or cat impounded under the provisions of this chapter which has not been claimed and the fees and charges have not been paid by the owner within five days, may be released for adoption, based upon its suitability, as determined by the animal control officer or his designee.

B. Any party adopting a dog and/or cat pursuant to this section shall abide by the requirements established in Section [6.10.090](#).

C. Any cat shall be eligible for adoption when deemed appropriate by the animal control officer. The town shall collect a fee for each dog or cat adopted. (Ord. 18-23 § 2, 2018; Ord. 01-011 § 7, 2001; Ord. 90-09, 1990; prior code § 7-2-6)

6.10.070 Disposition of unredeemed or unadopted animals.

Any animal unredeemed or not adopted after the appropriate detention period as provided in this chapter may be disposed of in a manner provided by law. (Ord. 18-23 § 2, 2018; prior code § 7-2-7)

6.10.080 Impeding enforcement.

It is unlawful for any person in any manner to intervene, impede, prevent, obstruct or intimidate any member of the police department in the discharge of his/her duties in impounding or attempting to impound any dog or cat. It shall be illegal to rescue or attempt to rescue any dog or cat so taken up or to release any dog or cat so impounded or trapped in a live cage. Violations of this section are criminal and shall be penalized as provided in Section [6.20.040](#)(B). (Ord. 18-23 § 2, 2018; Ord. 01-011 § 8, 2001; prior code § 7-2-8)

6.10.090 Sterilization.

A. Any person adopting a dog and/or cat shall be entitled to a rebate provided the adopted animal is sterilized within the established time frame.

B. Adopted animals shall be sterilized within 30 days of the adoption date, or within 30 days from the date the animal reaches the spay/neuter age, or on a date set by a veterinarian.

C. Any person adopting an animal shall be required to complete and fully execute the spay/neuter certificate. The failure of an adopting party to comply with the terms of this certificate shall result in forfeiture of the rebate funds to the town, and may require return of the adopted animal.

D. It shall be the responsibility of the adopting party to contact a veterinarian for an appointment and deliver the animal to the veterinarian on that date. The veterinarian may disqualify the animal from surgery if he or she finds medical contraindications for surgery such as estrus, pregnancy or medical disorders. If the date for sterilization must be changed due to medical contraindications, the certificate may be altered with the consent of the veterinarian and the animal control officer or his/her designee. Upon completion, the certificate shall be completed by the veterinarian who performed the sterilization.

E. The adopting party shall reclaim the animal following surgery as directed by the veterinarian. Failure to comply will result in a charge for extra board; unclaimed animals may be declared abandoned.

F. The adopting party shall return the completed certificate to the town for a rebate.

G. The spay/neuter certificate shall require the adopting party to hold harmless and defend the town of Huachuca City, its officers and employees from any loss, injury or damages arising out of or in connection with services of this program.

H. Penalties for violations of this section shall be as provided in Section [6.20.040\(A\)](#). (Ord. 18-23 § 2, 2018; Ord. 01-011 § 9, 2001; Ord. 90-09, 1990; prior code § 7-2-12)

**Chapter 6.15
RULES AND REGULATIONS**

Sections:

[6.15.010 Vicious animals.](#)

[6.15.020 Noises.](#)

[6.15.030 Keeping of livestock prohibited.](#)

[6.15.040 Diseased animals.](#)

[6.15.050 Housing.](#)

[6.15.060 Maximum amount of animals per household.](#)

[6.15.070 Procedures as to animals that have bitten a person.](#)

[6.15.080 Dog and cat breeders/rescuers.](#)

6.15.010 Vicious animals.

A. It is unlawful to permit any dangerous or vicious animals to run at large within the town, and such animals shall be immediately impounded by a member of the police department.

B. Vicious animals shall be destroyed in a manner provided by law.

C. Exhibitions or parades of animals which are *ferae naturae* in the eyes of the law may be conducted only upon securing a permit from the town clerk.

D. Any dog or cat can be considered a vicious animal after an attack.

E. Anyone owning or keeping an animal having been deemed to be vicious within the town limits shall ensure that the animal is contained in such a manner that it cannot leave the property of said owner or keeper. The owner(s) or keepers of vicious animals maintained in compliance of this code will, annually, provide proof to the animal control officer of an insurance policy with a minimum amount of \$1,000,000 to cover losses, damages, claims, etc., caused by the vicious animal. Vicious animals maintained without the required liability insurance shall be immediately impounded in accordance with subsection A of this section. Vicious animals that are not properly contained as required shall be immediately impounded in accordance with subsection A of this section.

F. Violations of this section are criminal and shall be penalized as provided in Section [6.20.040\(B\)](#). (Ord. 18-23 § 2, 2018; Ord. 07-02, 2007; prior code § 7-3-1)

6.15.020 Noises.

A. It is unlawful to harbor or keep any animal which disrupts the peace by loud noises at any time of the day or night.

B. Any dog or cat which disrupts the peace by loud noises at any time of the day or night is hereby declared a nuisance, and any such animal shall be impounded by the police department unless the owner of such animal provides for the proper control of such animal in a manner that provides for the abatement of the nuisance.

C. Penalties for violations of this section shall be as provided in Section [6.20.040\(A\)](#). (Ord. 18-23 § 2, 2018; prior code § 7-3-2)

6.15.030 Keeping of livestock prohibited.

A. It is unlawful for any person to keep or cause to be kept any horses, mules, cattle, burros, goats, sheep, swine, geese, turkeys, chickens, guinea hens, pigeons, rabbits, ducks or other livestock or poultry or fowl within the corporate limits of the town except on parcels of four acres or more. Anyone in possession of animals mentioned in this section prior to February 22, 1990, shall fall under a grandfather clause and shall not be punished. Once said animals have been removed from the property, or the property changes owners, they can no longer fall under the grandfather clause.

B. The police department and town clerk must approve livestock being exhibited in any animal show.

C. Penalties for violations of this section shall be as provided in Section [6.20.040\(A\)](#). (Ord. 18-23 § 2, 2018; Ord. 04-004, 2004; Ord. 01-011 § 11, 2001; Ord. 97-011, 1997; prior code § 7-3-3)

6.15.040 Diseased animals.

It is unlawful to allow any domestic animal afflicted with a contagious or infectious disease to run at large, or to be exposed in any public place whereby the health of man or beast may be infected. It is unlawful for such diseased animal to be shipped or removed from the premises of the owner, except under the supervision of a member of the police department. Violations of this section are criminal and shall be penalized as provided in Section [6.20.040\(B\)](#). (Ord. 18-23 § 2, 2018; prior code § 7-3-4)

6.15.050 Housing.

A. It is unlawful to cause or allow any kennel, pet shop or other place where any animal is or may be kept to become unclean or unwholesome.

B. Every person maintaining a pet shop, veterinary hospital or veterinary facility shall post a notice in the window of the pet shop, veterinary hospital or veterinary facility which is visible from the outside. It shall be framed and enclosed in glass, containing the names, addresses and telephone numbers of persons to be notified during any hour of the day or night who can be contacted and who can proceed immediately to that location so as to permit contact by the police department.

C. Penalties for violations of this section shall be as provided in Section [6.20.040\(A\)](#). (Ord. 18-23 § 2, 2018; prior code § 7-3-5)

6.15.060 Maximum amount of animals per household.

All residents of the town will be limited to a maximum of four animals per household, which can be any combination of dogs or cats. This limitation will exclude animals which bear offspring, but such offspring must either be given away, sold or turned in to the animal shelter when old enough to thrive on their own. Penalties for violations of this section shall be as provided in Section [6.20.040\(A\)](#). (Ord. 18-23 § 2, 2018; Ord. 90-03, 1990; prior code § 7-3-6)

6.15.070 Procedures as to animals that have bitten a person.

A. Whenever a dog or cat bites a person, the person so bitten and any person having knowledge of a person having been bitten shall immediately notify the police department, which shall have said animal impounded for a period of not less than 10 days. If it is determined that the animal is infected with rabies or other dangerous, contagious or infectious diseases, it shall be the duty of the police department to destroy such animal in a manner provided by law.

B. If at the end of the quarantine or impoundment the animal is found free from such disease, it shall be released. If the animal dies during the period of quarantine or impoundment, its head shall be sent to the state department of health services for examination. The owner shall bear any and all costs involved in the quarantine or impoundment of the animal, including boarding costs. (Ord. 18-23 § 2, 2018; prior code § 7-3-7)

6.15.080 Dog and cat breeders/rescuers.

Dog and cat breeders/rescuers are not permitted to own, keep, possess, harbor or maintain within the corporate limits of the town any dog or cat which is used for the production of animals for sale unless:

A. Breeders/rescuers comply with Title [5](#).

B. Breeders/rescuers have the breeding/rescue facility approved by the police department.

C. Veterinary records for all animals are made available upon request to the police department.

D. Every person maintaining a breeder/rescue facility shall post a notice in the window of the facility, which is visible from the outside. It shall be framed and enclosed in glass, containing the names, addresses, and telephone numbers of persons to be notified during any hours of the day or night who can be contacted and who can proceed immediately to that location so as to permit contact by the police department.

E. The police department and town clerk approve breeders/rescuers exhibiting dogs and/or cats in any animal show.

F. Penalties for violations of this section shall be as provided in Section [6.20.040\(A\)](#). (Ord. 18-23 § 2, 2018; Ord. 01-011 § 12, 2001; prior code § 7-3-8)

**Chapter 6.20
FEES AND ENFORCEMENT**

Sections:

[6.20.010 Fee schedule.](#)

[6.20.020 Duty of police department.](#)

[6.20.030 Dispatching of dangerous animals.](#)

[6.20.040 Magistrate court and penalties.](#)

6.20.010 Fee schedule.

A. The town council shall establish, by resolution, a schedule of fees for adopting, registering, impounding, spaying, neutering, quarantining and euthanizing animals, and the council may amend the fee schedule from time to time as the council deems appropriate.

B. All fees collected shall be paid into the general fund of the town. (Ord. 18-23 § 2, 2018; Ord. 15-09 § 1, 2015; Ord. 08-01, 2008; Ord. 06-13, 2006; Ord. 01-015 § 4, 2001; Ord. 01-011 § 13, 2001; Ord 90-03, 1990; prior code § 7-4-1)

6.20.020 Duty of police department.

A. The police chief and members of the police department shall be charged with enforcing the provisions of this title, except as may be otherwise provided by the mayor and council.

B. Animal control officers are specifically responsible for enforcing the provisions of this title, including investigating incidents and issuing citations.

C. The police department shall make the animal shelter available to the public from Monday through Friday, 1:00 p.m. to 5:00 p.m., except observed city holidays or other closures.

1. Nonemergency requests for assistance during nonduty hours must be left on the answering machine and will be addressed on the next working day.

2. Emergency requests for assistance during nonduty hours must be made through the on-duty communications officers at (520) 456-1353. (Ord. 18-23 § 2, 2018; Ord. 01-011 § 14, 2001; prior code § 7-4-2)

6.20.030 Dispatching of dangerous animals.

A. The members of the police department are authorized to kill any dangerous or vicious animal of any kind when it is necessary for the protection of any person or property or when public safety is at risk.

B. Animal control officers will have available for the dispatching of animals:

1. Tranquilizers and euthanasia solutions.
2. Firearms or tools to deliver chemicals, snake-shot, and/or bullets. (Ord. 18-23 § 2, 2018; Ord. 01-011 § 15, 2001; prior code § 7-4-3)

6.20.040 Magistrate court and penalties.

The magistrate court of the town shall have jurisdiction over misdemeanor and civil violations of this title. Unless otherwise provided in this title, penalties for violations of this title shall be as provided in this section. In situations where animal cruelty may be a class six felony, charges will be filed with the justice court, precinct five, or in Cochise County superior court.

A. First offense: \$50.00 fine; second offense: \$100.00 fine; third and subsequent offenses: criminal class one misdemeanor, punishable as determined by the court, not to exceed \$2,500 fine, six months in jail and three years' probation.

B. Each offense: criminal class one misdemeanor, punishable as determined by the court, not to exceed \$2,500 fine, six months in jail and three years' probation. (Ord. 18-23 § 2, 2018; Ord. 01-015 § 4, 2001; Ord. 01-011 § 16, 2001; prior code § 7-4-4)

**Chapter 6.25
CLEANING UP AFTER PETS**

Sections:

[6.25.010 Duty of citizens.](#)

[6.25.020 Penalty.](#)

6.25.010 Duty of citizens.

Any person owning, keeping, possessing or harboring any dog or cat shall promptly remove and dispose of all feces left by the dog or cat on any public property and on any private property not owned by such person or lawfully occupied by such person. (Ord. 18-23 § 2, 2018; Ord. 97-004, 1997; prior code § 7-5-1)

6.25.020 Penalty.

Penalties for violations of this chapter shall be as provided in Section [6.20.040\(A\)](#). (Ord. 18-23 § 2, 2018; Ord. 01-015 § 4, 2001; Ord. 97-004, 1997; prior code § 7-5-2)

Chapter 6.30 ANIMAL CAPTURE

Sections:

[6.30.010 Restraint devices.](#)

[6.30.020 Traps.](#)

[6.30.030 Chemical immobilization.](#)

6.30.010 Restraint devices.

A member of the police department can use a humane restraint device for the safety of the officer and the animal when dogs, cats, and wildlife are being captured. The lead, snappy snare, loop stick or catch pole, cat tongs and snake tongs are the preferred methods of restraint. (Ord. 18-23 § 2, 2018; Ord. 01-011 § 17, 2001; prior code § 7-6-1)

6.30.020 Traps.

A. All dogs, cats and wildlife which are being trapped by a trained member of the police department can be captured with a humane live trap or humane pull trap.

B. Small animal live traps are squirrel, rabbit, raccoon, and cat traps.

1. The police department will provide small animal live traps to the town. In the event that a trap is not available, a priority list will be maintained at the animal shelter.

2. Persons requesting the borrowing of a small animal live trap are required to make a \$50.00 deposit on each live trap borrowed. A receipt describing the make, model and added accessories, date of issue, date of return and user responsibilities will be maintained at the animal shelter. The borrower forfeits his/her refund and the live trap will be retrieved by a police department member if not returned within 15 days after the scheduled return date.

3. Persons borrowing a police department small animal live trap are required to secure the live trap with the provided security devices. Any theft or destruction of a live trap is the responsibility of the requester.

a. All wildlife will be removed by the police department or on-call public works employees only.

b. All cats will be transported to the animal shelter during normal business hours by the requester. It is the responsibility of the requester to provide food, water and shelter for the animal until it is brought to the animal shelter.

C. Large animal traps are commonly used only for the capture of dogs.

1. The police department will provide large animal live traps to the town. In the event that a trap is not available, a priority list will be maintained at the animal shelter.
2. Persons requesting the borrowing of a large animal live trap are required to make a \$150.00 deposit on each live trap borrowed. A receipt describing the make, model, and added accessories, date of issue, date of return and user responsibilities will be maintained at the animal shelter. The borrower forfeits his/her refund and the live trap will be retrieved by a police department member if not returned within 15 days after the scheduled return date.
3. Persons borrowing a police department large animal live trap are required to secure the live trap with the provided security devices. Any theft or destruction of a live trap is the responsibility of the requester.
4. Any dogs, wildlife, or livestock that may be trapped can only be removed by the police department or an on-call public works department employee.

D. Pull traps are used by police department personnel only to capture dogs, coyotes, and foxes in the outlying areas of the town. (Ord. 18-23 § 2, 2018; Ord. 01-011 § 17, 2001; prior code § 7-6-2)

6.30.030 Chemical immobilization.

The use of chemical immobilization techniques by a trained member of the police department as a last resort is limited to the safety of the public, animal, and the officer. (Ord. 18-23 § 2, 2018; Ord. 01-011 § 17, 2001; prior code § 7-6-3)

Chapter 6.35
EXOTICS, HYBRIDS, AND WILDLIFE

Sections:

[6.35.010 Exotic animals.](#)

[6.35.020 Hybrid animals.](#)

[6.35.030 Wild animals.](#)

[6.35.040 Feeding and attracting wildlife prohibited.](#)

6.35.010 Exotic animals.

A. Exotic animals are not allowed to be owned, kept, possessed, harbored, or maintained within the corporate limits of the town. Exotic mammals have no licensed rabies vaccines and no quarantine times have been established.

B. Nonhuman primates are not permitted to enter the corporate limits of the town unless they are being transported in a manner in accordance with state and federal law.

C. Reptiles, amphibians, birds and fish are not susceptible to natural rabies infections and are, therefore, allowed within the corporate limits of the town.

D. The police department and town clerk must approve exotic animals being exhibited in any animal show.

E. Penalties for violations of this section shall be as provided in Section [6.20.040\(A\)](#). (Ord. 18-23 § 2, 2018; Ord. 01-011 § 18, 2001; prior code § 7-7-1)

6.35.020 Hybrid animals.

A. Canine/wolf hybrids are not permitted to be owned, kept, possessed, harbored, or maintained within the corporate limits of the town. Owners and or caretakers shall be required at their own expense to have an animal evaluated for breed by an authorized veterinarian or veterinary hospital if the police department suspects a canine is a canine/wolf hybrid mix.

B. Feline hybrids are not permitted to be owned, kept, possessed, harbored, or maintained within the corporate limits of the town. Owners and/or caretakers shall be required at their own expense to have an animal evaluated for breed by an authorized veterinarian or veterinary hospital if the police department personnel suspects the feline is a feline hybrid mix.

C. Penalties for violations of this section shall be as provided in Section [6.20.040\(A\)](#). (Ord. 18-23 § 2, 2018; Ord. 01-011 § 18, 2001; prior code § 7-7-2)

6.35.030 Wild animals.

- A. Bats, skunks, foxes, coyotes, bobcats, ringtails, raccoons, coatimundi, javelinas, bears, and mountain lions have all tested positive for rabies virus variant. No person shall hand feed, pet or attempt to domesticate any wild animal. There is still no rabies vaccine for these species and no known quarantine period of observation.
- B. Wild rodents and rabbits have never tested positive for rabies virus variant. No person shall hand feed, pet or attempt to domesticate any wild rodent or rabbit. There is still no rabies vaccine for these species and no known quarantine period of observation.
- C. Wildlife rescuers are not permitted to own, keep, possess, harbor or maintain any wild animal within the corporate limits of the town unless:
1. Wildlife rescuers are certified with the Arizona Department of Game and Fish, R-12-4-423.
 2. Wildlife rescuers must have the holding facility approved by the police department.
 3. Veterinary records for all animals must be made available upon request by the police department.
- D. The police department and town clerk must approve wildlife being exhibited in any animal show.
- E. Penalties for violations of this section shall be as provided in Section [6.20.040\(A\)](#). (Ord. 18-23 § 2, 2018; Ord. 01-011 § 18, 2001; prior code § 7-7-3)

6.35.040 Feeding and attracting wildlife prohibited.

- A. Definitions.
1. For purposes of this section, “feed” is defined as the intentional provision of water, animal or human food, animal carcasses, or edibles to wildlife.
 2. For purposes of this section, “attracting” is defined as placing water, animal or human food, edibles, animal parts or carcasses, garbage or refuse in an area where a reasonable person would be aware of the potential presence of wildlife.
- B. It is unlawful for any person to intentionally feed bears, javelina, coyotes or mountain lions, or to attract them by intentionally, negligently or recklessly placing water, garbage, refuse, human or animal food or edibles in a place that is physically accessible to such wildlife.
- C. These prohibitions apply to all areas within the town’s corporate limits.
- D. These prohibitions do not apply to any of the following:
1. Public employees and their agents acting within the scope of their authority for public safety or wildlife

management purposes.

2. Taking wildlife, as permitted by Arizona law and any Arizona Game and Fish Commission rule or order.
3. Food or edibles that are being transported to an approved landfill or disposal facility.
4. Garbage or refuse that is being transported to an approved landfill or disposal facility.
5. Water, food, edibles, garbage or refuse located in a residence, sealed vehicle or storage building, or in a camping storage unit that is constructed of solid, nonpliable material.
6. Food, edibles, garbage or refuse stored in a covered and locked container made of sturdy, nonpliable material; provided, however, refrigerators and freezers that are placed outside, even if locked, are not exempt under this section.
7. Municipal and commercial zoos or Arizona Game and Fish Department licensed wildlife rehabilitation providers.
8. Provision of appropriate food and water exclusively for livestock, horses, swine, poultry or fowl.
9. Feeders placed to attract birds or other wildlife that do not pose a public safety problem, and do not attract bears, mountain lions, javelina, or coyotes.

E. Any animal control officer or any state-certified peace officer may issue a citation for the violation of this section, subject to the following:

1. Upon the first contact with a person suspected of violating this section, the officer shall issue a verbal warning and provide the person with a copy of this section.
2. Upon the second contact with a person suspected of violating this section, the officer shall issue a citation to the person.
3. Each violation, after the first contact, shall constitute a separate offense and each day a violation remains unabated may be treated as a separate offense.

F. Penalties for violations of this section shall be as provided in Section [6.20.040\(A\)](#). (Ord. 18-23 § 2, 2018; Ord. 14-05 § 1, 2014; prior code § 7-7-4)

**Title 7
(Reserved)**

**Title 8
HEALTH AND SAFETY**

Chapters:

[8.05 Garbage and Trash Collection](#)

[8.10 Preparation of Refuse for Collection](#)

[8.15 Public Health](#)

[8.20 *Repealed*](#)

[8.25 *Repealed*](#)

[8.30 Solid Waste Services](#)

**Chapter 8.05
GARBAGE AND TRASH COLLECTION**

Sections:

[8.05.010 Definitions.](#)

[8.05.020 Collection agency.](#)

[8.05.030 Collection hours.](#)

[8.05.040 Fees for removal of garbage and rubbish.](#)

[8.05.050 Collection of fees.](#)

[8.05.060 Molesting of containers.](#)

8.05.010 Definitions.

In this chapter, unless the context otherwise requires:

“Commercial enterprises” means places which conduct business and pay business license taxes to the town. Included in this definition are churches, schools, hospitals, industrial premises and all concerns not otherwise defined herein.

“Dwelling unit” means one or more rooms designated for occupancy by one household for living purposes and having its own cooking and sanitary facilities.

“Garbage” means all putrescible wastes, except sewage and body wastes, including all organic wastes that have been prepared for, or intended to be used as, food or have resulted from the preparation of food, including all such substances from all public and private establishments and residences.

“Household” means an individual, or two or more persons related by blood, marriage or adoption and usual servants, living together as a single housekeeping unit in a dwelling unit, or a group of not more than five persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

“Multi-family units” means multi-family residences and multi-family dwellings, defined as follows:

1. “Multi-family dwellings” means motels, mobile home parks and travel trailer parks.
2. “Multi-family residence” means a residence with two or more dwelling units designated for occupancy by two or more households with separate housekeeping and cooking facilities for each individual household. Such residences are limited to apartments, townhouses and condominiums.

“Refuse” means all garbage and trash.

“Single-family residence” means a detached dwelling unit designated for occupancy by one household only.

“Trash” means all nonputrescible wastes. (Prior code § 10-1-1)

8.05.020 Collection agency.

The town or other collectors authorized by and under contract with the town shall collect all refuse within the town. No person, except as provided in this chapter, shall collect or gather refuse within the town. (Prior code § 10-1-2)

8.05.030 Collection hours.

The hours of collection of refuse shall be designated by the council. (Prior code § 10-1-3)

8.05.040 Fees for removal of garbage and rubbish.

A. Fees Within the Town’s Service Area. There shall be assessed and charged against the owner, occupant or lessee of all occupied premises within the town’s service area, fees for collection and removal of garbage, rubbish and refuse. The fees shall be established by the council as a fee schedule adopted and amended by the council from time to time.

B. Rental of Dump Truck. A dump truck (capacity three tons) may be obtained by any town resident for disposal of large volumes of trash and debris. A nonrefundable fee of \$30.00 is established for rental of this truck per customer per day, or \$50.00 per weekend, which fees do not include the cost of disposal of the contents at the landfill. Residents must pay \$30.00 per ton for disposal at the landfill. Residents must complete an application and submit payment for truck rental and trash deposit at the time of signing up for the rental. Payment must include a \$90.00 deposit for up to three tons of content disposal at the landfill. The resident will be charged for a minimum of one ton at \$30.00, and the remaining balance of the resident’s deposit will be refunded, based on the amount of trash that is disposed, at the rate of \$30.00 per ton. The following items cannot be placed in the dump truck: tires, white goods (refrigerators, air conditioners, stoves, washers, dryers, etc.), liquids, waste oil, antifreeze, paint, insecticides, or debris from construction work. (Ord. 18-25 § 1, 2018; Ord. 18-09 § 1, 2018; Ord. 14-04 § 1, 2014; Ord. 01-020 § 1, 2001; Ord. 01-015 § 7, 2001; Ord. 98-002, 1998; Ord. 97-009, 1997; Ord. 95-005, 1995; Ord. 94-005, 1994; Ord. 91-006, 1992; Ord. 85-05, 1985; prior code § 10-1-4)

8.05.050 Collection of fees.

Monthly refuse collection charges shall be due and payable on the first day of each month at the Town Hall and shall be delinquent from and after the tenth day of each month. Monthly statements need not be mailed to each customer. If the fees for refuse collection are not paid, such fees may be recovered by the town in an action at law against the owner or occupant, or both, of the subject premises. Such charges may be assessed against the premises served and collected and returned in the same manner as other county and municipal taxes are assessed and collected. (Ord. 01-015 § 7, 2001; prior code § 10-1-5)

8.05.060 Molesting of containers.

It shall be unlawful for any person to uncover or cause to be uncovered or tip or cause to be tipped over, or molest or cause to be molested in any manner, any container or garbage or rubbish legally placed upon any street, curb or alley for removal by an authorized collector. (Prior code § 10-1-6)

Chapter 8.10
PREPARATION OF REFUSE FOR COLLECTION

Sections:

[8.10.010 Preparation of refuse.](#)

[8.10.020 Location for pick-up.](#)

[8.10.030 Lids and covers.](#)

[8.10.040 Use of containers.](#)

[8.10.050 Alternative disposal of refuse.](#)

[8.10.060 Hauling refuse.](#)

[8.10.070 Vehicles and receptacles to be spill proof.](#)

[8.10.080 Spilled refuse.](#)

[8.10.090 Dumping refuse.](#)

[8.10.100 Burning of trash, weeds, garbage prohibited.](#)

8.10.010 Preparation of refuse.

All refuse shall be prepared for collection or disposed of as follows:

A. Garbage. All garbage shall be drained of excess liquids and placed in plastic bags prior to loading it into the container for collection, excepting business establishments accumulating large quantities of garbage daily shall not be required to wrap garbage; provided, the containers are to be maintained in a clean and sanitary condition by thorough washing following each collection. Animal wastes shall be placed in plastic bags prior to loading into trash cans. The town or other collectors authorized by and under contract with the town shall furnish containers for the accumulation, storage and collection of all garbage. Such containers shall be reasonably closed and be of rust-resistant metal or plastic and shall have handles on the outside. The maximum capacity of each container shall not exceed 96 gallons for the single residential can and 300 gallons for the large community can. The maximum capacity of the can loaded for collection shall not exceed 75 pounds in weight for the 96-gallon can and shall not exceed 250 pounds in weight for the 300-gallon can. Garbage should not be protruding from the can such that the container lid cannot be reasonably closed. Such containers shall be kept in good repair and in a sanitary condition. Any refuse left outside the container shall not be picked up by the service provider, but shall be the responsibility of the customer. Customers may request roll-off service through the town. Roll-off will be provided by the trash contractor. Roll-off service fee would be in addition to the standard trash bill, and would be paid as part of the next utility billing cycle. Roll-off dumpsters shall not be located at a residence for a span

longer than 30 days and not more than three times per year.

B. Trash. Trash shall be placed in containers by the customer and set out for collection. Containers shall be the garbage containers described above.

C. Brush. All brush shall be disposed of by the owner, tenant or occupant of the premises. Brush, grass clippings, mulch and other green waste products need not be bagged; however, all green waste items must be inside the trash can to be disposed of, so that the trash can lid can be reasonably closed.

D. Building Materials. All owners, contractors and builders of structures shall, upon the completion of any structure, gather up and haul away, at their sole cost and expense, all refuse of every nature, description or kind, which has resulted from the building of such structure, including all lumber scraps, shingles, plaster, brick, stone, concrete and other building material, and shall place the lot and all nearby premises utilized in such construction in a slightly condition. Residential customers may dispose of small amounts of building materials from time to time, providing it is placed in a container as described above and contains no concrete, masonry or soil.

E. By-products. Any commercial or manufacturing establishment which by the nature of its operations creates an unusual amount of by-product refuse may be required by the town to dispose of its own wastes as opposed to having the town provide the service.

F. Dangerous Waste. The town requires the customer to properly dispose of it by other lawful means. Dangerous or hazardous wastes are defined as: any solid waste that can cause damage or injury to property or persons and is dangerous or hazardous by reason of its pathological, explosive, flammable, reactive, radiological, or toxic nature including, but not limited to, all wastes defined by the provisions of A.A.C. Title [18](#), Chapter 8, Article 2.

G. Soil and Concrete. Waste soil, concrete, masonry blocks, sod and rocks shall be disposed of by the owner, tenant or occupant of the premises.

H. No garbage shall be stored on a property in town limits long term; rather, the property owner, tenant, lessee, occupant or other person in possession of the property shall make sure that all trash is removed from the property on a weekly basis. No trash can be stored on property for more than one week, with the exception of recyclables and natural compost. Recyclables shall be stored in reasonably covered containers and should not accumulate for more than two months. Compost shall consist only of plant and vegetable wastes, and shall not consist of meat or dairy products, pet wastes or human wastes. (Ord. 18-20 § 1, 2018; Ord. 18-11 § 1, 2018; Ord. 05-004, 2005; prior code § 10-2-1)

8.10.020 Location for pick-up.

A. Where alleys exist and are used for trash collection, the trash container shall be placed at the rear of the lot, at the edge of the alley facing the alley and easily accessible to the trash truck. Where alleys do not exist or are

not used for trash collection refuse shall be set in front of the resident's house, near street curb on the sidewalk or parkway and facing the street. The trash container shall not block the alley, sidewalk or gutter, or otherwise be a hazard to pedestrian or vehicular traffic. It is the homeowner, business owner or tenant's responsibility to make sure the trash container can be picked up by the trash truck without it being obstructed. Trash containers that are blocked by cars or other items will not be picked up by the trash truck. Trash containers that are not set out for pick-up as scheduled will not be emptied during that trash cycle. No special routes will be driven to accommodate customers who failed to have their containers ready for pick-up at their scheduled time.

B. When necessary to set containers at the front curb, they may be set out after 5:00 p.m. of the day preceding regular collection and shall be removed from the curb by 5:00 a.m. of the day after collection. (Ord. 18-20 § 2, 2018; Ord. 18-11 § 2, 2018; prior code § 10-2-2)

8.10.030 Lids and covers.

The lids or covers of all containers shall at all times be kept secure so that flies and other insects may not have access to the contents and shall only be removed while the containers and receptacles are being filled, emptied or cleaned. (Prior code § 10-2-3)

8.10.040 Use of containers.

It shall be unlawful for any person to deposit, or cause to be deposited, any refuse in any container that he does not own or is not entitled to use as a tenant. (Prior code § 10-2-4)

8.10.050 Alternative disposal of refuse.

A. No residential owner, tenant, lessee, occupant or other person in possession of any building, structure or premises within the town shall avoid or refuse to accept the garbage and trash disposal services provided for in this chapter. Any such avoidance or refusal shall not exempt such person from the payment of the charges for such services. No structures on a residential lot other than the residence shall be required to have a trash service unless involved in commercial use.

B. Every residential owner and occupant of premises within the town trash service area shall use the refuse collection and disposal system herein provided, and shall deposit or cause to be deposited in accordance with this chapter, all rubbish and garbage that is of such nature, that is perishable or may decompose, or may be scattered by wind or otherwise, which is accumulated on such premises. Residents within the town's trash service area, but outside town limits, may use the town's service, but are not required to do so. Section [8.10.010\(H\)](#) does supersede this subsection regarding recyclables and natural compost. Commercial businesses are required to have a trash service; however, commercial businesses may use a trash service of their choice, including the town trash service. (Ord. 18-21 § 1, 2018; Ord. 18-11 § 3, 2018; prior code § 10-2-5)

8.10.060 Hauling refuse.

It is unlawful for any person to haul or cause to be hauled any refuse on or along any public street, avenue or alley in the town in violation of any of the provisions in this chapter. (Prior code § 10-2-6)

8.10.070 Vehicles and receptacles to be spill proof.

It is unlawful for any person to haul or cause to be hauled on or along any public street in the town any garbage, unless such garbage is contained in strong watertight vehicles or vehicles with watertight receptacles, constructed to prevent any such garbage from falling, leaking or spilling and any odor from escaping. (Prior code § 10-2-7)

8.10.080 Spilled refuse.

Any person hauling any refuse along the streets of the town shall immediately replace in the conveyance used for such hauling any refuse which may fall upon any street. (Prior code § 10-2-8)

8.10.090 Dumping refuse.

A. For the purpose of the protection and preservation of the health and welfare of the inhabitants of the town, it is hereby established that the place for the dumping and depositing of refuse and garbage shall be the Huachuca City landfill located at 600 Skyline Drive, Huachuca City, AZ 85616 within the town and use of any other site within the town shall constitute unlawful dumping. It is unlawful for any person to place or cause to be placed any refuse upon any public or private property within the town, except as specifically permitted in this chapter.

B. The rules and regulations governing use of the town landfill site shall be those established by the town. (Ord. 18-20 § 3, 2018; Ord. 18-11 § 4, 2018; prior code § 10-2-9)

8.10.100 Burning of trash, weeds, garbage prohibited.

The burning of trash, weeds, garbage or other similar materials in an open outdoor fire is prohibited, except as provided by state statute. (Prior code § 10-2-10)

**Chapter 8.15
PUBLIC HEALTH**

Sections:

[8.15.010 Conditions under which flies breed prohibited.](#)

[8.15.020 Depositing debris or allowing drainage on public thoroughfares prohibited.](#)

[8.15.030 Nauseous, foul or offensive conditions prohibited.](#)

[8.15.040 Offensive water.](#)

[8.15.050 Pollution of ditches.](#)

[8.15.060 Power to enter.](#)

[8.15.070 Premises to be kept properly cleaned and drained.](#)

[8.15.080 Privy, vault, cesspool or well prohibited.](#)

8.15.010 Conditions under which flies breed prohibited.

No owner, tenant or occupant of any premises within the town shall suffer, permit or have upon such premises any cesspool, vault, pit or like place, animal manure, garbage, trash, litter, rags or any other thing in which flies may breed or multiply, unless the same shall be protected so as to prevent the attraction, breeding and multiplying of flies. (Prior code § 10-3-1)

8.15.020 Depositing debris or allowing drainage on public thoroughfares prohibited.

No person shall deposit in or upon or permit to drain into any street, alley or public place of the town from any premises owned or occupied by such person any refuse, slop, filth, garbage or debris of any kind or nature or any matter or thing which is offensive to health, except at such times and places and under such regulations as may be made by the council. (Prior code § 10-3-2)

8.15.030 Nauseous, foul or offensive conditions prohibited.

No person shall suffer or permit any premises owned, leased, occupied, controlled or managed by him, or any cellar, privy, vault, pool, cesspool, water closet, sewer or private ditch or drain therein or thereupon, to become nauseous, foul or offensive to the senses or prejudicial to the public health or comfort. (Prior code § 10-3-3)

8.15.040 Offensive water.

No filthy or offensive water shall at any time be poured, thrown, sprinkled or put in or upon any street, ditch, land, court, square, alley, vacant lot or public place within the town. (Prior code § 10-3-4)

8.15.050 Pollution of ditches.

No person shall pollute or suffer or cause to be polluted any ditches within the town by bathing, washing or washing clothing or any animal, in or about the same, throwing or depositing therein any earth or filthy matter or anything injurious to the health or offensive to the senses or by running into the same any sewerage matter, slops, brewery, bathhouse or kitchen wastes. (Prior code § 10-3-5)

8.15.060 Power to enter.

The police chief or any police officer shall have the power to enter upon all public and private property or premises to make an examination into any nuisance, source of filth or cause or source of sickness or diseases found therein or thereon, and may require the owner or occupant to remove the same at his expense. (Prior code § 10-3-6)

8.15.070 Premises to be kept properly cleaned and drained.

It shall be unlawful for any person owning or conducting, operating or managing any business place, stand, building, establishment, machinery or equipment to fail to keep the same, with the premises whereon the same is located, properly cleaned and drained. (Prior code § 10-3-7)

8.15.080 Privy, vault, cesspool or well prohibited.

No open privy, vault, cesspool or well shall be installed or maintained within the corporate limits of the town. (Prior code § 10-3-8)

**Chapter 8.20
REMOVAL OF LITTER**

(Repealed by Ord. 20-02)

Chapter 8.25
REMOVAL OF DEBRIS AND DILAPIDATED STRUCTURES

(Repealed by Ord. 20-02)

Chapter 8.30
SOLID WASTE SERVICES

Sections:

[8.30.010 Definitions.](#)

[8.30.020 Landfill general fee application.](#)

[8.30.030 Fee assessment, permitting, administration and operations.](#)

[8.30.040 Regulation of storage, collection, transportation, disposal and reclamation of solid waste.](#)

[8.30.050 Responsibility for solid waste disposal and recovery of disposal costs.](#)

[8.30.060 Dedication of collected fees.](#)

[8.30.070 Penalties and fines.](#)

[8.30.080 Effective date.](#)

[8.30.090 Severability.](#)

8.30.010 Definitions.

“Approved site” means a site permitted and approved by the State Department of Environmental Quality as a site for the disposal of solid waste.

“Bulky items” means large items of solid waste whose size or shape precludes or complicates their handling by normal collection, processing or disposal methods. Materials defined as bulky waste will be determined on a site-specific basis, depending on equipment and facilities available. These items may include, but are not limited to, furniture, mattresses, and barrels, among others.

“Commercial solid waste hauler” means any person who receives compensation for hauling solid or liquid waste to an approved site, including landscapers.

“Compacted” means compressed through hydraulic or mechanical means.

“Department” means the public works department of the town of Huachuca City.

“Director” means the public works director of the town of Huachuca City.

“Permitted contractor” is a commercial solid waste hauler who has a valid permit from the public works department to recover and transport solid waste.

“Person” means any public or private corporation, company, partnership, firm, association or society of persons, or entity, including governmental entities, as well as a natural person.

“Sanitary landfill” means a disposal site employing an engineered method of disposing of solid waste in a manner that minimizes environmental hazards by spreading and compacting all wastes to the smallest practical volume, and by applying cover material over all exposed wastes at the end of each operating day.

“Solid waste” means all putrescible and nonputrescible solid and semi-solid wastes, including any garbage, trash, rubbish, refuse, sludge, ashes, dead animals, manure, street and parking lot cleanings, and other discarded material, but not including domestic sewage or hazardous wastes or liquid wastes.

“White goods” means large household appliances including but not limited to refrigerators, stoves, ovens, washers, dryers and hot water heaters. (Ord. 91-004, 1991; prior code § 10-6-1)

8.30.020 Landfill general fee application.

All persons disposing of waste at the Huachuca City landfill shall be charged a fee. The fee shall be due in cash at the time of usage unless other arrangements have been made with the department of town clerk. Payment of solid waste fees may also be made in advance of use. The fee collection program will be administered by the town clerk. (Ord. 01-015 § 7, 2001; Ord. 91-004, 1991; prior code § 10-6-2)

8.30.030 Fee assessment, permitting, administration and operations.

A. Fee Schedule. Fees for use of the Huachuca City landfill shall be assessed at \$10.00 per residential vehicle (car, van, station wagon, pickup, or single-axle trailer); and \$35.00 per ton for all other vehicles. The fee schedule may be amended by resolution of the town. The fee schedule for commercial solid waste haulers will be based on weight.

Commercial and business customers: \$35.00/ton, 2,500-ton minimum.

Dead animals – livestock (if accompanied with livestock inspector or veterinarian certification of death): \$35.00/ton, \$10.00 minimum.

Not accepted: tires, white goods (refrigerators, air conditioners, stoves, washers, etc.), liquids, waste oil, antifreeze.

B. Commercial Solid Waste Haulers’ Permit and Fees. No commercial solid waste hauler shall be authorized to use the Huachuca City landfill facility in whole or in part without first obtaining a commercial solid waste hauler permit. This permit shall be issued by the director upon the completion of the required application form. This permit may be renewed annually, depending upon satisfactory compliance with the terms and conditions of this chapter. Beginning on November 1, 1991, and thereafter, no commercial solid waste hauler shall be allowed to use the Huachuca City landfill without first presenting a valid commercial solid waste hauler permit or copy thereof at the landfill site prior to disposal of any solid waste. No commercial solid waste hauler shall be

permitted to deposit solid waste in the Huachuca City landfill without the express written permission of the director.

C. Determination of Charges. The Huachuca City landfill or collection station cashier shall determine whether a particular load is commercial or residential.

The user shall, at the time of use, abide by that decision. If a user believes he has been wrongly charged the commercial rate, he may submit an affidavit to the director, stating that the load was noncommercial. Depending on the director's determination of the load's status, the difference between the commercial and the noncommercial fee may be refunded to the user.

D. Billing. Any commercial solid waste hauler may, upon application, pay solid waste service fees through a monthly billing from the department. Monthly bills shall be due and payable upon receipt. Any bill unpaid after 15 days shall be considered in arrears. Any person in arrears on a monthly billing may be required to provide a cash deposit in a reasonable amount to the department to continue monthly billings. The deposit may be applied by the department against any amount unpaid 60 days after date of billing. At such time as such a person no longer desires a monthly billing, any amount remaining in the cash deposit will be returned to the person. The director may terminate a monthly billing privilege at any time.

E. Delinquency.

1. Any monthly bill in arrears shall be considered delinquent. There shall be added charges for:

a. Interest at the rate of one and one-half percent per month on the sum of delinquent payments, compounded monthly; and

b. Any legal and administrative expenses incurred necessary to secure payment.

2. When a payment has been delinquent for more than 60 days, a written notice may be sent to the address listed for such account, stating the total amount of delinquent payments then due and the period of time for which the payment has been delinquent.

3. If the delinquent payments are not paid within 10 working days from the date of the delinquency notice, the director or his agents may take appropriate steps to collect all outstanding payments and at the option of the director may refuse to accept solid waste from the delinquent hauler. (Res. 13-08, 2013; Res. 11-07, 2011; Ord. 08-08, 2008; Res. 06-06, 2006; Ord. 01-015 § 7, 2001; Ord. 97-001, 1997; Ord. 95-006, 1995; Ord. 91-004, 1991; prior code § 10-6-3)

8.30.040 Regulation of storage, collection, transportation, disposal and reclamation of solid waste.

A. Pursuant to the authority of ARS Sections 49-704 and 49-765, the Waste Management Rules promulgated by

the Arizona Department of Environmental Quality, codified in the Arizona Administrative Code, Title [18](#), Article 5, R18-8-501 et seq., as they may be amended from time to time, are hereby incorporated by reference as the Huachuca City rules regulating the storage, collection, transportation, disposal and reclamation of solid waste. The director is authorized to enforce these rules to protect public health and safety and the environment and to prevent and abate public nuisances.

B. The director may permit salvaging of solid waste at the Huachuca City landfill; provided, that any such salvaging is subject to such terms and conditions as the director determines to be appropriate to comply with this chapter and other applicable laws and regulations. (Ord. 91-004, 1991; prior code § 10-6-4)

8.30.050 Responsibility for solid waste disposal and recovery of disposal costs.

A. When solid waste is dumped or deposited in a manner not authorized by law and items in the solid waste identify the same person as the owner or recipient of that item, there shall be a rebuttable presumption that the person is responsible for the unlawful dumping of solid waste.

B. If a person disposes of solid waste in a manner not authorized by law and the town arranges for or executes the lawful disposal of the solid waste, that person shall be responsible to Huachuca City for all reasonable costs and expenses associated with the transportation, disposal and cleanup of solid waste.

C. If a person disposes of solid waste in a manner not authorized by law and the owner of the property on which the solid waste was unlawfully dumped, deposited or disposed of arranges for or executes the lawful disposal of the solid waste, the person in violation shall be responsible to the property owner for all reasonable costs and expenses associated with the transportation and disposal of the solid waste.

D. If the town or a property owner files suit to collect their reasonable costs and expenses as provided in subsections B and C of this section, the court may award a reasonable amount as attorney's fees to the prevailing party.

E. If any person stores, collects, transports, disposes or reclaims solid waste in violation of this chapter, the director, acting through the town attorney, in addition to other remedies provided by this chapter and applicable law, may institute an injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent or abate any unlawful act or cause removal of any unlawful deposit. (Ord. 01-015 § 7, 2001; Ord. 91-004, 1991; prior code § 10-6-5)

8.30.060 Dedication of collected fees.

All fees, penalties, and interest that are collected pursuant to this chapter shall be dedicated to the costs of administering this program and to the costs incurred by the town in connection with providing solid waste disposal services. In the event that general funds have been expended for such services in any fiscal year, revenues generated in that fiscal year may be used to reimburse the general fund to the extent of such expenditure. In no event shall these revenues be used for other general fund purposes, except for such direct

reimbursement of solid waste disposal services. (Ord. 01-015 § 7, 2001; Ord. 91-004, 1991; prior code § 10-6-6)

8.30.070 Penalties and fines.

A violation of this chapter is a class one misdemeanor. Any person who violates this chapter may be subject to a fine not to exceed \$2,500 or a term of imprisonment not to exceed six months, or both. (Ord. 01-015 § 7, 2001; Ord. 91-004, 1991; prior code § 10-6-7)

8.30.080 Effective date.

This chapter shall become effective on November 1, 1991. The department is directed to implement the appropriate provisions of this chapter as rapidly as possible after this date, in a manner in which the director determines to be appropriate to achieve public awareness and compliance with these provisions. (Ord. 91-004, 1991; prior code § 10-6-8)

8.30.090 Severability.

In the event that any provision of this chapter or the application thereof is held to be invalid, such invalidity shall have no effect on other provisions and their applications which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are severable. (Ord. 91-004, 1991; prior code § 10-6-9)

**Title 9
PUBLIC PEACE, MORALS AND WELFARE**

Chapters:

[9.05 General Offenses](#)

[9.10 Cabaret Control](#)

[9.15 Reserved](#)

[9.20 Minors Prohibited from Carrying or Possessing Firearms – Exceptions – Seizure and Forfeiture – Penalties](#)

[9.25 Bicycle Helmets for Minors](#)

[9.30 Junked Motor Vehicles](#)

[9.35 Child Safety Zones](#)

**Chapter 9.05
GENERAL OFFENSES**

Sections:

[9.05.010 Dangerous constructions.](#)

[9.05.020 Damage to property.](#)

[9.05.030 Deposits of injurious material on thoroughfares.](#)

[9.05.040 Excavations to be covered.](#)

[9.05.050 Fireworks.](#)

[9.05.060 Fences – Barbed wire and electric.](#)

[9.05.070 Littering.](#)

[9.05.080 Loitering.](#)

[9.05.090 Minors.](#)

[9.05.100 Noise ordinance – Reasonable person standard.](#)

[9.05.110 Obstruction of streets.](#)

[9.05.120 Obstruction of view.](#)

[9.05.130 Offensive business.](#)

[9.05.140 Offensive premises.](#)

[9.05.150 Reserved.](#)

[9.05.160 Prostitution.](#)

[9.05.170 Register to be kept by secondhand dealers.](#)

[9.05.180 Searchlights.](#)

[9.05.190 Signs and banners.](#)

[9.05.200 Spitting.](#)

[9.05.210 Sweepings prohibited on sidewalk.](#)

[9.05.220 Water – Flow upon streets prohibited.](#)

[9.05.230 Possession and destruction of drug paraphernalia.](#)

[9.05.240 Permitting or encouraging underage drinking.](#)

9.05.010 Dangerous constructions.

It is unlawful for any person to maintain or allow any signs, billboards, awnings or other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety. (Prior code § 11-1-1)

9.05.020 Damage to property.

A. It is unlawful for any person to damage in any manner or attempt to damage or tamper with any pipelines, water hydrants, street lamps or lights, or the fixtures and appliances thereunto belonging, upon any of the poles or other objects for use in connection with the lighting of the streets of the town or any water pipes, hydrants or any appliances pertaining to the water or sewer works or any other property of any and every character belonging to the town.

B. It is unlawful for any person to willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the town or its departments or to any private person without the consent of the owner or proper authority.

C. It is unlawful for any person to deface, walk, ride or drive upon or over any sidewalk or street crossing composed of or containing cement, during the construction thereof, or before the same is thrown open to public use.

D. It is unlawful for any person, firm or corporation to damage in any manner any road, street or bridge in the town limits by using the same, by heavy vehicles, malicious destruction or by any act that will result in damage to said road, streets or bridges.

E. It is unlawful to break or destroy any window, door or part of any dwelling owned or occupied by another or to break or sever from any premises owned or occupied by another any gate, fence, railing, tree, brush or vine or any property whatsoever, or to deface, mutilate or injure the same. (Prior code § 11-1-2)

9.05.030 Deposits of injurious material on thoroughfares.

It is unlawful for any person, either willfully and maliciously or carelessly and negligently, to drop, throw, place or scatter upon any street, alley, sidewalk or public place in the town any nails, tacks, broken glass, glass bottles or any instrument or thing whatsoever of such nature as to be capable of injuring persons or property. (Prior code § 11-1-3)

9.05.040 Excavations to be covered.

A. It is unlawful for any person to make any excavation or dig any hole, drain or ditch in any highway or thoroughfare in the town without providing a sufficient light at night and a temporary fence or suitable obstruction around or in front of such excavation during the day.

B. It is unlawful for any person to maintain a well, cellar, pit or other excavation of more than two feet in depth on any unenclosed lot without substantial curbing, covering or protection. (Prior code § 11-1-4)

9.05.050 Fireworks.

A. Definitions. The following words, terms and phrases, when used in this section, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Consumer firework" means those fireworks defined by ARS Section 36-1601.
2. "Display firework" means those fireworks defined by ARS Section 36-1601.
3. "Fireworks" means any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework, and display firework as defined by ARS Section 36-1601.
4. "NFPA 1124" means the National Fire Protection Association Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles as defined by ARS Section 36-1601.
5. "Novelty items" means federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices, sparklers, and certain toys as defined in ARS Section 36-1601.
6. "Permissible consumer fireworks" means consumer fireworks defined by ARS Section 36-1601 that may be sold within the town.
7. "Supervised public display" means a monitored performance of display fireworks open to the public and authorized by permit by the police or fire chief or his designee.

B. Prohibitions – Exceptions. The use, discharge or ignition of fireworks within the town is prohibited on all public property including, but not limited to, public buildings, parking lots, public parks, public schools, streets, and public rights-of-way, except as authorized below.

1. Nothing in this section shall be construed to prohibit the use, discharge or ignition of novelty items or the occurrence of a supervised public display of fireworks.

2. Permits may be granted by the police or fire chief or designee for conducting a properly supervised public display of fireworks. Every such public display of fireworks shall be of such character and so located, discharged or fired, only after proper inspection and in a manner that does not endanger persons, animals, or property. A permit shall not be issued, and may be revoked, during time periods of high fire danger warnings. The police or fire chief has authority to impose conditions on any permits granted.

3. Failure to comply with any permit requirements issued by the police or fire chief or designee is a civil offense for each violation, subject to a \$1,000 fine.

C. Limited Use of Permissible Consumer Fireworks. The use, discharge, or ignition of permissible consumer fireworks within the town may be used from June 24th through July 6th and December 24th through January 3rd of each year, except when a federal or state agency implements a stage one or higher restriction on these dates.

D. Sale of Fireworks.

1. No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under 16 years of age.

2. No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law, this code, or NFPA 1124.

3. No person shall sell or permit or authorize the sale of permissible consumer fireworks, except from May 20th through July 6th and December 10th through January 3rd of each year. The sale of permissible consumer fireworks shall be prohibited from May 20th through July 6th and December 10th through January 3rd when a federal or state agency implements a stage one or higher restriction during these dates.

E. Posting of Signs by Persons Engaged in the Sale of Fireworks – Civil Penalty.

1. Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs indicating the following:

State of Arizona

Consumer Fireworks Regulations

Arizona Revised Statutes § 36-1601, et al.

The use of permissible consumer fireworks as defined under state law is allowed:

June 24 – July 6 and December 24 – January 3

The sale of permissible consumer fireworks as defined under state law is allowed:

May 20 – July 6 and December 10 – January 3

All other fireworks are prohibited, except as authorized by local fire department permit.

The sale and use of novelties known as snappers (pop-its), party poppers, glow worms, snakes, toy smoke devices and sparklers are permitted at all times.

Permissible consumer fireworks may not be sold to persons under sixteen years of age.

Check with your local fire department for additional regulations and dates before using.

2. Signs required under this section may be placed at any retail sales display of permissible consumer fireworks.

3. The sign shall be eight and one-half inches by 11 inches in size, on cardstock paper, in landscape orientation, and displayed on a contrasting background. A model sign shall be posted on town's website and filed with the clerk's office.

4. Failure to comply with subsections (E)(1), (2) and (3) of this section is a civil offense punishable by fine of \$1,000.

F. Authority to Enforce Violations of This Section – Means of Enforcement.

1. The police or fire chief or designee, a town police officer or the town attorney may issue civil complaints to enforce violations of this section designated as civil offenses.

2. Any person authorized pursuant to this section to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil complaint.

G. Liability for Emergency Responses Related to Use of Fireworks – Definitions.

1. A person who uses, discharges or ignites permissible consumer fireworks, fireworks or anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this section is prima facie evidence of liability under this section.

2. The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subsection (G)(1) of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred the expenses. The person's liability for the expense of an emergency response shall not exceed \$20,000 for a

single incident. The liability imposed under this subsection is in addition to and not in limitation of any other liability that may be imposed.

3. For purposes of this subsection G:

a. "Expenses of an emergency response" means reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident.

b. "Reasonable costs" includes the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident.

H. Remedies. The remedies in this section are cumulative and nonexclusive. In the event a defendant fails to comply with any civil enforcement action commenced under this section, the town may file a criminal charge against the defendant for violation of this section, pursuant to Section [1.05.110](#). The town attorney may also elect to file for injunctive relief, or pursue such other relief as may be available. (Ord. 18-10 §§ 1, 2, 2018; prior code § 11-1-5)

9.05.060 Fences – Barbed wire and electric.

A. It is unlawful for any person to erect or maintain within the town any electric fence or any fence constructed in whole or in part of barbed wire. Any such fence is hereby declared a public nuisance and subject to abatement by order of the town court.

B. Notwithstanding the provisions of subsection A of this section, three strand barbed wire may be placed on top of a fence six feet in height or higher. Concertina wire shall not be allowed on such fences. (Prior code § 11-1-6)

9.05.070 Littering.

It is unlawful for any person to throw or deposit any litter in or upon any street, alley, public grounds, school grounds, church grounds or other property of the town or upon any private property not owned by him or upon the surface of any body of water within the town. (Prior code § 11-1-7)

9.05.080 Loitering.

It is unlawful for any person, other than the owner, manager or his authorized representative, to interfere individually or collectively with free enjoyment of such property by the owners thereof or interfere with the conduct of any lawful business by obstructing entrance to such business or by obstructing free passage of persons, merchandise or commodities within such place of business, or by obstructing service rendered by such business to its customers. (Prior code § 11-1-8)

9.05.090 Minors.

It is unlawful for any child under the age of 18 years to idle or loiter upon the streets or public places of the town between the hours of 10:00 p.m. to 6:00 a.m. unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody of such child. It is unlawful for any parent, guardian or other adult person having the care and custody of such minor to encourage or allow such minor to idle or loiter upon the streets or public places between such hours unless accompanied by such parent or guardian. The provisions of this section shall not apply when the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor. (Prior code § 11-1-9)

9.05.100 Noise ordinance – Reasonable person standard.

A. “Noise Ordinance: Reasonable Person Standard,” a public record of the town, three copies of which are on file in the office of the town clerk, is hereby approved and adopted.

B. Criminal Penalty. As provided in the code, Section [1.05.110](#), any person found guilty of violating any provision of the code, including this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$1,000 or by imprisonment for a period of not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

C. Civil Penalty. Upon conviction any person who violates any provision of this section thereof may be punished and subject to a civil penalty, not exceeding \$500.00. Each and every day any such violation continues shall be deemed and considered a separate offense.

D. Any owner, responsible party or other person having control over a structure or parcel of land who causes, permits, allows, facilitates or aids or abets any violations of any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section [1.05.110](#).

E. Any owner, responsible party or other person having control over a construction project, business, or event who causes, permits, allows, facilitates or aids or abets any violations of any provision of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section [1.05.110](#).

F. A violation of this section is hereby declared to be a public nuisance. In the event of a continuing violation of this section, the town attorney is hereby authorized to pursue a request for injunctive relief in a court of competent jurisdiction. In the event that an injunction is issued pursuant to this subsection, the court may also award reasonable attorney’s fees in favor of the town.

G. The remedies herein are cumulative and nonexclusive. In the event a defendant fails to comply with any civil enforcement action commenced under this section, the town may file a criminal charge against the defendant. Notwithstanding the foregoing, a civil enforcement action shall not be a prerequisite to the filing of a criminal charge, and a police officer, town attorney, or other authorized town employee may elect to file criminal charges at any time, request injunctive relief, or pursue such other relief as may be available. Use of the civil infraction

alternative is not mandatory and shall be at the discretion of the town official undertaking enforcement action on an alleged violation of this section.

H. A prosecution which is pending on the effective date of the ordinance codified in this section and which arose from a violation of an ordinance repealed by the ordinance codified in this section, or a prosecution which is started within one year after the effective date of the ordinance codified in this section arising from a violation of an ordinance repealed by the ordinance codified in this section, shall be tried and determined exactly as if the ordinance had not been repealed. (Ord. 18-05 §§ 2 – 9, 2018; prior code § 11-1-10)

9.05.110 Obstruction of streets.

It is unlawful for any person to obstruct any public street, alley, sidewalk, park or other public grounds within the town by committing any act of, or doing anything which is injurious to the health, or indecent or offensive to the senses, or to do in or upon any such streets, alleys, sidewalks, parks or other public grounds, any act or thing which is an obstruction or interference to the free use of property or with any business lawfully conducted by anyone, in or upon, facing or fronting on any of such streets, alleys, sidewalks, parks or other public grounds in the town. (Prior code § 11-1-11)

9.05.120 Obstruction of view.

It is unlawful for any person to maintain or allow any tree, hedge, billboard or other obstruction which prevents persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk. (Prior code § 11-1-12)

9.05.130 Offensive business.

It is unlawful for any person to establish or maintain any slaughter house or make a practice of slaughtering cattle, hogs, sheep or any other kind of animal, or establish or maintain any soap factory, render tallow, or pursue, maintain or carry on any other business or occupation offensive to the senses or prejudicial to the public health within the limits of the town. (Prior code § 11-1-13)

9.05.140 Offensive premises.

It is unlawful for any person to suffer or permit any premises belonging to or occupied by him, or any cellar, privy, vault, pool, sewer or private drain therein to become nauseous, foul or offensive to the senses or prejudicial to the public health or comfort. (Prior code § 11-1-14)

9.05.150 Reserved.

(Ord. 18-27 § 1, 2018; prior code § 11-1-15)

9.05.160 Prostitution.

It is unlawful for any person to practice prostitution or to solicit any person to visit or patronize a prostitute or place of prostitution. (Prior code § 11-1-16)

9.05.170 Register to be kept by secondhand dealers.

Every pawnbroker, secondhand dealer, junk dealer or junk collector within the town shall keep a well-bound book at his place of business, in which book a complete record of all transactions had by him shall be entered in the English language in a clear and legible manner at the time the transaction takes place. Such book shall contain a description of the items bought or sold, the name of the person buying or selling the item, and the date and time such transaction took place. Such book shall be available at all times for inspection by the chief of police or any police officer designated by the chief of police. (Prior code § 11-1-17)

9.05.180 Searchlights.

It is unlawful for any person to operate within the town any incandescent or arc type searchlight, beacon light or similar lighting device designed to and capable of projecting a beam of light into the sky for a distance in excess of one-half mile unless permission is obtained from the council. The provisions of this section shall not apply to emergency searchlights or beacons operated pursuant to public authority. (Prior code § 11-1-18)

9.05.190 Signs and banners.

It is unlawful for any person to place any banner or sign upon any street light pole, traffic signal pole or utility pole within the town without first obtaining authorization from the council. (Prior code § 11-1-19)

9.05.200 Spitting.

It is unlawful for any person to spit upon any of the public sidewalks or crosswalks in the town or upon any public path, byway or highway or in or on any public ground or park in the town or upon the floor or interior of any public building in the town. (Prior code § 11-1-20)

9.05.210 Sweepings prohibited on sidewalk.

It is unlawful for any person to sweep, scrub or flush the dust, dirt, accumulations, refuse or deposits from any building onto or upon any public sidewalk in the town unless such dust, dirt, accumulations, refuse or deposits are gathered up at the time of sweeping and deposited into some suitable receptacle. (Prior code § 11-1-21)

9.05.220 Water – Flow upon streets prohibited.

A. It is unlawful for any person to willfully or negligently permit or cause the escape or flow of water in such quantity as to cause flooding, to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic or to cause damage to the public streets of the town.

B. It is unlawful for any person to willfully or negligently permit or cause the escape or flow of irrigation water in such quantity as to cause flooding, to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic or to cause damage to the public streets of the town through the failure or neglect to properly operate or maintain any irrigation structure, delivery ditch or waste ditch in which said person has a vested right or interest or through the willful or negligent failure of said person to accept irrigation water after it has been ordered by him. (Prior code § 11-1-22)

9.05.230 Possession and destruction of drug paraphernalia.

A. It shall be unlawful for any person to keep or exhibit any kit, testing equipment, scales, diluents, separation gins, spoons, bowls, capsules, envelopes, containers, hypodermic syringes, or objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing into the human body any substance defined as a drug in ARS Section 13-3415, or any subsequent amendments thereto.

B. It shall be unlawful for any person to act as a lookout or tender at any place where the acts as set forth in subsection A of this section are practiced or carried on.

C. A violation of subsection A or B of this section shall constitute a class one misdemeanor.

D. It shall be the duty of all police officers of the town to seize and safely keep all kits, testing equipment, scales, diluents, separation gins, spoons, bowls, capsules, envelopes, containers, hypodermic syringes, or objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing into the human body any substance defined as a drug in ARS Section 13-3415, or any subsequent amendments thereto, and to produce the same in court. Said articles shall be retained until a final disposition of any case in which they may be required as evidence, to be then destroyed by order of the court. Nothing herein contained shall prevent the destruction of such articles at any time when the magistrate may deem such articles no longer required to be retained as evidence, or when they may be otherwise destroyed pursuant to any applicable Arizona Revised Statute.

E. This section and the various subsections hereof are hereby declared to be severable. Should any subsection or regulation of this section be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this section as a whole, or any portion thereof other than the subsection or regulation so declared to be unconstitutional or invalid. (Ord. 01-015 § 8, 2001; Ord. 90-08, 1990; prior code § 11-1-27)

9.05.240 Permitting or encouraging underage drinking.

A. No person of legal drinking age in Arizona may knowingly permit or fail to take reasonable action to prevent the illegal consumption of spirituous liquor by an underage person on premises owned by the person or under the person's control. This section does not apply to spirituous liquor used exclusively as part of a religious service.

B. Spirituous liquor has the same meaning as in Title 4, Chapter 1, of the Arizona Revised Statutes. (Ord. 16-20 § 1, 2016)

Chapter 9.10 CABARET CONTROL

Sections:

[9.10.010 Definitions.](#)

[9.10.020 Males and females.](#)

[9.10.030 Notice to chief of police.](#)

[9.10.040 Posting requirements.](#)

[9.10.050 Performance to be on stage.](#)

[9.10.060 Clothing requirements.](#)

[9.10.070 Performers and employees –Movements prohibited.](#)

[9.10.080 Mingling with patrons prohibited.](#)

[9.10.090 Impersonation of member of opposite sex.](#)

[9.10.100 Restrictions on employment of dancers.](#)

[9.10.110 Persons under age of 18 – Unlawful acts.](#)

[9.10.120 Violations – Penalties.](#)

9.10.010 Definitions.

In this chapter, unless the context otherwise requires:

“Cabaret” means any restaurant, nightclub, bar, tavern, taproom, theatre or private, fraternal, social, golf or country club, which serves food or spirituous liquors as defined by ARS Section 4-101, as amended.

“Striptease” means a performance, exhibition, dance or appearance in which a person appears in various degrees of undress, or removes from or places upon his or her body clothing or covering, and as part of or an addition to such performance, exhibition, dance or appearance, employs body motions, including but not limited to torso gyrations, bumps and grinds or gesticulations while exhibiting his or her body in various stages of undress. (Prior code § 11-2-1)

9.10.020 Males and females.

The provisions of this chapter apply to males and females. (Prior code § 11-2-2)

9.10.030 Notice to chief of police.

The owner or operator of a cabaret conducting or presenting burlesque, strip acts or go-go dancers shall notify the chief of police, in writing, not less than 10 days prior to the presentation of such entertainment, and the provisions of this chapter shall apply to all such performances. (Prior code § 11-2-3)

9.10.040 Posting requirements.

The clerk shall upon request furnish to the owner or operator of each cabaret a copy of this chapter. The owner or operator shall post the copy of this chapter in a place conspicuous to the entertainers, but not necessarily in view of the general public. The owner or operator of the cabaret shall acquaint his entertainers, male or female, with the terms of this chapter. (Prior code § 11-2-4)

9.10.050 Performance to be on stage.

All dances, including go-go and strip tease performances, shall be conducted upon a stage, platform or portion of the floor raised at least 18 inches above the main portion of the floor. (Prior code § 11-2-5)

9.10.060 Clothing requirements.

A. Any female performing any dance or in any play, exhibition, show or other entertainment, or any female serving food or spirituous liquors as defined by ARS Section 4-101, as amended, in a restaurant, nightclub, bar, tavern, taproom, theater or in a private, fraternal, social, golf or country club, as defined by ARS Section 4-101, as amended, or in any public place, or any person who employs such a female who appears or permits her to appear clothed, costumed, unclothed or uncostumed in such manner that the nipple and areola (the more darkly pigmented portion of the breast encircling the nipple) are not firmly covered by fully opaque material, is guilty of a misdemeanor.

B. Any person performing any dance or in any play, exhibition, show or other entertainment, or any person serving food or spirituous liquors as defined by ARS Section 4-101, as amended, in a restaurant, nightclub, bar, tavern, taproom, theater or in a private, fraternal, social, golf or country club, as defined in ARS Section 4-101, as amended, or in any public place, or any person who employs such a person, who appears or permits one to appear clothed, costumed, unclothed or uncostumed in such a manner that the lower part of his or her torso, consisting of the human male or female genitals or pubic area or anal cleft or cleavage of the buttocks, is not covered by a fully opaque material or is so thinly covered as to appear uncovered, is guilty of a misdemeanor.

C. Any person who employs any female entertaining or performing any dance or in any play, exhibition, show or other entertainment, or any female serving food or spirituous liquors as defined by ARS Section 4-10, as amended, in a restaurant, nightclub, bar, tavern, taproom, theater or in a private, fraternal, social, golf or country club, as defined by ARS Section 4-101, as amended, or in any public place, who appears clothed, costumed, unclothed or uncostumed in such a manner that the nipple and areola (the more darkly pigmented portion of the breast encircling the nipple) are not firmly covered by a fully opaque material, is guilty of a misdemeanor.

D. Any person who employs any person entertaining or performing any dance or in any play, exhibition, show or

other entertainment, or any person serving food or spirituous liquors as defined in ARS Section 4-101, as amended, in a restaurant, nightclub, bar, tavern, taproom, theater or in a private, fraternal, social, golf or country club, as defined in ARS Section 4-101, as amended, or in any public place, who appears clothed, costumed, unclothed or uncostumed in such a manner that the lower part of his or her torso, consisting of the human male or female genitals or pubic area or anal cleft or cleavage of the buttocks, is not covered by a fully opaque material or is so thinly covered as to appear uncovered, is guilty of a misdemeanor.

E. Any person who aids and abets in any commission of any of the offenses defined by subsections A and B of this section is guilty of a misdemeanor. (Prior code § 11-2-6)

9.10.070 Performers and employees –Movements prohibited.

Strip tease performers shall not pass their hands over their bodies or the body of any other person or performer in such a manner that the hands touch the body or engage in any motion simulating a sex act. Bumps and grinds shall not be made adjacent to a curtain or any other object, thing or person, nor from a reclining or horizontal position. (Prior code § 11-2-7)

9.10.080 Mingling with patrons prohibited.

Dancers, go-go dancers or strip tease performers while employed in a cabaret shall not be permitted to mingle with the patrons or customers when not performing. Entertainers shall not be allowed to accept drinks or alcoholic beverages from customers, management or its employees, while on duty, whether or not their employment is on a salary or contract basis. (Prior code § 11-2-8)

9.10.090 Impersonation of member of opposite sex.

No entertainment shall be conducted in which any performer impersonates by means of costume, dress or actions, a person of the opposite sex, unless special permission has been granted by the chief of police. (Prior code § 11-2-9)

9.10.100 Restrictions on employment of dancers.

No dancer who has been arrested and charged with prostitution or immoral acts shall be permitted to perform any strip tease act or dance bordering on the strip tease performance, including a go-go dance performance. (Prior code § 11-2-10)

9.10.110 Persons under age of 18 – Unlawful acts.

A. It is unlawful for any person conducting, managing, operating or maintaining a cabaret to employ as a dancer, go-go dancer or strip tease performer any person under the age of 18 years.

B. It is unlawful for any person under the age of 18 years to falsify his/her age in any manner to an employee or an employer in order to obtain a position as a dancer, go-go dancer or strip tease performer. (Prior code § 11-2-11)

9.10.120 Violations – Penalties.

Any person who violates any of the provisions of this chapter is guilty of a class one misdemeanor, and upon conviction thereof may be punished by a fine not exceeding \$1,000, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment, at the discretion of the town magistrate. Probation may be imposed in accordance with the provisions of Title 13, Chapter 9, Arizona Revised Statutes. Each day any violation of any provision of this chapter or the failure to perform any act or duty required by this chapter continues shall constitute a separate offense. (Ord. 01-015 § 8, 2001; prior code § 11-2-12)

**Chapter 9.15
RESERVED**

Chapter 9.20
MINORS PROHIBITED FROM CARRYING OR POSSESSING FIREARMS – EXCEPTIONS – SEIZURE AND FORFEITURE – PENALTIES

Sections:

[9.20.010 Definitions.](#)

[9.20.020 Exceptions.](#)

[9.20.030 Seizure.](#)

[9.20.040 Penalties.](#)

[9.20.050 Disposition of firearm.](#)

[9.20.060 Parent/guardian penalties.](#)

[9.20.070 Supplemental.](#)

9.20.010 Definitions.

Except as provided in Section [9.20.020](#), an unemancipated person who is under 18 years of age and who is unaccompanied by a parent, grandparent or guardian, or a certified hunter safety instructor or certified firearms safety instructor acting within the consent of the unemancipated person's parent or guardian, shall not knowingly carry or possess on his person, within his immediate control, or in or on a means of transportation a firearm in any place that is open to the public, on any street or highway or on any private property except private property owned or leased by the minor or the minor's parent, grandparent or guardian. (Ord. 97-003, 1997; prior code § 11-3-1)

9.20.020 Exceptions.

This chapter does not apply to a person who is 14, 15, 16 or 17 years of age and is any of the following:

- A. Engaged in lawful hunting or shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.
- B. Engaged in lawful transportation of an unloaded firearm for the purpose of lawful hunting.
- C. Engaged in lawful transportation of an unloaded firearm between the hours of 5:00 a.m. and 10:00 p.m. for the purpose of shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited. (Ord. 97-003, 1997; prior code § 11-3-2)

9.20.030 Seizure.

If the minor is not exempt under Section [9.20.020](#) and is in possession of a firearm, a peace officer shall seize

the firearm at the time the violation occurs. (Ord. 97-003, 1997; prior code § 11-3-3)

9.20.040 Penalties.

A person who violates Section [9.20.010](#) is a delinquent child and shall be subject to the following penalties:

A. For an offense involving an unloaded firearm, a fine of not more than \$250.00, and the court may order the suspension or revocation of the person's driver's license until the person reaches 18 years of age. If the person does not have a driver's license at the time of the adjudication, the court may direct that the Department of Transportation not issue a driver's license to the person until the person reaches 18 years of age.

B. For an offense involving a loaded firearm, a fine of not more than \$500.00, and the court may order the suspension or revocation of the person's driver's license until the person reaches 18 years of age. If the person does not have a driver's license at the time of the adjudication, the court may direct that the Department of Transportation not issue a driver's license to the person until the person reaches 18 years of age.

C. For an offense involving a loaded or unloaded firearm, if the person possessed the firearm while the person was the driver or an occupant of a motor vehicle, a fine of not more than \$500.00 and the court shall order the suspension or revocation of the person's driver's license until the person reaches 18 years of age. If the person does not have a driver's license at the time of adjudication, the court shall direct the Department of Transportation not to issue a driver's license to the person until the person reaches 18 years of age. If the court finds that no other means of transportation is available, the driving privileges of the child may be restricted to travel between the child's home, school and place of employment during specified periods of time according to the child's school and employment schedule. (Ord. 01-015 § 8, 2001; Ord. 97-003, 1997; prior code § 11-3-4)

9.20.050 Disposition of firearm.

Firearms seized pursuant to Section [9.20.030](#) shall be held by the police department until the charges have been adjudicated or disposed of otherwise. Upon adjudication of a person for a violation of this chapter, the court shall order the firearm forfeited. However, the police department shall return the firearm to the lawful owner if the identity of that person is known. (Ord. 01-015 § 8, 2001; Ord. 97-003, 1997; prior code § 11-3-5)

9.20.060 Parent/guardian penalties.

If the court finds that the parent or guardian of a minor found responsible for violating this chapter knew or reasonably should have known of the minor's unlawful conduct and made no effort to prohibit it, the parent or guardian is jointly and severally responsible for any fine imposed pursuant to this chapter or for any civil actual damages resulting from the unlawful use of the firearm by the minor. (Ord. 01-015 § 8, 2001; Ord. 97-003, 1997; prior code § 11-3-6)

9.20.070 Supplemental.

This chapter is supplemental to any law imposing a criminal penalty for the use or exhibition of a deadly weapon. A minor who violates this chapter may be prosecuted and convicted for any other criminal conduct involving the

use or exhibition of the deadly weapon. (Ord. 97-003, 1997; prior code § 11-3-7)

Chapter 9.25
BICYCLE HELMETS FOR MINORS

Sections:

[9.25.010 Requirement for helmet use.](#)

[9.25.020 Bicycle renters and sellers.](#)

[9.25.030 Civil penalties.](#)

[9.25.040 Not evidence of negligence.](#)

9.25.010 Requirement for helmet use.

A. No person under 18 years of age shall ride a bicycle unless that person is wearing a properly fitted and fastened bicycle helmet which meets the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard) or the Snell Memorial Foundation's 1984 Standard for Protective Headgear for Use in Bicycling. This requirement shall also apply to a person who rides upon a bicycle as a passenger, in a restraining seat which is attached to the bicycle, or in a trailer towed by the bicycle.

B. A parent or guardian of a minor must not knowingly allow that minor to violate this chapter. (Ord. 94-010, 1994; prior code § 11-1-25(A))

9.25.020 Bicycle renters and sellers.

A. It is unlawful for any person to rent or lease any bicycle to or for the use of a person under the age of 18 years unless:

1. The person is in possession of a protective helmet meeting the standards set out in Section [9.25.010\(A\)](#) at the time of such rental or lease; or
2. The rental or lease includes a protective bicycle helmet meeting the standards set out in Section [9.25.010\(A\)](#) and the person agrees to wear the helmet at all times while operating or riding as a passenger on the bicycle.

B. A person regularly engaged in the business of selling bicycles shall provide any purchaser of a bicycle with a written explanation, either on the receipt of sale or on a separate form indicating receipt of a written explanation of the provisions of Sections [9.25.010](#) and [9.25.030](#).

C. A person regularly engaged in the business of selling or renting bicycles who complies with the applicable requirements of this subsection shall not be liable in a civil action for damages for any physical injury sustained by a bicycle operator or passenger who is under the age of 18 years as a result of the operator or passenger's failure to wear a helmet in violation of the requirement of Section [9.25.010](#). (Ord. 94-010, 1994; prior code § 11-1-25(B))

9.25.030 Civil penalties.

A. Any person who violates a requirement of this chapter shall be issued a citation and upon conviction be sentenced to pay a civil fine of \$30.00 inclusive of all penalty assessments and court costs.

B. The penalty provided in this section for a violation of Section [9.25.010](#) may be waived if an offender presents suitable proof that an approved helmet has been purchased or otherwise obtained since the time of the violation and that the minor uses or intends to use said helmet whenever required to do so by this chapter. (Ord. 01-015 § 8, 2001; Ord. 94-010, 1994; prior code § 11-1-25(C))

9.25.040 Not evidence of negligence.

Failure of a person to use a bicycle helmet as required by this chapter, or evidence that a parent or guardian of a minor knowingly allowed the minor to violate the bicycle helmet requirements of this chapter, must not:

A. Be considered evidence of negligence or contributory negligence;

B. Limit liability of a party or insurer; or

C. Diminish recovery for damages arising out of the ownership, maintenance or operation of a motor vehicle. (Ord. 94-010, 1994; prior code § 11-1-25(D))

Chapter 9.30 JUNKED MOTOR VEHICLES

Sections:

[9.30.010 Definitions.](#)

[9.30.020 Prohibited storage.](#)

[9.30.030 Permitted storage.](#)

[9.30.040 Investigation of premises.](#)

[9.30.050 Notice of removal.](#)

[9.30.060 Citations and penalties.](#)

9.30.010 Definitions.

In this chapter, unless the context otherwise requires:

“Inoperable vehicle” means any vehicle that is not in working condition as designed, or is incapable of being operated lawfully. For example, without limiting the meaning of the term, a motor vehicle designed to be operated upon the public streets shall be deemed inoperative if a tag with a current registration (also known as a license plate) of a kind required under Arizona law as a condition of operation upon the public streets is not affixed thereto, or if the vehicle is not insured as required by law, or if one or more parts which are legally required for the operation of the vehicle are missing or not attached to the vehicle as designed; provided, however, that the following shall not be considered inoperable:

- A. A motor vehicle not in working condition or incapable of being operated lawfully kept on residentially zoned property or the property of a residential use for not more than 30 days, unless kept in a garage or under a carport.
- B. A motor vehicle not in working condition or incapable of being operated lawfully, kept in a garage or under a carport.
- C. A motor vehicle not in working condition or incapable of being operated lawfully on residentially zoned property or the property of a residential use as long as said vehicle is covered by a cover designed and manufactured to cover said vehicle and said cover is maintained in a clean and reasonable manner.
- D. A motor vehicle not in working condition or incapable of being operated lawfully kept upon nonresidential property where the owner or tenant is authorized by the town for the service or storage of motor vehicles.
- E. Only one such vehicle, which meets the above exceptions, excluding nonresidential properties licensed for

the service or storage of motor vehicles, may be permitted per address or property.

“Junked vehicle” means any vehicle, including any motor vehicle and any other device in, upon or by which a person or property may be transported or drawn on a street, including but not limited to trailers and camper shells, but excluding devices moved by human power, that exhibits one or more of the following conditions: wrecked, partially or fully dismantled, abandoned, stripped, inoperative, inoperable, scrapped, or unable to be safely operated.

“Motor vehicle” means any motor or sheltering vehicle which can be used for towing, transporting or sheltering people or materials, including but not limited to automobiles, trucks, buses, motor homes, mobile homes, recreational vehicles, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off-the-road vehicles.

“Motor vehicle accessories” means any part or parts of any motor vehicle.

“Person” includes any individual, firm, partnership or corporation.

“Private property” means any real property not owned by the federal government, state, county, city, town, school board or other public subdivision.

“Removal” means the physical relocation of a motor vehicle to an authorized location. (Ord. 19-12 § 1, 2019; Ord. 17-02 § 1, 2017; Ord. 97-005, 1997; prior code § 11-1-26(A))

9.30.020 Prohibited storage.

It is unlawful for any person owning or having custody of any junked or inoperable motor vehicle or motor vehicle accessories to store or permit any such vehicle or accessories to remain on any private property within the town for a period of more than 30 days after the receipt of a notice requiring such removal, and it shall be further unlawful for any person owning any private property in the town to store or to permit to remain any such vehicles or accessories on his property for more than a like period. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this chapter. This shall also include any and all vehicles not currently registered by the state of Arizona and parked or stored on any streets, alleys or city easements.

It is unlawful for any person, after notification to remove any junked motor vehicle or motor vehicle accessories from any private property has been given, to move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage. (Ord. 19-12 § 2, 2019; Ord. 97-005, 1997; prior code § 11-1-26(B))

9.30.030 Permitted storage.

This chapter shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building, or on the premises of a business enterprise operated in a lawful place and manner when necessary to

the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers. Such business enterprises shall include auto junk yards, auto repair and auto body shops, but shall not include automobile service stations or tire, battery and accessory sales stores. (Ord. 97-005, 1997; prior code § 11-1-26(C))

9.30.040 Investigation of premises.

The police department on routine inspection or upon receipt of a complaint may investigate a suspected junked motor vehicle or motor vehicle accessories and record the make, model, style and identification numbers and its situation. (Ord. 97-005, 1997; prior code § 11-1-26(D))

9.30.050 Notice of removal.

Whenever the police chief or any member of his department finds or is notified that any junked motor vehicle or motor vehicle accessories have been stored or permitted to remain on any private property within the town, the police department shall send by certified mail a notice to the owner of record of such motor vehicle or accessories, if such owner can be ascertained by the exercise of reasonable diligence, and also to the owner of the private property, as shown on the tax assessment records of the town, on which the same is located to remove the junked motor vehicle or motor vehicle accessories within 30 days. Such notice shall also contain the following additional information:

- A. Nature of complaint;
- B. Description and location of the motor vehicle or motor vehicle accessories;
- C. Statement that the motor vehicle or motor vehicle accessories will be removed from the premises no later than 30 days from the date of notification;
- D. Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties;
- E. Statement that if removal is made within the time limits specified, notification shall be given in writing to the building inspector;
- F. Statement of the penalties provided for noncompliance with such notice. (Ord. 01-015 § 8, 2001; Ord. 97-005, 1997; prior code § 11-1-26(E))

9.30.060 Citations and penalties.

In addition to the various removal and abatement provisions contained in this chapter, as well as any other remedies allowed at law, citations for civil and criminal violations of this chapter may be filed in the Huachuca City magistrate court by the police department or the town attorney. The first offense: \$150.00 fine per vehicle;

second offense: \$300.00 fine per vehicle; third and subsequent offenses: criminal class 1 misdemeanor per vehicle, punishable as determined by the court, not to exceed \$2,500 fine, six months in jail and three years' probation. (Ord. 19-12 § 3, 2019)

Chapter 9.35 CHILD SAFETY ZONES

Sections:

[9.35.010 Purpose.](#)

[9.35.020 Definitions.](#)

[9.35.030 Prohibition.](#)

[9.35.040 Exclusions.](#)

[9.35.050 Notice.](#)

[9.35.060 Enforcement.](#)

[9.35.070 Severability.](#)

9.35.010 Purpose.

The town of Huachuca City (the “town”) has a compelling interest in protecting children from the threat of sexual abuse from sex offenders. Therefore, it is hereby resolved that, to preserve and promote the health, safety and general welfare of the children of the town, it is in the common interest to enact reasonable regulations restricting sex offenders from entering child safety zones. (Ord. 11-03 § 1, 2011; prior code § 11-1-28(1))

9.35.020 Definitions.

When used in this chapter, the terms, phrases, words and derivations shall have the meanings set forth thereafter. When not inconsistent with the context, words in the plural number include the singular and words in the singular number include the plural.

The word “shall” is always mandatory and not merely directory. Terms not defined below shall have the meanings set forth in Arizona Revised Statutes.

“Child safety zone” means any park, school, playground, recreation center, swimming pool or wading pool, gymnasium, sports field, or sports facility, which is:

1. Under the jurisdiction of any department, agency, or authority of the town of Huachuca City; or
2. Leased by the town to another person or entity for the purpose of operating a park, school, playground, recreation center, swimming pool or wading pool, gymnasium, sports field, or sports facility;
3. “Child safety zone” also includes any and all buildings, land, parking areas or other improvements located on the same parcel on which each of the aforementioned facilities is located, but does not include

any public street, and also does not include any public sidewalk which is located on the outside boundary of a child safety zone.

“Sex offender” means a person who is required to register with the Department of Public Safety’s sex offender registry (“sex offender registry”) pursuant to Arizona Revised Statutes. (Ord. 11-03 § 2, 2011; prior code § 11-1-28(2))

9.35.030 Prohibition.

It shall be unlawful for a sex offender to be present in a child safety zone. (Ord. 11-03 § 3, 2011; prior code § 11-1-28(3))

9.35.040 Exclusions.

This chapter shall not apply:

- A. To any person whose name has been removed from the Department of Public Safety’s sex offender registry (“sex offender registry”) or from the registry of any other state or in the federal or military system by act of a court or by expiration of the term such person is required to remain on such registry.
- B. To any sex offender who enters into a facility in a child safety zone for the sole purpose of voting in any municipal, state or federal election or referendum; provided, that the person leaves the facility immediately after voting.
- C. To any sex offender who enters a child safety zone for the purpose of dropping off or picking up his or her own child; provided, that the child sex offender leaves the zone immediately after dropping off or picking up his or her child.
- D. To any sex offender who enters a child safety zone for the purpose of meeting with an adult, such as a teacher, administrator or nurse, to discuss his or her own child’s medical or educational issues; provided, that the child sex offender leaves the zone immediately after completing the meeting or discussion.
- E. To the extent that the conduct prohibited by this chapter is in conflict with any sentence or order of probation or parole imposed upon a sex offender. (Ord. 11-03 § 4, 2011; prior code § 11-1-28(4))

9.35.050 Notice.

The chief of police or his designee shall make reasonable efforts to provide prompt, actual written notice of the enactment of the ordinance codified in this chapter (which notice shall contain a copy of the chapter) to all persons who are listed on the sex offender registry as of the effective date of this chapter, as well as those persons who are added to the sex offender registry thereafter, which persons’ addresses (as shown on the sex offender registry) are within the town. Such notice requirement may be satisfied by the mailing of such notice by priority, registered or certified mail, return receipt requested to the last known address of such person as listed on the sex offender registry or as otherwise known to the chief of police. The failure of any person to receive

such actual written notice shall not be a defense to a violation of this chapter.

Each child safety zone shall be identified by a sign conspicuously posted at the primary entrance to the zone and any building within the zone. (Ord. 11-03 § 5, 2011; prior code § 11-1-28(5))

9.35.060 Enforcement.

A. If a police officer reasonably believes that a sex offender is in a child safety zone in violation of this chapter, the officer shall require the suspected sex offender to provide his/her name, address, and telephone number. If it is established that the individual is a sex offender, then the officer may issue a citation to the offender and shall require the offender to leave the child safety zone.

B. Any person in violation of this chapter shall be fined in the amount of \$100.00 for each violation. (Ord. 11-03 § 6, 2011; prior code § 11-1-28(6))

9.35.070 Severability.

Any provision of this chapter held to be unconstitutional or superseded by state law or regulation shall not serve to invalidate the remaining unaffected provisions hereof. No provision of this chapter shall serve to validate any activity otherwise prohibited by state or local law or lawfully enacted zoning regulations. (Ord. 11-03 § 7, 2011; prior code § 11-1-28(7))

**Title 10
VEHICLES, TRAFFIC AND PARKS**

Chapters:

[10.05 Administration](#)

[10.10 Traffic Control](#)

[10.15 Parking](#)

[10.20 Abandoned Vehicles](#)

[10.25 Operation of Motor Vehicles on Private and Town Property](#)

[10.30 Parks, Recreation and Transportation Facilities](#)

Chapter 10.05 ADMINISTRATION

Sections:

[10.05.010 Duty of police chief.](#)

[10.05.020 Records of traffic violations.](#)

[10.05.030 Police chief to investigate accidents.](#)

[10.05.040 Traffic accident studies.](#)

[10.05.050 Traffic accident reports.](#)

[10.05.060 Police chief to submit annual traffic safety report.](#)

[10.05.070 Authority to detain persons to serve traffic complaint.](#)

10.05.010 Duty of police chief.

A. It is the duty of the police chief to provide for the enforcement of the street traffic regulations of the town and all of the state vehicle laws applicable to street traffic in the town, to make arrests for state criminal traffic violations, to investigate accidents and to assist in developing ways and means to improve traffic conditions and to carry out all duties specially imposed upon the police chief by this chapter.

B. Any peace officer of the town may be authorized by the police chief to perform any of the duties of the police chief included in this chapter. (Prior code § 14-1-1)

10.05.020 Records of traffic violations.

A. The police chief shall keep a record of all violations of the traffic laws of the town or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

B. All forms for records of violations and notices shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms. (Prior code § 14-1-2)

10.05.030 Police chief to investigate accidents.

It shall be the duty of the police chief to investigate traffic accidents and to arrest and assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents. (Prior code § 14-1-3)

10.05.040 Traffic accident studies.

Whenever the accidents at any particular location become numerous, the police chief shall conduct studies of

such accidents and determine remedial measures. (Prior code § 14-1-4)

10.05.050 Traffic accident reports.

A. The police chief shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location.

B. The police chief shall receive and properly file all accident reports made to him under state law or under any law of the town, but all such accident reports made by drivers shall be for the confidential use of the town and no such report shall be admissible in any civil or criminal proceeding other than upon request of any person making such report or upon request of the court having jurisdiction, to prove a compliance with the laws requiring the making of any such report. (Prior code § 14-1-5)

10.05.060 Police chief to submit annual traffic safety report.

The police chief shall annually prepare a traffic report which shall be filed with the clerk. Such report shall contain information on traffic matters in the town as follows:

A. The number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent traffic accident data.

B. The number of traffic accidents investigated and other pertinent data on the safety activities of the police chief.

C. The plans and recommendations of the police chief for future traffic safety activities. (Prior code § 14-1-6)

10.05.070 Authority to detain persons to serve traffic complaint.

Any peace officer or duly authorized agent of the town may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of Chapters [10.10](#) and [10.15](#), and to serve a copy of the traffic complaint for any alleged civil or criminal violation of said chapters. (Prior code § 14-1-7)

**Chapter 10.10
TRAFFIC CONTROL**

Sections:

[10.10.010 Directing traffic.](#)

[10.10.020 Obedience to traffic regulations.](#)

[10.10.030 Use of coasters, roller skates and similar devices restricted.](#)

[10.10.040 Traffic control devices.](#)

[10.10.050 Authority to designate crosswalks, establish safety zones and mark traffic lanes.](#)

[10.10.060 Authority to place and obedience to turning markers.](#)

[10.10.070 Authority to place and obedience to restricted turn signs.](#)

[10.10.080 Limitations on turning around.](#)

[10.10.090 One-way streets and alleys.](#)

[10.10.100 Regulation of traffic at intersections.](#)

[10.10.110 Drivers to obey signs.](#)

[10.10.120 Processions.](#)

[10.10.130 Speed limits.](#)

[10.10.140 Truck routes.](#)

10.10.010 Directing traffic.

A. The police chief is hereby authorized to direct all traffic by voice, hand or signal.

B. Officers of the fire department, when at the scene of a fire, may direct or assist the police chief in directing traffic thereat or in the immediate vicinity. (Prior code § 14-2-1)

10.10.020 Obedience to traffic regulations.

No person may do any act forbidden or fail to perform any act required by this chapter. No person may willfully fail or refuse to comply with any lawful order or direction of the police chief or of any fire department official.

(Prior code § 14-2-2)

10.10.030 Use of coasters, roller skates and similar devices restricted.

No person upon roller skates or riding any coaster, toy vehicle or similar device may go upon any roadway except while crossing a street on a crosswalk, and, when crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. (Prior code § 14-2-3)

10.10.040 Traffic control devices.

A. The police chief, with the approval of the council, shall place and maintain traffic control devices, signs and signals when and as required under the traffic regulations of the town to make effective the provisions of said regulations. In addition the police chief may place and maintain such additional emergency traffic control devices as he may deem necessary on a temporary basis to regulate traffic under the traffic laws of the town or under state law or to guide or warn traffic. Such emergency action shall be subject to subsequent approval of the council.

B. The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the traffic regulations of the town, unless otherwise directed by the police chief, subject to the exceptions granted in this chapter or by state law. (Prior code § 14-2-4)

10.10.050 Authority to designate crosswalks, establish safety zones and mark traffic lanes.

The police chief is hereby authorized, on approval by the council:

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

B. To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

C. To mark lanes for traffic on street pavement at such places as he may deem advisable, consistent with the traffic laws of the town. (Prior code § 14-2-5)

10.10.060 Authority to place and obedience to turning markers.

A. The police chief is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law.

B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, any driver of a vehicle shall obey the directions of such indications. (Prior code § 14-2-6)

10.10.070 Authority to place and obedience to restricted turn signs.

A. The police chief, on approval by the council, is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or such signs may be removed when such turns are permitted.

B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, the driver of a vehicle shall obey the directions of any such sign. (Prior code § 14-2-7)

10.10.080 Limitations on turning around.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic. (Prior code § 14-2-8)

10.10.090 One-way streets and alleys.

A. The council shall by resolution designate any streets or alleys which are to be limited to one-way traffic.

B. When any resolution of the council designates any one-way street or alley, the police chief shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. (Prior code § 14-2-9)

10.10.100 Regulation of traffic at intersections.

A. The council shall by resolution designate through streets, intersections where stops are required, and intersections where vehicles shall yield the right-of-way.

B. When any resolution of the council shall designate any through street or intersection where vehicles are to stop or yield the right-of-way, the police chief shall erect and maintain the appropriate signs at every location where a vehicle must stop or yield the right-of-way. (Prior code § 14-2-10)

10.10.110 Drivers to obey signs.

Whenever traffic signs are erected as provided in this chapter, every driver of a vehicle shall obey such signs unless directed to proceed by the police chief or a traffic control signal. No driver shall drive upon or through any private property such as an oil station, vacant lot or similar property to avoid obedience to any regulation included in this chapter. (Prior code § 14-2-11)

10.10.120 Processions.

A. No procession or parade, except funeral processions, shall be held without first securing a permit from the police chief, and all such requests for permits shall state the time, place of formation, proposed line of march, destination and such other regulations as the police chief may set forth therein.

B. A funeral procession composed of a procession of vehicles shall be identified by such methods as may be determined and designated by the police chief.

C. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or the police chief.

D. Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe. (Prior code § 14-2-12)

10.10.130 Speed limits.

No person shall drive a vehicle on a street at a speed greater than the following maximum limits:

A. Fifteen miles per hour approaching a school crossing and in a playground or park area.

B. Twenty miles per hour in any business or residence district, except on state controlled highways where the speed limit as imposed by the Arizona Department of Transportation shall prevail. (Prior code § 14-2-13)

10.10.140 Truck routes.

A. Vehicles having a total weight, including vehicle and load, in excess of 27,000 pounds, shall not use any street where a sign is posted prohibiting such travel.

B. Any vehicle exceeding the limits provided in subsection A of this section may leave and shall return to truck routes only by the nearest route where necessary to the conduct of business.

C. The town engineer or chief of police shall cause all truck routes and those streets upon which truck traffic is prohibited to be clearly posted to give notice that this section is in effect.

D. No person shall be charged with violating the provisions of this section by reason of operating a truck upon a street wherein truck travel is prohibited unless appropriate signs are posted on such streets.

E. In addition to the penalties provided in Section [1.05.110](#), any person found guilty of violating any provision of this section and by reason of such violation having caused damage to any street within the corporate limits of the town shall be civilly liable to the town for such damage, and the town magistrate shall have authority to determine the amount of such damage and to fix the same in the judgment entered by the court and the same may be collected by execution on said judgment. (Prior code § 14-2-14)

Chapter 10.15 PARKING

Sections:

[10.15.010 Method of parking.](#)

[10.15.020 Blocking traffic.](#)

[10.15.030 Parking adjacent to schools.](#)

[10.15.040 Authority to erect signs restricting parking.](#)

[10.15.050 Parking vehicles on sidewalks.](#)

[10.15.060 Abandoned vehicles.](#)

[10.15.070 Parking restrictions for authorized vehicles.](#)

10.15.010 Method of parking.

Except as otherwise provided by resolution of the council, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within 18 inches of the right hand curb. (Prior code § 14-3-1)

10.15.020 Blocking traffic.

A. No person may stop, stand or park any motor vehicle or other vehicle upon a street in the town in such manner or under such conditions as to leave available less than 20 feet of the width of the roadway for the free movement of vehicular traffic, except that a person may stop temporarily, in the actual loading or unloading of passengers, or, when necessary, in the observance of traffic signs or signals of the police chief.

B. No person may park a motor vehicle or other vehicle within an alley or entrance to a private driveway except for the loading or unloading of materials, and not then unless such loading or unloading can be accomplished without blocking the alley to the free movement of vehicular traffic.

C. No person may park a motor vehicle or other vehicle at any time so as to impede the collection of rubbish or garbage from such container by properly authorized personnel. (Prior code § 14-3-2)

10.15.030 Parking adjacent to schools.

When signs are erected indicating no parking on that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place for one hour before school opens until one hour after school closes on any school day. (Prior code § 14-3-3)

10.15.040 Authority to erect signs restricting parking.

The police chief, upon approval by the council, may erect signs requiring parking at an angle to the curb, allowing parking on the left-hand curb on one-way streets, notifying drivers that parking is prohibited by ordinance, and restricting parking in any way that may be necessary. When such signs are erected, no person shall stop or stand a vehicle in disobedience to such signs. (Prior code § 14-3-4)

10.15.050 Parking vehicles on sidewalks.

No person may park any vehicle, whether in usable condition or not, nor may any owner permit his vehicle to be parked upon any sidewalk in the town. (Prior code § 14-3-5)

10.15.060 Abandoned vehicles.

Any vehicle remaining parked upon any sidewalk of the town or any disabled vehicle remaining parked upon any street of the town for more than 48 hours is declared to be an abandoned vehicle and the police shall forthwith remove the same from the sidewalks or streets of the town at the expense of the owner of such vehicle in accordance with the provisions of Title 28, Chapter 8, Article 5 of the Arizona Revised Statutes. (Prior code § 14-3-6)

10.15.070 Parking restrictions for authorized vehicles.

A. No person, other than an authorized permittee, shall park a vehicle in a parking zone appropriately marked and designated for parking by doctors, ambulances, police, fire equipment or other authorized emergency vehicles or in a loading zone appropriately marked and designated for loading and unloading of passengers or freight by private or common commercial carriers or by school buses.

B. The police chief is hereby empowered to erect proper signs and otherwise mark and designate parking restrictions for the areas mentioned in this section as he deems necessary and appropriate for the preservation of health, safety and welfare of the general public, upon written notice to the mayor and council and their concurrence by a majority vote of the mayor and council. (Prior code § 14-3-7)

Chapter 10.20
ABANDONED VEHICLES

Sections:

[10.20.010 Definitions.](#)

[10.20.020 Abandoned vehicles.](#)

[10.20.030 Impounded vehicles.](#)

[10.20.040 Abandoned vehicles reported stolen.](#)

[10.20.050 Reclaiming impounded vehicles.](#)

[10.20.060 Vehicles may be held in impound.](#)

[10.20.070 Sale, notice to owner and reclaiming of impounded vehicles.](#)

[10.20.080 Sale by public auction.](#)

[10.20.090 Collection of storage fees from state or federal agencies.](#)

10.20.010 Definitions.

In this chapter, unless the context otherwise requires:

“Abandoned vehicle” means any vehicle, trailer or semi-trailer of a type subject to registration under Title 28 of Arizona Revised Statutes (Section 28-100 et seq.), which has been left within or upon public property, without being moved, for an extended period of time. Evidence that a vehicle was left unattended or unmoved for a period of 72 hours within or upon public property shall be prima facie evidence that the vehicle was abandoned.

“Junk vehicle” means a motor vehicle which is not in operable condition and lacks one or more vital mechanical parts; lacks a current vehicle license; which is partially dismantled; which is used for sale of parts or as a source of repair or replacement parts for other vehicles; or which is kept for scrapping, dismantling, or salvage of any kind, unless such vehicle is kept in an enclosed garage or storage building. A junk vehicle shall be considered to be an abandoned vehicle for the purpose of this chapter.

“Private property” means all property not defined as public property.

“Public property” means property in control of any government or its agencies, including that portion of the right-of-way between the traveled portion of a highway, road, street or public thoroughfare and the adjacent property line.

“Seized vehicle” means any motor vehicle which has been taken into custody of law enforcement pursuant to law.

“Street” means any public street, avenue, road, alley or highway located in the city limits and established for the use of vehicles.

“Unclaimed vehicle” means any impounded vehicle not claimed by, or for any reason not released to, the owner thereof within 15 days after notice is mailed to him or such notice is published as provided herein.

“Vital component parts” means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train and wheels. (Ord. 08-10, 2008; Ord. 04-003, 2004; prior code § 18.1.1)

10.20.020 Abandoned vehicles.

- A. No person shall abandon a vehicle within or upon public property. This subsection shall not apply to vehicles owned by the city which are parked or stored on public property.
- B. The abandonment of any vehicle in a manner provided in this subsection shall constitute a presumption that the last registered owner of record is responsible for such abandonment and shall be subject to the provisions of this section, unless an affidavit has been filed pursuant to ARS Section 28-4844, reporting the vehicle as being stolen, or a stolen report has been accepted by a local law enforcement agency, or written notification of the transfer of title has been filed pursuant to ARS Section 28-2058.
- C. The registered owner of the abandoned vehicle shall be responsible for the payment of any and all charges incurred in the removal and subsequent storage of the vehicle, unless it is shown that the registered owner was not the legal owner at the time of the offense. A violation of this subsection constitutes a civil traffic offense and is subject to applicable fees as provided for in Section [10.20.030\(B\)](#).
- D. The last registered owner of the vehicle shall be presumed to be responsible for the unlawful abandonment and this presumption shall apply in any adjudication of the issue which may occur.
- E. The provisions of ARS Sections 28-4801 through 28-4843 shall apply in all respects to the removal, towing, storage and sale of abandoned vehicles impounded under this subsection.
- F. Any police officer or other duly authorized agent who has reasonable grounds to believe that a vehicle has been abandoned in violation of this subsection may remove or cause the removal of such vehicle from any street, highway, road or other public property. The procedures in subsection G of this section shall be used prior to citation or removal pursuant to this subsection.
- G. When an officer or other duly authorized agent has reason to believe that a vehicle has been abandoned in violation of subsection A of this section, a written notice shall be placed upon the vehicle in a conspicuous place.

The notice shall state:

1. That if the vehicle is not moved from its location within three days from the date and time recorded by the officer or other duly authorized agent at the time of preparation of the notice, it will be in violation of this section.
2. That if the vehicle is not moved from its location within six days from the date and time recorded by the officer or other duly authorized agent at the time of preparation of the notice, it will be removed from its location and stored pursuant to this section.

H. Within 48 hours of the removal of an abandoned vehicle pursuant to this subsection, the police department shall send written notice of removal to the registered owner of the vehicle at the owner's last known address. The notice shall be sent by certified mail, return receipt requested, and shall state the reason for the removal, the location of the vehicle and how it may be recovered. It shall also include a telephone number at the police department that can be called for additional information.

I. Nothing in this section requires the police department, its officers or other duly authorized agents to give written notice of towing, removal or storage of any vehicle other than as provided in this section. (Ord. 04-003, 2004; prior code § 18.1.2)

10.20.030 Impounded vehicles.

A. The registered owner of the unclaimed or seized abandoned vehicle shall be responsible for the payment of any and all charges incurred in the removal and subsequent storage of the vehicle, unless it is shown that the registered owner was not the legal owner at the time of the offense. A violation of this subsection constitutes a civil traffic offense and is subject to applicable fees as provided for in subsection B of this section. Said fees include charges for the towing, impound and storage of the vehicle, plus any additional fees required if the vehicle was impounded after a DUI arrest, even if the owner was not the intoxicated driver.

B. The town is hereby authorized to assess and collect the following fines and fees:

1. Any person who abandons a motor vehicle on any public property, or any person who permits a vehicle to constitute an attractive nuisance or a public nuisance, or any person who violates any provisions of this chapter shall be guilty of a petty misdemeanor and shall be punishable by a fine not to exceed \$200.00. Every day that the offense occurs shall be deemed a separate violation of this chapter.
2. Impound administrative fee. This one-time fee is required on all impounded vehicles unless it was reported as stolen. Verification of the theft is required before this is waived.
3. A daily storage fee will be imposed on all impounded vehicles unless it was reported as stolen. Verification of the theft is required before this is waived.

4. "No insurance" administrative fee, if the registration or driver's license has been suspended or revoked.
5. If the vehicle has not been registered, all state registration fees will also be required before the vehicle can be released.
6. The amount of the fees provided for in this chapter shall be set and amended by resolution of the council, not to exceed those amounts established by state law.

C. If a peace officer arrests or cites the operator of an on- or off-road vehicle for DUI, the officer may seize and impound the vehicle. To obtain a release, the vehicle owner must:

1. Present legal picture identification that proves them to be the legal registered owner.
2. Provide a copy of the vehicle impound report, which is provided by the arresting officer. To be released from impound, the vehicle must be properly registered. If the vehicle impound report shows the vehicle is not properly registered, the vehicle must be registered and all taxes and fees paid before release.
3. Pay a \$150.00 DUI impound fee in addition to any other taxes or fees due. The DUI fee applies to off-highway vehicles as well. (Ord. 19-13 § 1, 2019; Ord. 08-10, 2008; Ord. 04-003, 2004; prior code § 18.1.3)

10.20.040 Abandoned vehicles reported stolen.

After recovery by a law enforcement agency, the legal owner of a stolen vehicle will be notified where his/her vehicle is being stored. The vehicle owner should follow the applicable procedures regarding proof of ownership, proper registration, etc.; however, no impound or penalty fee should be charged. If the registration has expired, the owner should acquire a temporary permit from the Arizona State Motor Vehicle Department. (Ord. 04-003, 2004; prior code § 18.1.4)

10.20.050 Reclaiming impounded vehicles.

A. The owner or any lien holder of an unclaimed or seized abandoned motor vehicle shall have the right to reclaim such vehicle from the town upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 days after the date of the notice required by Section [10.20.070](#)(B). Impounded vehicles may only be released to:

1. The Registered Owner. Even if the owner provides the police department with the vehicle's current registration, the owner's identity still needs to be verified using picture ID, such as a driver's license.
2. Person Representing Registered Owner. The owner's representative must have a notarized statement signed by the owner authorizing release to the named representative.
3. Registered Lien Holder. The lien holder must provide a copy of the title that shows the lien and proves that the lien release section has not been signed.

4. Leasing Companies. The representative of the lease company must have a letter of verification indicating that he/she is an employee of that leasing company and is authorized to obtain the release for that vehicle.

5. Dealers. The dealer must show evidence of ownership (title, certified copy of title, etc.) along with proof that they represent the dealership. The dealer must also present the dealer plate number that they will be using to transport the vehicle from the impound lot to the dealership.

B. In order to reclaim a vehicle, the vehicle owner must comply with the following provisions:

1. The vehicle owner must appear at the Huachuca City police department and:

- a. Present proper evidence of ownership (e.g., title, registration card, bill of sale);
- b. Present picture ID;
- c. Pay all fees and penalties due for titling or registration functions;
- d. Pay the impound, towing and storage fees; and
- e. Obtain a letter of impound release.

2. Contact impound lot of tow yard:

- a. Present letter of impound release; and
- b. Present ID to the impound or tow yard owner. (Ord. 08-10, 2008; Ord. 04-003, 2004; prior code § 18.1.5)

10.20.060 Vehicles may be held in impound.

Any police agency may request that a vehicle be held as evidence in a criminal case and further request that it not be released without the authorization of the police agency or jurisdiction. (Ord. 04-003, 2004; prior code § 18.1.6)

10.20.070 Sale, notice to owner and reclaiming of impounded vehicles.

A. Immediate Sale of Certain Vehicles. When a vehicle constituting an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Arizona or in any other state or foreign country, it shall immediately be eligible for sale and shall not be subject to the notification or reclamation.

B. When a vehicle constituting an attractive nuisance or public nuisance does not fall within the provisions of subsection A of this section, the town clerk shall give notice of the taking within 10 days. The notice shall:

1. Set forth the date and place of taking, the year, make, model and serial number of the vehicle, if such information can reasonably be obtained, and the place where the vehicle is being held;
2. Inform the owner and any lien holders of their right to reclaim the vehicle under Section [10.20.050](#);
3. State that the failure of the owner or lien holders to exercise their right to reclaim the vehicle and contents within 15 days from the date of the notice shall be deemed a waiver by them of all right, title and interest in the vehicle and contents and a consent to the sale of the vehicle and contents at a public sale or auction pursuant to subsection D of this section and that the vehicle will be sold after the expiration of the 15-day period; and
4. The notice shall be sent by certified mail to the registered owner, if any, of the vehicle, and to all readily identifiable lien holders of record. The notice shall also be published once in a newspaper of general circulation as defined in ARS Section 39-201, published within the County of Cochise. Published notices may be grouped together for convenience and economy.

C. Nothing in this chapter shall be construed to impair any lien recorded pursuant to ARS Section 33-993, or the right of the lien holder to foreclose.

D. Any attractive nuisance or public nuisance vehicle taken into custody and not reclaimed under Section [10.20.050](#) shall be sold to the highest bidder at a public auction or sale, following reasonable published notice thereof. The purchaser shall be given a receipt which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership.

1. From the proceeds of the sale of any vehicle, the town shall receive the cost of towing, preserving and storing the vehicle. The town shall also reimburse itself for all notice and publication costs incurred pursuant to this chapter.
2. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for 90 days, after which if not claimed, shall then be deposited in the general fund of the town treasury.

E. Any vehicle not sold at public auction or sale in accordance with this section may be disposed of by the town, with approval of the town council. Any proceeds therefrom shall be applied as in subsection D of this section. (Ord. 04-003, 2004; prior code § 18.1.7)

10.20.080 Sale by public auction.

All impounded/confiscated vehicles of the town, including any apparatus that has a title, motorized or not, and any self-propelled vehicle having a serial number shall be sold by public auction unless other use or disposal is

deemed more appropriate by the town council. Any use of such a vehicle other than sale by public auction requires approval by the town council. (Ord. 09-08, 2010; prior code § 3-9)

10.20.090 Collection of storage fees from state or federal agencies.

A. The town is hereby authorized to store vehicles seized by other state and/or federal agencies upon their request.

B. Storage of a vehicle constitutes acceptance of the established fee schedule. (Ord. 19-13 § 2, 2019; Ord. 08-10, 2008; Ord. 04-003, 2004; prior code § 18.1.8)

Chapter 10.25
OPERATION OF MOTOR VEHICLES ON PRIVATE AND TOWN PROPERTY

Sections:

[10.25.010 Definitions.](#)

[10.25.020 Intent.](#)

[10.25.030 Parking lots.](#)

[10.25.040 Areas not designated for vehicular traffic.](#)

[10.25.050 Violation – Penalty.](#)

[10.25.060 Consumption of alcoholic liquor on public way or parking lot.](#)

10.25.010 Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

“Motor vehicle” means any moped, power driven bicycle, motorcycle, motor scooter, automobile, truck or other vehicle propelled by a motor of any kind.

“Town” means the town of Huachuca City. (Ord. 91-005, 1992; prior code § 14-5-1)

10.25.020 Intent.

It is the intent of this chapter to prevent the unauthorized use of vacant lots or other town or privately owned areas by motor vehicles without a written permit issued by the owner of the property or the person entitled to immediate possession thereof, or the authorized agent of either, which unauthorized use results in the creation of excess dust, noise, or other annoyances to such an extent as to interfere with the comfortable enjoyment of life or property by the surrounding property owners, or which use may seriously injure the unauthorized user. (Ord. 91-005, 1992; prior code § 14-5-2)

10.25.030 Parking lots.

A. It is unlawful for any person to drive on parking lots except for the purpose of parking, leaving after parking, leaving a passenger or picking up a passenger. No person shall drive any motor vehicle across, through or into and out of any parking lot anywhere in the town, except for the purpose of parking a motor vehicle in said parking lot. This subsection shall apply both to privately owned parking lots and to publicly owned parking lots. This subsection shall not prohibit any person from using a publicly owned or privately owned parking lot for the purpose of turning around to travel on the same street in the opposite direction. This subsection shall not apply to any person acting with the express permission of the owner or person in charge of the parking lot.

B. No motor vehicle shall be operated in any town-owned parking lot in excess of 10 miles per hour. (Ord. 14-03 § 1, 2014; Ord. 91-005, 1992; prior code § 14-5-3)

10.25.040 Areas not designated for vehicular traffic.

It is unlawful for any person to drive any motor vehicle over any publicly or privately owned lawn, playground, garden or other area not designated for vehicular traffic. This prohibition shall not apply to any person acting with the express permission of the owner or person in charge of the property. (Ord. 91-005, 1992; prior code § 14-5-4)

10.25.050 Violation – Penalty.

Any person, firm or corporation violating any provision of this chapter shall be fined no more than \$1,000 for each offense, and a separate offense shall be deemed committed on each day during which a violation occurs or continues. (Ord. 01-015 § 11, 2001; Ord. 91-005, 1992; prior code § 14-5-5)

10.25.060 Consumption of alcoholic liquor on public way or parking lot.

It shall be unlawful for any person to drink, consume, transport, carry or possess any alcoholic liquor, except in the original package and with the seal unbroken, on the public street, sidewalk, parkway, public parking lot or semipublic parking lot. The term “semipublic parking lot” shall include any area wherein motor vehicles are parked by the public in conjunction with any business, enterprise, commercial establishment, official building or apartment building. (Ord. 91-005, 1992; prior code § 14-5-6)

Chapter 10.30
PARKS, RECREATION AND TRANSPORTATION FACILITIES

Sections:

[10.30.010 Use of ball fields, ramadas, bandstand, swimming pool and bus service.](#)

[10.30.020 Closing time of parks.](#)

[10.30.030 Use of Community Center.](#)

[10.30.040 Use of skate park.](#)

10.30.010 Use of ball fields, ramadas, bandstand, swimming pool and bus service.

The town council shall adopt, and may amend from time to time, by resolution, a schedule of fees for use of its ball fields, ramadas, bandstand, swimming pool and bus service. The town's facility use policy which contains additional rules and procedures for using town facilities may be found in Chapter [2.85](#). (Ord. 15-03 § 2, 2015; Ord. 01-015 § 11, 2001; Ord. 93-013, 1993; prior code § 14-4-1)

10.30.020 Closing time of parks.

A. The town parks, including Keeline Park, McCray Park, Kimbrell Park and Leffingwell Park, shall close at 10:00 p.m.

B. Signs shall be posted to notify the public of the 10:00 p.m. closing time of said parks.

C. Any person found guilty of violating this section may be punished in accordance with penalties set forth in Section [1.05.110](#). (Ord. 01-015 § 11, 2001; Ord. 93-013, 1993; prior code § 14-4-2)

10.30.030 Use of Community Center.

A. Huachuca City residents, nonresidents and all organizations and clubs desiring to use the Community Center building must submit a written request to use the center, to include dates and times. The request should be given to town staff for approval.

B. A Community Center use calendar is kept by the town staff and requests will be considered in the order in which they are received.

C. Except as provided in Chapter [2.85](#), Section [2.85.050](#), a use fee and a cleaning deposit are required. All users will pay the refundable cleaning deposit which shall be refunded if, upon inspection by a town staff member, the building is clean. The town council shall adopt, by resolution, a schedule of fees for use of the Community Center. The town's facility use policy which contains additional rules and procedures for using town facilities may be found in Chapter [2.85](#).

D. In cases of emergency, or if the town needs to use the center for a function, the town manager may approve

an override of the schedule for use of the center.

E. The purpose of the Community Center is to provide a low cost building for residents to use for different functions. Operating expenses will be deducted from any revenues received from the use of the center.

F. A copy of the rules and regulations will be given to all individuals requesting the use of the Community Center. The keys to the Community Center will be given out by town personnel and a log will be kept stating the identity of the person who signed them out. (Ord. 19-07 § 2, 2019; Ord. 18-14 § 1, 2018; Ord. 15-03 § 2, 2015; Ord. 01-015 § 11, 2001; Ord. 93-013, 1993; prior code § 14-4-3)

10.30.040 Use of skate park.

A. Skateboard Park Rules. The following rules apply to the skate park and shall be posted at the park:

1. This skate park is unsupervised. Huachuca City is not responsible for accidents. Skate at your own risk.
2. Only skateboards and skates are allowed.
3. Pedestrians, bicycles, scooters, motorized vehicles, additional obstacles and pets are prohibited.
4. Children under the age of 10 must be accompanied by an adult.
5. Children under six are not permitted in the skate park, except during activities scheduled for that age group.
6. All participants are required to wear a helmet and chin strap at all times. Participants under 16 are required to wear elbow pads and knee pads.
7. Personal music devices, earphones, headsets or amplified music are prohibited.
8. Drugs, alcohol, and smoking are prohibited in or around the skate park.
9. Profanity is prohibited in the skate park.
10. Food and drinks are not allowed in the skating area.
11. No littering: deposit trash in provided receptacles.
12. Graffiti and stickers are not allowed in the skate park.
13. Outside obstacles and modifications to the elements are prohibited.
14. No loitering after facility is closed.

15. One person per ramp at a time; take turns and leave space between riders. Skating against traffic flow is dangerous and can cause serious injury. Be respectful of others.

16. Huachuca City is not responsible for lost or stolen articles.

17. Trespassers will be prosecuted.

Failure to comply with these rules may result in suspension and/or confiscation of equipment.

B. Skate at Your Own Risk. There is an inherent risk in the participation of skate park activities. Users of the skate park, by participation, accept the risks inherent in such participation of which the ordinary prudent person is or should be aware. Users have a duty to exercise good judgment and act in a responsible manner while using the skate park element and obey all oral or written warnings, or both, prior to or during participation, or both.

C. Anyone concerned in the violation of this section, whether directly committing the act or omitting to do the thing constituting the offense, or who aids or abets the same, whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such offense is and shall be principal under the terms of this section and shall be proceeded against and prosecuted as such and may be suspended from use of the facility.

D. In the event that any law enforcement officer or officer of the town of Huachuca City observes anyone operating a bicycle, motorized scooter, scooter, skateboard or roller skates in violation of this section, the law enforcement officer may suspend the person from use of the facility and/or confiscate the bicycle, motorized scooter, scooter, skateboard, or roller skates operated by the person and shall return the bicycle, motorized scooter, scooter, skateboard or roller skates only to the said person's parent(s) or guardian.

E. The town shall be authorized to confiscate a bicycle, scooter, skateboard, or roller skates under the provisions of this section whether or not a citation for violation of this section is issued.

F. Except as otherwise specifically provided, violation of or failure to comply with the provisions of this section may subject the offender to a fine in any sum not exceeding \$500.00 according to the schedule below:

1. First offense: \$50.00.

2. Second offense: \$100.00.

3. Third offense: \$200.00.

4. Fourth offense: \$500.00.

G. Any person found guilty of damage to any part of a recreational facility, including the defacement of any

building or equipment by the placement of graffiti, shall be required to clean off the graffiti by approved means, or make full restitution of the damaged facility or equipment. (Ord. 09-03, 2009; prior code § 14-4-4)

**Title 11
(Reserved)**

**Title 12
(Reserved)**

**Title 13
WATER**

Chapters:

[13.05 Water System Administration](#)

[13.10 Application for Service](#)

[13.15 Deposit](#)

[13.20 Discontinuance of Service – Penalties](#)

[13.25 Rates and Bills](#)

[13.30 Meters](#)

[13.35 Extensions](#)

[13.40 Consumer Responsibilities](#)

[13.45 Liability](#)

[13.50 Backflow Prevention and Cross-Connection Control](#)

[13.55 Water Conservation and Plumbing Requirements](#)

Chapter 13.05
WATER SYSTEM ADMINISTRATION

Sections:

[13.05.010 Management of water system.](#)

[13.05.020 Receipts and deposits.](#)

13.05.010 Management of water system.

The town manager shall have the immediate control and management of all things pertaining to the town water works system and shall perform all acts that may be necessary for the prudent, efficient and economical management and protection of said water works, subject to the approval and confirmation of the council. The council shall have the power to prescribe such other and further rates, rules and regulations as it may deem necessary. (Ord. 19-08 § 1, 2019; prior code § 16-1-1)

13.05.020 Receipts and deposits.

The clerk shall keep a correct account of all receipts, make out all bills for water and sewer rents and materials furnished to consumers, collect the same, and deposit the proceeds so collected to the credit of the town, in accordance with the direction of the council. (Prior code § 16-1-2)

Chapter 13.10
APPLICATION FOR SERVICE

Sections:

[13.10.010 Application for water.](#)

[13.10.020 Grounds for rejection of application.](#)

[13.10.030 Violation of application provisions.](#)

13.10.010 Application for water.

Application for the use of water and sewer service shall be made in person, at the Town Hall, to the clerk by the owner or agent of the property to be benefited, designating the location of the property and stating the purpose for which the water may be required. Applicants for water service shall pay a \$15.00 nonrefundable application processing fee. (Ord. 19-08 § 2, 2019; prior code § 16-2-1)

13.10.020 Grounds for rejection of application.

The town may reject any application for water service for any good and sufficient reasons including the following: service not available under a standard rate, service which involves excessive service expense, service which may affect the supply to other consumers or service when the applicant is delinquent in payment of bills incurred for service previously supplied at any location. (Prior code § 16-2-2)

13.10.030 Violation of application provisions.

For violation of any of the provisions relating to application for service, the town shall, at the expiration of seven days after mailing written notice to the last known address of the consumer, at its option, remove the meter and discontinue service. Where the meter is thereafter reinstalled, the consumer shall first pay to the town a reinstallation charge of \$75.00. (Ord. 19-08 § 3, 2019; prior code § 16-2-3)

Chapter 13.15 DEPOSIT

Sections:

[13.15.010 Deposit required.](#)

[13.15.020 Payment responsibility.](#)

13.15.010 Deposit required.

There shall be charged to all persons applying for water service to be provided to any premises, before such service commences, a deposit of \$75.00 for each meter plus any prior town utility bill arrears balance in the customer's name. Deposits shall be non-interest-bearing and shall be refunded to the consumer upon discontinuance of service and payment of charges; provided, that charges may be deducted from said security deposit before the refund is made. All prior town utility bills in arrears in the customer's name must be paid in full before the customer may establish town utility service at another address. Deposits may be waived by providing a verifiable utility letter of reference from another water utility company. For a water customer to reestablish service after disconnection due to nonpayment the new deposit shall be twice the standard deposit plus any utility bill arrears balance before service can be reconnected. The town has 24 business hours to reestablish water connection after receiving full payment for water services that were disconnected due to nonpayment or for turn-on off water service due to resident request. (Ord. 19-08 § 4, 2019; Ord. 01-015 § 13, 2001; prior code § 16-3-1)

13.15.020 Payment responsibility.

The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished. (Prior code § 16-3-2)

Chapter 13.20
DISCONTINUANCE OF SERVICE – PENALTIES

Sections:

[13.20.010 Notice required.](#)

[13.20.020 Service may be discontinued under certain conditions.](#)

[13.20.030 Penalties.](#)

13.20.010 Notice required.

Any person who desires to discontinue the use of water shall file written notice with the clerk at least three days in advance of intended termination of service. Responsibility for water consumed extends to the time of departure or to the time specified for departure, whichever occurs last. (Prior code § 16-4-1)

13.20.020 Service may be discontinued under certain conditions.

The town may discontinue water and sewer service upon any of the following conditions:

- A. To prevent fraud or abuse.
- B. Disregard of town rules pertaining to water and sewer service.
- C. Emergency repairs.
- D. Insufficient supply caused by factors outside of the town.
- E. Legal process.
- F. Direction of public authorities.
- G. Local emergency requiring emergency measures.
- H. Tampering with meter or other equipment by the consumer. (Prior code § 16-4-2)

13.20.030 Penalties.

Meter tampering carries a \$100.00 fee to cover the costs of inspection and remediation. In addition, meter tampering is a civil offense and violations shall be punished with a fine of \$250.00 for the first offense and a fine of \$500.00 for each subsequent offense. In addition, theft of town water services is a class 2 criminal misdemeanor, punishable as determined by the court, with incarceration of up to four months in jail and a fine of not more than \$750.00, plus restitution to the town. Civil and criminal complaints may be filed in court by any police officer or the town attorney. For purposes of this section, unauthorized manipulation of a water meter shall constitute meter tampering. (Ord. 19-08 § 5, 2019)

**Chapter 13.25
RATES AND BILLS**

Sections:

[13.25.010 Water rates.](#)

[13.25.020 Minimum rate.](#)

[13.25.030 Water bills.](#)

[13.25.040 Incorrect bill.](#)

[13.25.050 Turn offs and turn ons.](#)

[13.25.060 Unoccupied units liable.](#)

[13.25.070 Commencement of charges.](#)

13.25.010 Water rates.

A. All water sold by the town shall be sold at the following rates:

Residential Water Rates
For calendar year 2019 residential water fees are set as described below. Beginning January 1, 2020, residential water fees (monthly service charge and all progressive tiers) will be increased 3% automatically every January 1st annually.
Calculation of Residential Water Bills
All residential water customers will pay the monthly service charge and pay the amount per progressive tier in which they use water. Also the rate set for Progressive Tier K shall increase by the Progressive Tier K amount for every 1,000 gallons used. Example: A residential water

customer using 15,000 gallons monthly would pay: monthly service charge, tier charges for all Progressive Tiers A – K and the Progressive Tier K rate for 12,000, 13,000, 14,000 and 15,000 gallons.	
Monthly Service Charge	\$20.00
Progressive Tier A 1 – 1,999 Gallons	\$3.00
Progressive Tier B 2,000 – 2,999 Gallons	\$3.25
Progressive Tier C 3,000 – 3,999 Gallons	\$3.50
Progressive Tier D 4,000 – 4,999 Gallons	\$3.50
Progressive Tier E 5,000 – 5,999 Gallons	\$3.50
Progressive Tier F 6,000 – 6,999 Gallons	\$3.50
Progressive Tier G 7,000 – 7,999 Gallons	\$5.00
Progressive Tier H 8,000 – 8,999 Gallons	\$5.00
Progressive Tier I 9,000 – 9,999 Gallons	\$5.00
Progressive Tier J 10,000 – 10,999 Gallons	\$5.00
Progressive Tier K 11,000 – Ceiling Gallons	\$7.00

Commercial Water Rates

For calendar year 2019 commercial water fees are set as described below. Beginning January 1, 2020, commercial water fees (monthly service charge and all progressive tiers) will be increased 3% automatically every January 1st annually.

Calculation of Commercial Water Bills

All commercial water customers will pay the monthly service charge and pay the amount per progressive tier in which they use water. Also the rate set for Progressive Tier K shall increase by the Progressive Tier K amount for every 1,000 gallons used. Example: A commercial water customer using 15,000 gallons monthly would pay: monthly service charge, tier charges for all Progressive Tiers A – K and the Progressive Tier K rate for 12,000, 13,000, 14,000 and 15,000 gallons.

Monthly Service Charge	\$22.00
Progressive Tier A 1 – 1,999 Gallons	\$5.00
Progressive Tier B 2,000 – 2,999 Gallons	\$5.25
Progressive Tier C 3,000 – 3,999 Gallons	\$5.50
Progressive Tier D 4,000 – 4,999 Gallons	\$5.50
Progressive Tier E 5,000 – 5,999 Gallons	\$5.50
Progressive Tier F	

6,000 – 6,999 Gallons	\$5.50
Progressive Tier G 7,000 – 7,999 Gallons	\$6.00
Progressive Tier H 8,000 – 8,999 Gallons	\$6.00
Progressive Tier I 9,000 – 9,999 Gallons	\$6.00
Progressive Tier J 10,000 – 10,999 Gallons	\$6.00
Progressive Tier K 11,000 – Ceiling Gallons	\$8.00

B. State sales tax shall be charged in addition to the above rate as provided by state law. (Ord. 19-08 § 6, 2019; Ord. 14-04 § 3, 2014; Ord. 01-015 § 13, 2001; Ord. 96-004, 1996; Ord. 95-003, 1995; Ord. 94-014, 1994; Ord. 94-007, 1994; prior code § 16-5-1)

13.25.020 Minimum rate.

Service for a time period less than a month shall be charged at the minimum monthly rate. (Ord. 01-015 § 13, 2001; prior code § 16-5-2)

13.25.030 Water bills.

A. Water meters shall be read on the twenty-fifth day of each month, as nearly as possible, and a separate bill shall be rendered for each meter and mailed on the first day of each succeeding month. All water bills shall be due on or before the fifteenth day of the month following the utility billing date. If the fifteenth day falls on a nonbusiness day, the bill will be due on the next business day. The town reserves the right to vary the dates or length of billing period, temporarily or permanently, if necessary or desirable. Bills shall become delinquent after 15 days following billing date, at which time a 10 percent late fee will be assessed, and service may be discontinued after providing notice to the consumer.

B. Such notice shall provide the customer the opportunity for a hearing before the town clerk. The notice shall advise the customer that he has five days after the notice has been issued to make a written request to the town clerk for such a hearing. The purpose of the hearing shall be to determine if there is good cause for the customer not to pay the bill. If, after such notice and hearing, the town clerk determines there is not good cause and the customer continues to fail in paying charges, the water meter will be disconnected, the customer’s account closed by deducting from the customer’s deposit the total amount of the bill, including penalties, up to the time of disconnection of the meter. The customer may appeal the decision of the town clerk to the mayor and council by giving written notice thereof and by posting with the clerk an amount equal to the amount due for the customer’s

water bill. During the appeal procedure, the customer shall be entitled to continued service provided all bills are kept current. (Ord. 19-08 § 7, 2019; Ord. 01-015 § 13, 2001; Ord. 98-003, 1998; prior code § 16-5-3)

13.25.040 Incorrect bill.

Any consumer may present a claim to the town if he believes that he may have received an incorrect water bill. Such claim shall be presented in person at the Town Hall before such bill becomes delinquent; provided, that the consumer may make a claim following payment of his bill, and his payment shall not prejudice his claim. Such claim shall not exempt the consumer from delinquency penalties if he fails to pay his bill on time. (Prior code § 16-5-4)

13.25.050 Turn offs and turn ons.

A charge of \$40.00 shall be made for each turn on of water service for reasons other than change of occupancy. (Ord. 19-08 § 8, 2019; Ord. 01-015 § 13, 2001; Ord. 98-003, 1998; prior code § 16-5-5)

13.25.060 Unoccupied units liable.

The above minimum charges for additional residential units shall apply regardless of whether the residential unit is occupied or unoccupied. (Ord. 01-015 § 13, 2001; prior code § 16-5-6)

13.25.070 Commencement of charges.

The town shall commence service charges for a consumer when the water meter is installed and the connection is made, regardless of whether water is used or not. (Ord. 01-015 § 13, 2001; prior code § 16-5-7)

Chapter 13.30 METERS

Sections:

[13.30.010 Meters to be used.](#)

[13.30.020 Suitable placement.](#)

[13.30.030 Single meter.](#)

[13.30.040 Grouping of meters.](#)

[13.30.050 Water meter installation fee schedule.](#)

[13.30.060 Water meter failure.](#)

[13.30.070 Interference by dogs.](#)

[13.30.080 Special meter reading.](#)

[13.30.090 Meter tests.](#)

13.30.010 Meters to be used.

All water sold by the town shall be metered by meters which shall be owned and kept in repair by the town. (Prior code § 16-6-1)

13.30.020 Suitable placement.

The town may install a water meter on the property line or on the consumer's property in such location as deemed necessary and which is conveniently accessible by a meter reader. (Prior code § 16-6-2)

13.30.030 Single meter.

Water pipes and equipment belonging to the consumer shall be so arranged to permit the placing of a single water meter for that property convenient to the town. If the water pipes and equipment belonging to the consumer are not arranged to permit such placement of a meter, and additional meters are required, each such additional meter shall be considered as an additional account and shall be so billed. (Prior code § 16-6-3)

13.30.040 Grouping of meters.

When two or more meters are installed on the same premises for different consumers, they shall be closely grouped, and each meter shall be clearly marked as to the consumer to whom it belongs. (Prior code § 16-6-4)

13.30.050 Water meter installation fee schedule.

Fees for water meter installation and service line extension shall be actual cost of meters, service line,

engineering costs and labor costs, for the installation of the meter and service line. For installation of a meter not requiring additional service line, the cost shall be the actual cost of the meter, meter box, related equipment and installation costs, plus a \$50.00 service charge for the labor. (Ord. 19-08 § 9, 2019; Ord. 01-015 § 13, 2001; Ord. 85-10, 1998; prior code § 16-6-5)

13.30.060 Water meter failure.

If a water meter fails to operate and a reading cannot be taken, a bill will be made by the town in an amount based on the average monthly billing of the previous three months. (Prior code § 16-6-6)

13.30.070 Interference by dogs.

In the event any dog kept on the premises interferes with meter reading by an employee of the town and the meter is not read, a billing will be made by the town in an amount based on the average monthly billing of the previous three months. The town shall notify the consumer of the interference, and the consumer shall be responsible for ensuring that their dog does not interfere with future meter readings in order to avoid incurring special meter reading fees. (Ord. 19-08 § 10, 2019; prior code § 16-6-7)

13.30.080 Special meter reading.

Any consumer may request and have the town perform a special reading of his water meter upon the payment of a \$5.00 deposit per special reading. If the special reading indicates that the regular meter reading was incorrect, then such deposit shall be returned to the consumer; otherwise, such deposit shall be retained by the town as a charge for the special meter reading. (Ord. 19-08 § 11, 2019; Ord. 01-015 § 13, 2001; prior code § 16-6-8)

13.30.090 Meter tests.

Any consumer may, upon written application accompanied by a \$5.00 deposit per test, have his meter tested for accuracy by the town. If the meter registers a divergence from accuracy greater than three percent, the deposit shall be refunded to the applicant and the indicated adjustment made in the water service charges for a total period not longer than the then current period and the monthly period immediately preceding. If a meter so tested registers within three percent of accuracy, the deposit shall be retained by the town as a fee to pay the cost of such test. All inaccurate and defective meters shall be replaced by the town immediately when detected. (Ord. 19-08 § 12, 2019; Ord. 01-015 § 13, 2001; prior code § 16-6-9)

Chapter 13.35 EXTENSIONS

Sections:

[13.35.010 Size of main extensions.](#)

[13.35.020 Costs of extensions.](#)

[13.35.030 Inspection and acceptance.](#)

[13.35.040 Reimbursement.](#)

[13.35.050 Penalties.](#)

13.35.010 Size of main extensions.

No water main shall be installed with less than the minimum pipe size dictated by good engineering practice, and in no case shall any water main be of a size having less than a six-inch diameter. The town shall have the right to increase the required diameter of the main extension, if it deems it advisable, subject however to the condition that the laid cost of the main extension of the larger diameter pipe to the developer will not exceed the laid cost of the same extension if it were six-inch diameter pipe. All water feeder lines (laterals) shall be four-inch lines or of such other sizes or types as shall be approved by the town council or its delegated representative and by the town building inspector. (Prior code § 16-7-1)

13.35.020 Costs of extensions.

The developer causing an extension of water mains shall pay in full for the rights-of-way, the construction and installation of the lines, pipes and mains, and all other features necessary for the extension. (Ord. 01-015 § 13, 2001; prior code § 16-7-2)

13.35.030 Inspection and acceptance.

Upon completion and approval of any extension, the town council, if satisfied that the extension is in the public interest and suitable and comfortable to the existing system in the town, may, by resolution, accept and approve the same and authorize the use thereof; provided, that the extension shall first be conveyed to the town free and clear of any and all liens and encumbrances. (Ord. 01-015 § 13, 2001; prior code § 16-7-3)

13.35.040 Reimbursement.

A. The town will contract or negotiate only with an individual, partnership, corporation or other single legal entity in any repayment agreement, and the town shall not be obligated to make any such agreement, respecting any single utility extension program, with more than one party regardless of how many are sharing the cost.

B. After completion of construction and installation of an extension, the developer shall submit a detailed statement of the costs and expenses of such construction and installation to the town clerk. The town shall have

the right to reject the developer's cost breakdown, if there is an appreciable variance with the town's estimate. No reimbursement shall be made until the developer's cost breakdown is approved by the town building inspector and accepted by the town council. (Prior code § 16-7-4)

13.35.050 Penalties.

Any person who excavates or causes an excavation to be made for the purpose of laying water lines or pipes in the public streets, alleyways, or upon the property of the town of Huachuca City, without first obtaining the approval of the town council and complying with any applicable provisions hereof, shall be guilty of a misdemeanor plus all costs of repair. (Ord. 01-015 § 13, 2001; prior code § 16-7-5)

**Chapter 13.40
CONSUMER RESPONSIBILITIES**

Sections:

[13.40.010 Consumer water facilities.](#)

[13.40.020 Consumer negligence.](#)

[13.40.030 Right-of-way.](#)

[13.40.040 Installation of lines.](#)

[13.40.050 Protection of town property.](#)

[13.40.060 Supplying water to others prohibited.](#)

[13.40.070 Commercial use.](#)

[13.40.080 Sprinkling restrictions.](#)

[13.40.090 Waste of water prohibited.](#)

[13.40.100 Inspections.](#)

[13.40.110 Regulation part of contract.](#)

13.40.010 Consumer water facilities.

The consumer shall have complete responsibility for the installation and maintenance of adequate water facilities on the premises, and the town shall not in any way be responsible for the installation, maintenance, inspection or damage of such facilities or damage caused by any defect in such facilities on the consumer's premises. Such facilities shall be maintained by the consumer in full compliance with any and all rules and regulations of the town in addition to applicable state statutes. (Prior code § 16-8-1)

13.40.020 Consumer negligence.

The cost of any damage to the town water and sewer system or injury to town employees caused by the negligence of any consumer and which requires any repairs, replacements or damages shall be added to that consumer's bill, and if such charges are not paid, water and sewer service may be discontinued. (Ord. 01-015 § 13, 2001; prior code § 16-8-2)

13.40.030 Right-of-way.

Each consumer shall provide to the town such easement and right-of-way as is necessary to provide water service to that consumer. (Prior code § 16-8-3)

13.40.040 Installation of lines.

The town may refuse to provide service unless the lines or piping are installed on the premises so as to prevent cross-connections or backflow. (Prior code § 16-8-4)

13.40.050 Protection of town property.

The consumer shall guarantee proper protection for town property placed on his premises and shall permit access to it only to authorized representatives of the town. (Prior code § 16-8-5)

13.40.060 Supplying water to others prohibited.

No occupant or owner of any building into which water is introduced will be allowed to supply water to other persons or families or for use on any other property. The town reserves the right to shut off the supply for abuses of water privileges. (Prior code § 16-8-6)

13.40.070 Commercial use.

Any water service for commercial use shall not be included in a residential service account and shall have a separate meter and connection. (Prior code § 16-8-7)

13.40.080 Sprinkling restrictions.

In case of water shortage or scarcity, the council may by resolution place any restrictions which it deems necessary upon the use of water for irrigation or sprinkling purposes. (Prior code § 16-8-8)

13.40.090 Waste of water prohibited.

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. All water outlets, including those used in conjunction with hydrants, urinals, water closets, bathtubs and other fixtures, must not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for code violations, the water supply may be turned off where any such waste occurs. (Prior code § 16-8-9)

13.40.100 Inspections.

Whenever in the judgment of the clerk it is deemed necessary, he may inspect the premises or buildings of any water consumer for the purpose of examining the condition of all pipes, motors, meters and water fixtures, or the manner in which the water is used. He shall be vigilant to protect and remedy all abuses, whether from waste or other improper use of water. (Prior code § 16-8-10)

13.40.110 Regulation part of contract.

All regulations contained in this title shall be considered a part of the contract of every resident of the town taking water service from the town, and such resident taking water service shall be considered as having expressly consented to be bound thereby. Consumers outside the town limits shall, upon application for water service, be required to sign a statement agreeing to the regulations set forth in this title. (Prior code § 16-10)

**Chapter 13.45
LIABILITY**

Sections:

[13.45.010 Interruption of service.](#)

[13.45.020 Liability limited.](#)

13.45.010 Interruption of service.

The town shall notify the consumer in advance of any anticipated interruption of service when such advance notice is possible. The town shall not be responsible for any interruption of water service caused by forces beyond its control. (Prior code § 16-9-1)

13.45.020 Liability limited.

No liability shall attach to the town for any injury or damages that may result from turning on or shutting off the water in any main, service connection or pipe; or the restriction of use or discontinuance of any water service, or any failure of the water supply, regardless of any notice or lack of notice thereof. The town shall not be held liable, in any respect, for the condition, defects, failure or use of any pipe, connection, fixture or appurtenance not belonging to the town, on any premises, or for loss or damage resulting therefrom. (Prior code § 16-9-2)

**Chapter 13.50
BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL**

Sections:

[13.50.010 Definitions.](#)

[13.50.020 Purpose.](#)

[13.50.030 Backflow prevention required.](#)

[13.50.040 Hazard potential.](#)

[13.50.050 Backflow prevention methods – List.](#)

[13.50.060 Backflow prevention methods required.](#)

[13.50.070 Backflow assembly installation requirements.](#)

[13.50.080 Installation of backflow prevention assemblies for fire systems.](#)

[13.50.090 Inspections.](#)

[13.50.100 Permit required.](#)

[13.50.110 Test – Maintenance – Records.](#)

[13.50.120 Modification of backflow prevention requirements.](#)

[13.50.130 Discontinuance of water service.](#)

[13.50.140 Administrative appeal.](#)

[13.50.150 Violation a civil infraction.](#)

[13.50.160 Retroactive application.](#)

[13.50.170 Fees.](#)

[13.50.180 Backflow and cross-connection manual.](#)

13.50.010 Definitions.

In this chapter unless the context otherwise requires:

“Department” means the municipal water department for the town.

“Huachuca City Water” means the municipal water department for the town.

“UPC” means the Uniform Plumbing Code as adopted by Section [15.25.010](#). (Ord. 94-011, 1994; prior code § 16-11-1)

13.50.020 Purpose.

The purpose of this chapter is:

- A. To protect the public water supply of the town from the possibility of contamination or pollution from the backflow of contaminants and pollutants into the public potable water supply system.
- B. To promote the elimination or control of existing cross-connections, actual or potential, with a customer’s internal potable water system, plumbing fixtures and industrial piping systems.
- C. To provide for a continuing program to monitor, control and prevent cross-connection contamination or pollution of the public potable water supply system. (Ord. 94-011, 1994; prior code § 16-11-2)

13.50.030 Backflow prevention required.

- A. An approved backflow prevention method shall be utilized or installed at any service connection when it is determined by Huachuca City Water that the public potable water system may be subject to contamination, pollution or deterioration of its sanitary quality or condition.
- B. The backflow prevention method to be utilized or installed shall be determined by Huachuca City Water. The method of backflow prevention which an applicant will be required to use shall be of a nature sufficient to protect the public potable water supply against potential hazards from contamination or pollution. (Ord. 94-011, 1994; prior code § 16-11-3)

13.50.040 Hazard potential.

The degree of hazard potential to the public potable water supply and system from a customer’s water supply system shall be determined using the following hazard factors:

- A. Contamination. Any condition, device or practice which, in the judgment of Huachuca City Water, may create a danger to the health and well-being of the potable water customers.
- B. Cross-Connection. An actual or potential plumbing connection that is not properly protected by an approved backflow prevention method.
- C. Hazard. An actual or potential threat of backflow which may cause severe damage to the physical facilities of the public potable water supply system or which may have a protracted effect on the quality of the potable water in the system.

D. Pollution. An actual or potential threat to the physical facilities or the public potable water supply system or to the public potable water supply which would constitute a nuisance or cause objectionable odor, taste or discolor or could cause damage to the system or its appurtenances. (Ord. 94-011, 1994; prior code § 16-11-4)

13.50.050 Backflow prevention methods – List.

A. A backflow prevention method shall be any assembly or other means designed to prevent backflow. The following are the recognized backflow prevention methods which Huachuca City Water may require under Section [13.50.030](#) or [13.50.060](#).

1. Air Gap. The unobstructed vertical distance through the free atmosphere between the opening of the pipe or faucet supplying potable water to a tank, plumbing fixture or other device. An approved air gap shall be at least double the diameter of the supply pipe or faucet and in no case less than one inch.
2. Reduced Pressure Principle Assembly (hereinafter “RPA”). An assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves, and at the same time below the first check valve. The assembly shall include properly located test cocks and tightly closing shut-off valves located at each end of the assembly and fitted with properly located test cocks.
3. Double Check Valve Assembly (hereinafter “DCVA”). An assembly composed of two independently acting, approved check valves, including tightly closing shut-off valves located at each end of the assembly and fitted with properly located test cocks.
4. Pressure Vacuum Breaker Assembly (hereinafter “PVB”). An assembly containing an independently operating, loaded check valve and an independently operating, loaded air inlet valve located on the discharge side of the check valve. The assembly shall be equipped with properly located test cocks and tightly closing shut-off valves located at each end of the assembly.

B. Huachuca City Water shall maintain a list of approved backflow prevention assemblies, by type and manufacturer. The list shall be available to any customer required to install a backflow prevention assembly.

C. A backflow prevention method may be approved by Huachuca City Water if it has received the approval of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California and, for assemblies, has a local manufacturer’s parts and service center. (Ord. 94-011, 1994; prior code § 16-11-5)

13.50.060 Backflow prevention methods required.

A. Whenever the following items exist or activities are conducted on premises served by the public potable water system, a potential hazard to the public potable water supply shall be presumed, and a backflow prevention method of the type specified herein for that item or activity must be utilized or installed at each service connection for that premises. The type and size of the assembly shall be determined by Huachuca City Water.

The bases for these requirements are contained in the Huachuca City Water manual of Backflow Prevention and Cross-Connection Control Program as is further set forth in Section [13.50.180](#).

1. Cooling tower, boiler, condenser, chiller and other cooling systems utilizing potable water: RPA.
2. Tank, vessel, receptacle and all other water connections including mobile units without approved air gap (except emergency vehicles and private swimming pools): RPA.
3. Ice maker (other than a residential service): RPA.
4. Water cooled equipment, boosters, pumps or autoclaves: RPA.
5. Water treatment facilities and all water processing equipment (other than residential water softeners): RPA.
6. Bottle washer, bedpan washer, garbage can washer: RPA.
7. Pesticide, herbicide, fertilizer and chemical applicators (other than typical in-home use): RPA.
8. Aspirator: RPA.
9. Commercial dishwashers, food processing and/or preparation equipment, carbonation equipment or other food service processes utilizing potable water: RPA.
10. Decorative fountain, baptismal or any location water is exposed to atmosphere: RPA.
11. X-ray equipment, plating equipment or any other photographic processing equipment utilizing potable water: RPA.
12. Auxiliary water supply or connections to unapproved water supply systems: RPA
13. Reclaimed water customers: RPA.
14. Recreational vehicle dump stations (sewer), or any other location where potable water may be exposed to bacteria, virus or gas: RPA.
15. Any premises on which chemicals, oils, solvents, pesticides, disinfectants, cleaning agents, acids or other pollutants or contaminants are handled in a manner by which they may come in direct contact with potable water, or there is evidence of the potential to contact potable water (other than typical, infrequent in-home applications): RPA.
16. Materials and piping systems unapproved by the Uniform Plumbing Code (UPC) or Environmental

Protection Agency for potable water usage (for fire systems, see subsections (A)(20), (21) and (22) of this section: Contaminant: RPA; Pollutant: DCVA.

17. Separately metered or unprotected irrigation systems and construction water services: RPA or PVB as allowed.

18. Any premises where a cross-connection is maintained or where internal backflow protection is required pursuant to the Uniform Plumbing Code: RPA.

19. Multi-metered properties with more than one meter connected to another or any building three stories or greater than 34 feet in height from service level: DCVA.

20. Fire systems – American Water Works Association Classes 1 and 2 and all systems constructed of a piping material not approved for potable water pursuant to the Uniform Plumbing Code as adopted by the town: DCVA or double detector CVA. Furthermore, fire systems, Classes 1 and 2, that are under the jurisdiction of the fire department that require periodic sprinkler system testing similar to the town's are exempt from this chapter: DCVA.

21. Fire systems – American Water Works Association Classes 3, 4, 5 and 6: RPA or RPA with detector.

22. Fire systems which require backflow protection and where backflow protection is required on the industrial/domestic service connection that is located on the same premises, both service connections will have adequate backflow protection for the highest degree of hazard affecting either system: RPA (requirement may be waived by Huachuca City Water).

B. When two or more of the activities listed above are conducted on the same premises and served by the same service connection or multiple service connections, the most restrictive backflow prevention method required for any of the activities conducted on the premises shall be required to be utilized or installed at each service connection. The order of most restrictive to least restrictive backflow prevention methods shall be as follows:

1. Air gap (most restrictive).
2. Reduced pressure principle assembly (RPA).
3. Double check valve assembly (DCVA).
4. Pressure vacuum breaker assembly (PVB) (least restrictive). (Ord. 94-011, 1994; prior code § 16-11-6)

13.50.070 Backflow assembly installation requirements.

A. Backflow prevention assemblies shall be installed by the customer, at the customer's expense and in compliance with the standards and specifications adopted by the town, at each service connection. The

assembly shall have a diameter at least equal to the diameter of the service connection.

B. The assembly shall be in an accessible location approved by Huachuca City Water. The reduced pressure principle assembly, pressure vacuum breaker assembly and the double check valve assembly shall be installed above ground.

C. When a customer desires a continuous water supply, two backflow prevention assemblies shall be installed parallel to one another at the service connection to allow a continuous water supply during testing of the backflow prevention assemblies. When backflow prevention assemblies are installed parallel to one another, the sum of the cross sectional areas of the assemblies shall be at least equal to the cross sectional area of the service connection.

D. No person shall alter, modify, bypass or remove a backflow prevention method without the approval of the Huachuca City Water. (Ord. 94-011, 1994; prior code § 16-11-7)

13.50.080 Installation of backflow prevention assemblies for fire systems.

In addition to the requirements of Section [13.50.060](#), the following shall also apply:

A. Fire Systems. Fire protection systems consist of sprinklers, hose connections and hydrants. Sprinkler systems may be dry or wet, open or closed. Systems of fixed-spray nozzles may be used indoors or outdoors for protection of flammable-liquid and other hazardous processes. It is standard practice, especially in cities, to equip automatic sprinkler systems with fire department pumper connections.

A meter (compound, detector check) should not normally be permitted as part of a backflow prevention assembly. An exception may be made, however, if the meter and backflow prevention assembly are specifically designed for that purpose.

For cross-connection control, fire protection systems shall be classified on the basis of water source and arrangement of supplies as follows:

1. Class 1. Direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.
2. Class 2. Same as Class 1, except that booster pumps may be installed in the connections from the street mains. Booster pumps do not affect the potability of the system; it is necessary, however, to avoid drafting so much water that pressure in the water main is reduced below 20 psi.
3. Class 3. Direct connection from public water supply main plus one or more of the following: elevated storage tanks; fire pumps taking suction from aboveground covered reservoirs or tanks and pressure tanks (all storage facilities are filled or connected to public water only, the water in the tanks to be maintained in a

potable condition).

4. Class 4. Directly supplied from public mains similar to Classes 1 and 2, and with an auxiliary water supply on or available to the premises or an auxiliary supply may be located within 1,700 feet of the pumper connection. Class 4 systems will normally require backflow protection at the service connection. The type (air gap or reduced pressure) will generally depend on the quality of the auxiliary supply.

5. Class 5. Directly supplied from public mains, and interconnected with auxiliary supplies, such as: pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells, mills or other industrial water systems or where antifreeze or other additives are used. Classes 4 and 5 systems normally would need maximum protection (air gap or reduced pressure) to protect the public potable water system.

6. Class 6. Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks. Class 6 system protection would depend on the requirements of both industry and fire protection and could only be determined by a survey of the premises.

B. When a backflow prevention assembly is required for a water service connection supplying water only to a fire system, the assembly shall be installed on the service line in compliance with standard specifications adopted by the town, (installation of DCVAs or DDCVAs in a vertical position on the riser may be allowed on fire systems with Huachuca City Water approval). (Ord. 94-011, 1994; prior code § 16-11-8)

13.50.090 Inspections.

A customer's water system shall be available at all times during business operations for premises inspection by Huachuca City Water. The inspection shall be conducted to determine whether any cross-connection or other hazard potentials exist and to determine compliance with this section and modifications, if any, pursuant to Section [13.50.120](#). (Ord. 94-011, 1994; prior code § 16-11-9)

13.50.100 Permit required.

A. Installation permits for the installation of all backflow prevention assemblies required by Huachuca City Water shall be obtained from Huachuca City Water prior to installation. A separate permit shall be obtained for each required backflow prevention assembly to be installed. A separate permit shall be required for replacement of a backflow prevention assembly which has been previously installed.

B. Notification. It shall be the duty of the person doing the work authorized by the permit to notify Huachuca City Water, orally or in writing, that said work is ready for inspection. Such notification shall be given not less than 24 hours before the work is to be inspected and shall be given only if there is reason to believe that the work done will meet Uniform Plumbing Code and University of Southern California standards, as are referenced in the backflow prevention manual.

C. Stop Orders. Whenever any work is being done contrary to the provisions of the UPC or this code, Huachuca City Water or an authorized representative may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by Huachuca City Water to proceed with the work.

D. Suspension or Revocation. Huachuca City Water or any authorized employee may, in writing, suspend or revoke a permit issued under provisions of this code, whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of any provision of the UPC or this code. (Ord. 94-011, 1994; prior code § 16-11-10)

13.50.110 Test – Maintenance – Records.

A. The customer shall test and service backflow prevention assemblies at least once a year. If the testing reveals the assembly to be defective or in unsatisfactory operating condition, the customer shall perform any necessary repairs, including replacement or overhaul of the assembly, if necessary, which will return the assembly to satisfactory operating condition.

B. If Huachuca City Water or a customer learns or discovers, during the interim period between tests, that an assembly is defective or in unsatisfactory operating condition, the customer shall perform any necessary repairs, including replacement or overhaul of the assembly, if necessary, which will return the assembly to satisfactory operating condition.

C. The annual testing shall be performed by an individual certified to conduct such testing by an agency approved by Huachuca City Water. A list of certified, approved and recognized individuals will be maintained by Huachuca City Water and will be available upon request to all persons required to install or maintain a backflow prevention assembly. A certification issued to a backflow prevention assembly tester may be revoked or suspended for improper testing, maintenance, reporting or other improper practices.

D. The customer shall maintain records, on forms approved by Huachuca City Water, of the results of all tests and all servicing, repairs, overhauls or replacements of the backflow prevention assembly. A copy of the records shall be promptly submitted to Huachuca City Water after completion of the activity for which the record is made.

E. Fire systems shall not be out of service for more than eight consecutive hours due to testing, maintenance or repairs. The fire department shall be notified immediately of any testing, maintenance or repairs that place a fire system out of service. (Ord. 94-011, 1994; prior code § 16-11-11)

13.50.120 Modification of backflow prevention requirements.

If Huachuca City Water determines, after inspection of the customer's system, that a backflow prevention method less restrictive than that required in Section [13.50.060](#) will provide adequate protection of the public potable water supply from the degree of hazard potential by the customer's water system, the customer may

appeal to the backflow and cross-connection hearing committee for relief as provided in Section [13.50.140](#). (Ord. 94-011, 1994; prior code § 16-11-12)

13.50.130 Discontinuance of water service.

A. If Huachuca City Water discovers that a customer's required backflow prevention method has been improperly tested or maintained, the water service to that service connection shall be disconnected if the situation is not remedied within the time specified in the notice sent to the customer as required by this section. The service shall not be restored until the condition is remedied.

B. Water service to a fire sprinkler system shall be subject to disconnection under this section. If a situation, which will result in discontinuance of water service in subsection A of this section, is not remedied within the time provided in the notice sent to the customer, multiple violations will accrue.

C. Prior to disconnecting any water service because a condition set forth in subsection A of this section exists, Huachuca City Water shall issue a notice to the customer describing the condition and notifying the customer that the condition must be remedied within 15 days from the initial inspection date. If there is no immediate action on the part of the customer, a second notice by certified mail shall be sent 10 days after the initial inspection date that water service will be disconnected within five days of the second notice. If there is still no action, a turn-off notice shall be sent to the customer stating that service will be disconnected on a date certain (approximately two days from the date of the turn-off notice). (For retrofit notification procedures, see Section [13.50.160](#).)

D. Huachuca City Water may disconnect, without notice, water service to any customer when Huachuca City Water discovers that a direct, contaminated cross-connection exists in the customer's water system or that a backflow prevention method has been bypassed or removed. (Ord. 94-011, 1994; prior code § 16-11-13)

13.50.140 Administrative appeal.

An administrative appeal may be requested whenever a violation or dispute of any of the requirements of this chapter is determined, whether during construction or at the plan review stage, and the applicant wishes to appeal the decision of the staff because of code interpretation, unreasonable hardship or other acceptable reasons. The appeal may be made to the backflow and cross-connection hearing committee as follows:

A. The applicant shall file a written appeal on the forms provided by the director of public works and services.

B. The appeal will be heard by the hearing committee within seven days, at a regular specified time.

C. The hearing committee shall consist of the director of public works and services, the town building inspector and the cross-connection supervisor. Additional inspectors or other technical persons may be added for a particular appeal, at the discretion of the director of public works and services.

D. Adequate information shall be provided by the applicant in order to fully describe the conditions in question.

E. The applicant may, but is not required to, personally attend the hearing committee meeting.

F. If an appeal is denied by the hearing committee, the applicant shall comply or appeal to the council within 10 days of a denial by the hearing committee. (Ord. 94-011, 1994; prior code § 16-11-14)

13.50.150 Violation a civil infraction.

It shall be a civil infraction punishable by a fine not to exceed \$1,000 for any person, enterprise or corporation to violate any of the requirements of this chapter. Each day any violation of any provision of this chapter or the failure to perform any act or duty required by this chapter continues shall constitute a separate offense. (Ord. 01-015 § 13, 2001; Ord. 94-011, 1994; prior code § 16-11-15)

13.50.160 Retroactive application.

A. The provisions of this chapter shall apply to all new water customers or users and all water customers or users existing prior to the enactment date of this chapter. Notwithstanding the foregoing, for multiple metered premises presenting only a pollution hazard as defined in Section [13.50.040](#) existing as of June 23, 1994, only one new or additional backflow prevention assembly shall be required to be installed within 18 months from the initial inspection notice and thereafter only one additional backflow assembly installation shall be required during any 12-month period. Noncompliance may result in discontinuance of water service without further notice.

B. Backflow prevention assemblies installed prior to June 23, 1994, and which do not comply with the requirements set forth herein, shall be replaced with assemblies which comply with the standards set forth herein, within 18 months from initial inspection notice.

C. The initial backflow assembly installation permit fee required by Section [13.50.170](#) shall be waived by Huachuca City Water for retrofit backflow prevention assemblies only.

D. Meters documented as running backwards or contamination conditions as defined in Section [13.50.040](#) shall be immediately addressed under the provisions of Section [13.50.130](#)(D). (Ord. 94-011, 1994; prior code § 16-11-16)

13.50.170 Fees.

The fee for any permit required pursuant to the terms of this chapter shall be established by resolution of the town council. (Ord. 01-015 § 13, 2001; Ord. 94-011, 1994; prior code § 16-11-17)

13.50.180 Backflow and cross-connection manual.

All information not specifically set forth in this chapter (Standard Details, etc.) will be a matter of public record and will be contained in the following document: Huachuca City Water Manual of Backflow Prevention and Cross-Connection Control Program. (Ord. 94-011, 1994; prior code § 16-11-18)

Chapter 13.55
WATER CONSERVATION AND PLUMBING REQUIREMENTS

Sections:

[13.55.010 Purpose and intent.](#)

[13.55.020 Outdoor water conservation requirements.](#)

[13.55.030 Educational programs and demonstration projects.](#)

[13.55.040 Plumbing requirements.](#)

Prior legislation: Ord. 94-001.

13.55.010 Purpose and intent.

A. The town council recognizes that the continuing use of the limited water resources within this region will have an impact upon both the groundwater and surface water resources of this region, and in particular upon the viability of the San Pedro River. The town and its residents further recognize that they have an obligation to use and to manage these water resources wisely and in a manner that will sustain these resources for future generations. Prudent use of the available water resources is necessary to protect the health, safety and well-being of this community and to avoid potential conflicts with applicable federal law.

B. This chapter is intended to apply on a multi-faceted basis to fulfill these purposes. It includes elements that are intended to limit the impacts of new and additional water uses in this area in a reasonable manner, to apply appropriate regulations that will improve the efficiency of new and remodeled facilities and to encourage the residents of the town to engage in conservation practices. (Ord. 14-08 § 1, 2014; prior code § 16-12-1)

13.55.020 Outdoor water conservation requirements.

A. Site plans, as required for a commercial or multi-family project, subdivision improvement plans and master development plans, shall include a description of and quantification of the proposed net water usage for all new artificial water features such as ponds, lakes, water courses, fountains and any other decorative water features. Any such features with more than a de minimis net water consumption of water other than harvested rainwater, shall not be approved unless they will fulfill some additional necessary purpose, such as the management or collection of water runoff, stormwater or recharge, and the developer demonstrates how any such feature will be consistent with the purpose and intent of this conservation chapter.

B. Site plans, as required for a commercial or multi-family project, subdivision improvement plans and master development plans, shall include a specific description of the landscaping plan with the locations of the species to be planted, the irrigation plan and an estimation of the proposed water usage for all proposed areas of turf and other irrigated vegetation. For subdivisions and multi-family projects, this analysis shall also include the estimated areas for all common and park space and for all residential yards that are not restricted to low water

use vegetation. The developer shall demonstrate how any such proposed irrigation usage will be consistent with the purpose and intent of this chapter. Irrigated turf shall not be allowed in new commercial development.

C. If a subdivision developer provides one or more model homes with any landscaping or yard improvements, at least one of any such model units shall include low water use, xeriscape-type landscaping as an option. If developer or builder-provided landscaping is offered to the buyer of a new home, low water use, xeriscape-type landscaping shall be included as one of the available options.

D. All new outdoor swimming pools and spas shall be equipped with a cover which shall be used when the pool or spa is not occupied to limit water loss due to evaporation.

E. New golf courses shall only be permitted upon a demonstration by the developer that the proposed course has been designed and will be maintained in a manner that is consistent with the best available low water use designs and practices; that treated effluent will be used to the fullest extent that it is available; that any ponds, lakes and artificial water features will only be used as a necessary component for water reclamation or re-use, recharge or stormwater control; that the course design will result in as little impact upon the natural topography and native vegetation as may be reasonably possible; and that the proposed course would be beneficial to the community and consistent with the purpose and intent of this chapter. Irrigated turf areas for golf courses shall not exceed an average of five acres per hole.

F. Water-impermeable ground covers or barriers, such as plastic, shall not be used on or under landscaping, mulch, or rock, unless the barrier is included as a component of an approved water collection or stormwater management plan. Permeable weed barriers are acceptable.

G. Landscaping and irrigated vegetation shall be installed and maintained in a manner that is consistent with the approved site plans for the project. All exposed soil shall be covered with not less than two inches of mulch material. Irrigation systems shall be installed with 30-day scheduling capacity and with rainfall shutoff devices which interrupt the delivery of irrigation water when effective rainfall is present. Irrigation systems shall be designed and installed to avoid runoff and overspray during operation.

H. Vegetation and landscaping within street medians, parking areas, common areas, conservation areas and open space areas shall meet the following requirements:

1. Irrigated turf shall only be allowed in common areas that are available for public use.
2. Irrigated turf shall not be allowed in areas that are eight feet wide or less.
3. Irrigated turf and high-water-use plants shall not be allowed on slopes that exceed 25 percent.
4. Irrigation systems on commercial property or commercially managed multi-family residential property shall include timers and rain sensors and shall be designed and managed to limit unnecessary runoff. (Ord.

14-08 § 1, 2014; prior code § 16-12-2)

13.55.030 Educational programs and demonstration projects.

A. The town shall support and implement, subject to the availability of funds, educational and demonstration programs to assist the residents of this community in reducing their usage of water. This may include, but shall not be limited to, programs to encourage the members of the public to avoid wasting water resources through such activities as the following:

1. Using alternative means, other than water, to clear off parking lots, driveways, sidewalks or other public spaces, except as may be necessary to alleviate an immediate health or safety concern;
2. Conducting outdoor irrigation in a manner and at a time that increases efficiency and limits the use of water;
3. Developing recommended lists and educational information on low-water-use trees and other plants that are well adapted to this area, and discouraging the use of plants that have high water demands;
4. Limiting the use of excessive or unnecessary amounts of water for consumption at public or private eating establishments; or
5. Otherwise using water resources in a more efficient manner.

B. The town will investigate and encourage various means of implementing successful water harvesting and conservation programs from other jurisdictions, including the University of Arizona Cooperative Extension Water Wise program. The town will also investigate and implement, subject to the availability of any necessary funds, the means to provide water conservation and wise water use practices on the town's public property, such as water harvesting and the more effective use of stormwater runoff.

C. The builder or developer of a new residential project shall provide the first owner/occupant with an operating manual that includes specific instruction for the efficient use, operation, and maintenance of all water consumptive appliances, irrigation and water delivery systems, pools and spas, as applicable.

D. If an irrigation system is installed, the builder shall provide the single-family homeowner and/or commercial site owners with an "as-built" drawing (i.e., schematic) of the system, an itemized list of irrigation components, copies of the irrigation schedules, and instructions on how to reprogram the schedule after the landscaping is established. (Ord. 14-08 § 1, 2014; prior code § 16-12-3)

13.55.040 Plumbing requirements.

The following water saving requirements are intended to be applied in connection with the provisions of the adopted plumbing code and shall be applicable to all new construction and to that portion of any remodeled or retrofitted commercial construction which includes any substantial replacement or remodeling of the systems or

fixtures described in this chapter.

A. Plumbing Standards.

1. Hot water pipes, including those in any recirculation system, shall be insulated with a minimum thermal resistance (R-value) of R-4.
2. Hot water systems shall be designed and shall include such components as may be necessary to deliver hot water at each demand point with no more than 0.6 gallons (2.3 liters) of water delivered prior to the delivery of hot water.
3. All new single-family residential construction shall include plumbing features that will be readily adaptable, accessible, and clearly marked to allow for the optional use of the “gray water” (aka “greywater”) to be produced by the residents, to be used as a source for outdoor irrigation, in the manner allowed by applicable law.
4. Water service pressure at the point of delivery for residential occupancies shall not exceed 60 pounds per square inch (psi). The building inspector is authorized to allow exceptions where circumstances beyond the control of the property owner may require a higher limit.

B. Plumbing Fixture Standards. Except as otherwise noted, the following designated plumbing fixtures and appliances shall either be “WaterSense” labeled fixtures, or shall meet or exceed the water conservation standard established for these types of fixtures through the WaterSense program. “WaterSense” is a program established by the U.S. Environmental Protection Agency which, among other matters, establishes criteria for water-efficient plumbing fixtures and maintains listings through the EPA website of the designated criteria and approved fixtures. For proposed fixtures or appliances which do not include the WaterSense label, the property owner or contractor shall have the obligation of demonstrating that the proposed fixture meets or exceeds these requirements. (Where flow rates are provided in parentheses, these represent maximums at the time of the adoption of this chapter, but may be subject to change as the WaterSense program efficiencies are improved.)

1. Toilets (1.28 gallons per flush (gpf)).
2. Flushing urinals (only for custodial cleaning) or non-water-using units.
3. Bathroom sink faucets and faucet accessories (1.5 gpm).
4. Kitchen sink faucets and accessories (2.2 gpm maximum).
5. Showerheads, single units. For shower compartments with multiple outlet units, including body sprays, rain systems, waterfalls, and jets, the total flow rate of water from all such outlets into the compartment shall not exceed 2.0 gpm.

6. Residential clothes washers, Energy Star qualified with a water factor equal or less than 6.0 gallons of water per cycle per cubic foot of capacity.
7. Commercial laundry facilities, including for-fee washing machines available to the public or residents of a multi-family housing development, Energy Star qualified with a water factor of 4.5 gallons per cubic foot of capacity or less.
8. Evaporative cooling systems for single-family residences shall use a maximum of 3.5 gallons (13.3 liters) of water per ton-hour cooling, when adjusted to maximum water use.
9. Water softener systems shall be certified to meet the standards of NSF/ANSI 44.
10. Drinking water treatment systems must be certified to yield at least 85 gallons of treated water for each 100 gallons of water processed.

C. Prohibited Plumbing Fixtures. The following designated types of plumbing fixtures and systems shall not be permitted in connection with any new or remodeled commercial or multi-family building or other facility. For purposes of this subsection, a "remodeled commercial or multi-family building or facility" would include any such structure or improvement in which these designated types of plumbing fixtures and systems were not already in place.

1. Outdoor air-cooling misters which release water or water vapor, reducing the apparent ambient temperature in that location.
2. Commercial car washing facilities, including dealerships, which do not include systems which recycle a minimum of 75 percent of the water used in the system.
3. Watering or irrigation systems that do not include rainfall shutoff devices, or other mechanisms that reduce or interrupt the delivery of water during effective rain events. (Ord. 14-08 § 1, 2014; prior code § 16-12-4)

**Title 14
SEWERS**

Chapters:

[14.05 Definitions](#)

[14.10 Rules and Regulations](#)

[14.15 Extension Policy](#)

[14.20 Department and Consumer Responsibilities](#)

[14.25 Use of Public Sewers](#)

Chapter 14.05 DEFINITIONS

Sections:

[14.05.010 Definitions.](#)

14.05.010 Definitions.

In this title, unless the context otherwise requires:

“B.O.D.” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade expressed in parts per million (ppm) in weight.

“Branch sewer” means a sewer which receives sewage from lateral sewers from a relatively small area.

“Building sewer or house sewer” means the extension from the building drain to the sewer connection or other place of disposal.

“Combined sewer” means a sewer receiving both surface runoff and sewage.

“Developer” means any person engaged in the organizing and financing of a sewage collecting system within an area tributary to a trunk sewer of the town sewer system. Such developer may be either a subdivider or a legally constituted improvement district.

“Garbage” means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

“Industrial wastes” means the liquid wastes from industrial processes as distinct from sanitary sewage.

“Lateral sewer” means a sewer which discharges into a branch or other sewer and has no other common sewer tributary to it.

“Main sewer” means a sewer which receives sewage from one or more branch sewers as tributaries.

“Natural outlet” means any outlet into a watercourse, ditch or other body of surface or groundwater.

“pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

“Properly shredded garbage” means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-fourth inch in any dimension.

“Public sewer” means a sewer controlled by a public authority.

“Sanitary sewer” means a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

“Sewage” means a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments together with such ground, surface and storm waters as may be present.

“Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.

“Sewage works” means all facilities for collecting, pumping, treating and disposing of sewage.

“Sewer connection” means the connection to the public sewer and the extension therefrom of the sewer to the property line at the alley or the curb line of the street, whichever is applicable, depending on the location of the public sewer.

“Sewer department” means those officers and agents of the town supervising sewer operations for the town.

“Storm sewer or storm drain” means a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.

“Trunk sewer” means a sewer which receives sewage from many tributary main sewers and serves as an outlet for a large territory.

“Watercourse” means a channel in which a flow of water occurs either continuously or intermittently. (Prior code § 12-1)

Chapter 14.10
RULES AND REGULATIONS

Sections:

[14.10.010 Application for service.](#)

[14.10.020 Guarantee deposit.](#)

[14.10.030 Minimum charges, taxes and rates.](#)

14.10.010 Application for service.

No sewer connection connecting the town sanitary sewer system to any consumer shall be made by any person or the town except upon written application furnished to the town by the owner of the premises to which sanitary sewer service is to be furnished or his authorized agent. A monthly rental charge will be made for such sanitary sewer connection according to the rates fixed by the town until the service is discontinued by order of the sewer department or written order of the owner or his authorized agent. (Prior code § 12-2-1)

14.10.020 Guarantee deposit.

A. A deposit not in excess of \$25.00 shall be required of a user. Such deposit shall be retained by the sewer department as security for payment of future sanitary sewer rental fees until such service is terminated.

B. The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.

C. A separate deposit may be required for each sewer connection.

D. The guarantee deposit receipt is not negotiable and can be redeemed only at the town offices.

E. Where the sewer department finds that the request for refund of a guarantee deposit is questionable, the sewer department may require the applicant for refund to produce the deposit receipt properly endorsed.

F. Upon discontinuance of sanitary sewer service for nonpayment of bills or at the request of the consumer, the guarantee deposit shall be applied by the sewer department toward settlement of the final account of the consumer, and any excess remaining shall be refunded to the consumer. (Ord. 19-09 § 1, 2019; Ord. 01-015 § 9, 2001; prior code § 12-2-2)

14.10.030 Minimum charges, taxes and rates.

A. The initial or minimum charge, as provided in the sewer rate schedule in subsection E of this section, shall be made for each sanitary sewer connection regardless of location.

B. For service to trailer courts, campgrounds, auto courts or multiple unit dwellings the minimum monthly charge shall be the initial charge for one connection (proprietor or manager's unit) plus a fee as indicated on the rate

schedule for each trailer. The monthly bill will be based on each occupied trailer. Where a trailer is occupied for part of a month, the rate will be apportioned for each full week of occupancy.

C. In addition to the collection of the regular rates established by the sewer rate schedule, the sewer department may collect from the consumer a proportionate share of any privilege, sales or use tax levied or imposed by any governmental authority upon the gross revenues received by the sewer department from such service.

D. If service is to be established at the same service location for a consumer who has there ordered a service connection within the preceding 12-month period or for any member of such consumer’s household, a nonrefundable charge of \$25.00 will be required as a precondition to the establishment of such service. Any prior town utility bill arrears must be paid in full before new service may be established.

E. The following monthly rates shall be charged to users of the town sewer system:

<p>Residential Sewer Rates</p> <p>For calendar year 2019 residential sewer fees are set as described below. Beginning January 1, 2020, residential sewer fees (monthly service charge and all progressive tiers) will be increased 3% automatically every January 1st annually.</p>
<p>Calculation of Residential Sewer Bills</p> <p>All residential sewer customers will pay the monthly service charge and pay the amount per progressive tier in which they use sewer. Also the rate set for Progressive Tier K shall increase by the Progressive Tier K amount for every 1,000 gallons used. Example: A residential sewer customer using 15,000 gallons monthly would pay: monthly service charge, tier charges for all Progressive Tiers A – K and the Progressive Tier K rate for 12,000,</p>

13,000, 14,000 and 15,000 gallons.	
Infrastructure Reimbursement Fee	
Beginning April 1, 2019, there will be an infrastructure reimbursement fee of \$0.000104 per gallon of sewer produced. This per gallon rate will be the same per gallon for 1 gallon or 100,000 gallons. This reimbursement fee will be paid until April 1, 2026, to the general fund when it will expire.	
Monthly Service Charge	\$18.00
Progressive Tier A 1 – 1,999 Gallons	\$2.00
Progressive Tier B 2,000 – 2,999 Gallons	\$2.25
Progressive Tier C 3,000 – 3,999 Gallons	\$2.50
Progressive Tier D 4,000 – 4,999 Gallons	\$2.50
Progressive Tier E 5,000 – 5,999 Gallons	\$2.50
Progressive Tier F 6,000 – 6,999 Gallons	\$2.50
Progressive Tier G 7,000 – 7,999 Gallons	\$3.00
Progressive Tier H 8,000 – 8,999 Gallons	\$3.00
Progressive Tier I 9,000 – 9,999 Gallons	\$3.00
Progressive Tier J 10,000 – 10,999 Gallons	\$3.00
Progressive Tier K 11,000 – Ceiling Gallons	\$4.00

Commercial Sewer Rates

For calendar year 2019 commercial sewer fees are set as described below. Beginning January 1, 2020, commercial sewer fees (monthly service charge and all progressive tiers) will be increased 3% automatically every January 1st annually.

Calculation of Commercial Sewer Bills

All commercial sewer customers will pay the monthly service charge and pay the amount per progressive tier in which they use sewer. Also the rate set for Progressive Tier K shall increase by the Progressive Tier K amount for every 1,000 gallons used. Example: A commercial sewer customer using 15,000 gallons monthly would pay: monthly service charge, tier charges for all Progressive Tiers A – K and the Progressive Tier K rate for 12,000, 13,000, 14,000 and 15,000 gallons.

Infrastructure Reimbursement Fee

Beginning April 1, 2019, there will be an infrastructure reimbursement fee of \$0.000104 per gallon of sewer produced. This per gallon rate will be the same per gallon for 1 gallon or 100,000 gallons. This reimbursement fee will be paid until April 1, 2026, to the general fund when it will expire.

Monthly Service Charge	\$22.00
Progressive Tier A 1 – 1,999 Gallons	\$4.00
Progressive Tier B 2,000 – 2,999 Gallons	\$4.25
Progressive Tier C 3,000 – 3,999 Gallons	\$4.50
Progressive Tier D 4,000 – 4,999 Gallons	\$4.50
Progressive Tier E 5,000 – 5,999 Gallons	\$4.50
Progressive Tier F 6,000 – 6,999 Gallons	\$4.50
Progressive Tier G 7,000 – 7,999 Gallons	\$5.00
Progressive Tier H 8,000 – 8,999 Gallons	\$5.00
Progressive Tier I 9,000 – 9,999 Gallons	\$5.00
Progressive Tier J 10,000 – 10,999 Gallons	\$5.00
Progressive Tier K 11,000 – Ceiling Gallons	\$6.00

F. The above schedule shall apply to all sewer connections served by the town and said schedule shall apply to all future extensions unless and until such schedule be amended or changed by the council.

G. All fees for sewer service will be included on the utility bill including water, garbage and sewer service and are payable by the fifteenth day of the month next following the month of consumption at Town Hall, and no demand for the payment of the same need be made by the department, but each consumer shall be responsible for the payment thereof, at the proper place and time. If not paid by such date, a penalty of 10 percent of total billing shall be added on account of such nonpayment. If payment of the total bill plus the penalty charge is not made before 10:00 a.m. of the twenty-fourth day of the month next following the month of consumption, the town shall give notice to the consumer that unless charges are paid the water meter will be disconnected. Such notice

shall provide the customer the opportunity for a hearing before the town clerk.

The notice shall advise the customer that he has five business days after the notice has been mailed to make a written request to the town clerk for such a hearing. The purpose of the hearing shall be to determine if there is a good cause for the customer not to pay the bill. If, after such notice and hearing, the town clerk determines there is not good cause and the customer continues to fail in paying charges, the water meter will be disconnected, the customer's account closed by deducting from the customer's deposit the total amount of the bill, including penalties, up to the time of disconnection of the meter. The customer may appeal the decision of the town clerk to the mayor and common council by giving written notice thereof and by posting with the town clerk an amount equal to the amount due for the customer's water bill. During the appeal procedure, the customer shall be entitled to continued service provided all bills are kept current. Balance of deposit, if any, remains to customer's credit. Reconnection charge shall be \$5.00, payable in addition to a new deposit, as hereinabove provided.

H. In case any prescribed payment date falls on any nonbusiness day, the effective day of payment, as set forth above, shall be deemed to be the day following such Sunday or legal holiday. All services furnished the town or any public buildings shall be charged to the appropriate department, and the sewer department shall account for all services whether to the town or any person or corporation. (Ord. 19-09 §§ 2 – 4, 2019; Ord. 14-04 § 2, 2014; Ord. 08-09, 2008; Ord. 01-015 § 9, 2001; Ord. 95-004, 1995; Ord. 94-006, 1994; Ord. 90-04, 1990; Ord. 89-05, 1989; prior code § 12-2-3)

Chapter 14.15 EXTENSION POLICY

Sections:

[14.15.010 Plans, specifications and construction.](#)

[14.15.020 Area to be served.](#)

[14.15.030 Costs of extension.](#)

[14.15.040 Charges.](#)

[14.15.050 Ownership.](#)

14.15.010 Plans, specifications and construction.

A developer who wishes to extend sewer facilities must employ a civil engineer registered in Arizona to perform the field engineering and prepare detailed plans and specifications for the sewer extension. The final detailed plans and specifications for the main sewer extension must be approved by the Arizona State Department of Health Services and by the council before construction begins. The design and engineering will be in accordance with the specifications of the Arizona State Department of Health Services and the town prior to construction. The construction shall meet the town's specifications, requirements and approval and will be subject to inspection by the town's agents during construction. Subject to the provisions of this title, the town agrees to permit the developer to connect into the town's existing trunk sewer lines and the main sewer line to be constructed by the developer herein provided. Individual lines shall be not less than four-inch lines or larger if determined by the sewer department and a cleanout must be installed not less than one on any line with a turn equal to 22.5 degrees or more. (Ord. 89-05, 1989; prior code § 12-3-1)

14.15.020 Area to be served.

The maximum area to be served by the proposed main sewer line and its ultimate branches and laterals shall be determined by the town engineer based on local drainage conditions. In the event that the area to be serviced by the developer is lesser in size than the maximum area to be serviced by the proposed main sewer line and its ultimate laterals, such main sewer line shall be designed, engineered and constructed to serve the maximum area described. Should other parties in the service area desire to join with the developer in constructing the proposed main sewer line, this agreement will be considered as including such additional parties. (Prior code § 12-3-2)

14.15.030 Costs of extension.

The developer shall pay the costs for utility extension using one of the following three options:

A. Option I. The developer shall pay in full for the rights-of-way, the construction and installation of the lines, pipes and mains and all other features for the extension.

B. Option II.

1. The construction costs of the extension shall be determined and agreed upon prior to commencement of construction after the developer has submitted a cost breakdown to the town engineer. The engineering costs incurred by the developer for the preparation of plans and staking of the main sewer only may be included in the agreed construction cost. Costs of lateral and branch sewers and their appurtenances will not be included in the agreed construction cost or in the main sewer project agreement. The town reserves the right to reject the developer's cost breakdown if it is in appreciable variance with the town's estimate.

2. In the event that the area to be serviced by the developer is the entire area described herein as the maximum service area, then the developer will pay in full for the construction cost and will not be eligible for repayment. In the event that the area to be serviced by the developer is lesser in size than the maximum area to be serviced by the proposed main sewer line and its ultimate branches and laterals, the town agrees to enter into an agreement with any party desirous of obtaining a connection to said main sewer line. Such agreement will establish a just, equitable and reasonable charge to permit such a connection, such charge to be made on a cost per acre basis of the area to be served, using the heretofore agreed main sewer line construction cost and maximum service area acreage to determine the cost per acre. The amount of the connection charge will be paid to the town who agrees to repay said amount to the developer, the total of such repayments not to exceed that portion of the agreed construction cost of the main sewer line allotted to acreage outside the service area of the developer.

3. In no way is any such agreement to be construed as including any branch or lateral sewer within the service area.

C. Other options may be negotiated by the developer and the mayor and common council. (Ord. 01-015 § 9, 2001; prior code § 12-3-3)

14.15.040 Charges.

Any connection charge will not affect the right of the town to assess its regular tax charges and sewage rental charges against the owners of property within the developer's area. Building or house connection charges shall be paid to the town at the prevailing rate and are not refundable. (Ord. 01-015 § 9, 2001; prior code § 12-3-4)

14.15.050 Ownership.

The town shall have exclusive control of connections to the proposed main sewer line, and, upon its completion, the aforesaid main line shall become and be the property of the town. Except as otherwise herein provided, all provisions of the town code and ordinances or amendments thereto applicable to sewer services including all charges therefor shall apply to services in the proposed area. (Prior code § 12-3-5)

Chapter 14.20
DEPARTMENT AND CONSUMER RESPONSIBILITIES

Sections:

[14.20.010 Sewer department responsibilities and liabilities.](#)

[14.20.020 Consumer responsibility.](#)

[14.20.030 Interference with water department, sewer department or building inspector – Digging up streets without permit.](#)

[14.20.040 Unsanitary disposal of excrement prohibited.](#)

[14.20.050 Private sewage systems.](#)

[14.20.060 Tampering with equipment prohibited.](#)

[14.20.070 Permit required.](#)

[14.20.080 Application.](#)

[14.20.090 Inspection and approval by sewer department or building inspector.](#)

[14.20.100 Records to be kept by sewer department.](#)

[14.20.110 Fees.](#)

14.20.010 Sewer department responsibilities and liabilities.

A. The sewer department shall not be responsible for the installation, maintenance or inspection of the consumer's service line piping or apparatus or for any defects therein.

B. The sewer department shall have the right to refuse service unless the consumer's lines or piping are installed in such manner as to prevent cross-connections or backflow.

C. Under normal conditions, the consumer shall be notified of any anticipated interruption of service.

D. The sewer department shall not be responsible for the negligence of third persons or forces beyond the control of the sewer department resulting in any interruption of services or damage to the property of the consumer.

E. The sewer department may refuse service to any prospective consumer when the capacity of the sewer system will not permit additional loads being placed thereon.

F. Sewer system tampering shall carry a fee of \$250.00 for the first occurrence and \$500.00 for the second occurrence. (Ord. 19-09 § 5, 2019; prior code § 12-4-1)

14.20.020 Consumer responsibility.

A. Building or house sewer connections on the consumer's premises shall be so arranged as to provide service to one lot. If additional service is required it will be considered as a separate and individual account.

B. The consumer's house or building service line, sewer connection and apparatus shall be installed and maintained by the consumer, at the consumer's expense, in a safe and efficient manner and in accordance with the sewer department's rules and regulations and in full compliance with the regulations of the State Department of Health Services.

C. The consumer shall safeguard the sewer department's property placed on the consumer's premises and shall permit access to it only by the authorized representatives of the sewer department.

D. In the event that any loss or damage to the property of the sewer department or any accident or injury to persons to property is caused by or results from the negligence or wrongful act of the consumer, his agents or employees, the cost of necessary repairs or replacements shall be paid by the consumer to the sewer department and any liability otherwise resulting shall be assumed by the consumer. The amount of such loss or damage or the cost of repairs may be added to the consumer's bill, and, if not paid, service may be discontinued by the sewer department.

E. The sewer department may discontinue its service without notice for the following additional reasons:

1. To prevent fraud or abuse.

2. The consumer's willful disregard of or refusal to comply with this title or other rules as may be adopted by the council.

F. Prior to discontinuing service pursuant to this section, the town shall provide notice to the consumer. Such notice shall provide the customer the opportunity for a hearing. If after such notice or hearing, the customer fails to pay the charges, the water meter will be disconnected, the customer's account closed by deducting from the customer's deposit the total amount of the bill, including penalties, up to the time of the disconnection of the meter.

G. When service to a consumer shall require the laying of any town sewer lines or the installation of any other town property on, under, across or over the consumer's property, the consumer will grant to the town an easement, right-of-way or license for such installation. (Ord. 01-015 § 9, 2001; prior code § 12-4-2)

14.20.030 Interference with water department, sewer department or building inspector – Digging up streets without permit.

It is unlawful for any person:

- A. To interfere in any way with the officers of the town water department, sewer department or the building inspector in the discharge of any of their duties, either in the tapping of any sewer pipe, main or lateral belonging to the town or in the laying or connecting of such pipe, main or lateral.
- B. To dig up or cause to be dug up any street or alley in the town for the purpose of connection with the sewer system of the town without first obtaining a permit from the sewer department.
- C. Who, having a permit to dig up any portion of any street or alley of the town for the purpose of connecting with the sewer system of the town, fails or neglects to place the street or alley in its original condition under the supervision of the sewer department and as required by it. (Prior code § 12-4-3)

14.20.040 Unsanitary disposal of excrement prohibited.

It is unlawful for any person to deposit or permit to be deposited in an unsanitary manner upon public or private property within the town or in any area under the jurisdiction of the town any human or animal excrement or other objectionable waste. (Prior code § 12-4-4)

14.20.050 Private sewage systems.

- A. Compliance with Title. Except as provided in this title, it is unlawful to construct or maintain within the town any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- B. When Permitted – Sanitation. Where a public sanitary or combined sewer is not available within the town or in any area under the jurisdiction of the town, the building sewer shall be connected to a private sewage disposal system, which complies with the regulations of the State Department of Health Services. Such private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner.
- C. Discontinuance. Within 90 days after a public sewer becomes available within 300 feet of any property served by a private sewage disposal system, a direct connection shall be made to the public sewer in accordance with the provisions of this title, and any septic tanks, cesspools and similar private sewage facilities shall be abandoned and filled with suitable material. (Prior code § 12-4-5)

14.20.060 Tampering with equipment prohibited.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. (Prior code § 12-4-6)

14.20.070 Permit required.

No authorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the sewer department. (Prior code § 12-4-7)

14.20.080 Application.

Upon issuance of a required permit to any person, each and every permit issued shall be presented by the person to the sewer department and application made for the building connection. (Prior code § 12-4-8)

14.20.090 Inspection and approval by sewer department or building inspector.

No building sewer will be connected to the building connection until it has been inspected and approved by the sewer department or building inspector. (Prior code § 12-4-9)

14.20.100 Records to be kept by sewer department.

The sewer department shall keep a record of all building connections made and the purpose for which they are to be used together with the name of the owner of the property, his agent or representative. (Prior code § 12-4-10)

14.20.110 Fees.

A fee of \$200.00 shall be charged for connection of each residential dwelling unit to the town sewer system. A fee of \$300.00 shall be charged for connection of each commercial business unit to the town sewer system. Apartments or multi-family housing shall be charged an initial connection fee of \$300.00 plus an additional \$200.00 for each dwelling unit. (Ord. 01-015 § 9, 2001; Ord. 89-05, 1989; Ord. 85-07, 1985; prior code § 12-4-11)

**Chapter 14.25
USE OF PUBLIC SEWERS**

Sections:

[14.25.010 Prohibited substances.](#)

[14.25.020 Interceptors required.](#)

[14.25.030 Authority of sewer department.](#)

[14.25.040 Preliminary treatment.](#)

[14.25.050 Manholes.](#)

[14.25.060 Tests and analyses.](#)

[14.25.070 Special agreements with industrial concerns.](#)

14.25.010 Prohibited substances.

A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

B. Except as provided in this section no person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:

1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
2. Any water or waste which may contain more than 50 parts per million by weight of fat, oil or grease.
3. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
4. Any garbage that has not been properly shredded.
5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, grits such as brick, cement, onyx, carbide or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer works.
6. Any waters or wastes having a pH lower than five and one-half or higher than nine or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or

interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

9. Any noxious or malodorous gas or substance capable of creating a public nuisance. (Prior code § 12-5-1)

14.25.020 Interceptors required.

A. Grease, oil and sand interceptors shall be provided when, in the opinion of the sewer department, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units.

B. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

C. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Prior code § 12-5-2)

14.25.030 Authority of sewer department.

The admission into the public sewers of any waters or waste having any of the following characteristics shall be subject to the review and approval of the sewer department:

A. A five-day biochemical oxygen demand greater than 300 parts per million by weight.

B. Containing more than 350 parts per million by weight of suspended solids.

C. Containing any quantity of substance having the characteristics described in Section [14.25.010](#).

D. Having an average daily flow of greater than two percent of the average daily sewage flow of the town. (Prior code § 12-5-3)

14.25.040 Preliminary treatment.

A. Required. Where necessary in the opinion of the sewer department, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

1. Reduce the BOD to 300 parts per million and the suspended solids to 350 parts per million by weight.

2. Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section [14.25.030](#).

3. Control the quantities and rates of discharge of such waters or wastes.

B. Approval. Plans and specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the sewer department and the engineering division of the Arizona Department of Health Services. No construction of such facilities shall be commenced until such approvals are obtained in writing.

C. Maintenance of Facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Prior code § 12-5-4)

14.25.050 Manholes.

When required by the sewer department, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation and sampling of wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the sewer department. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. (Prior code § 12-5-5)

14.25.060 Tests and analyses.

All tests and analyses of the characteristics of waters and wastes to which reference is made in Sections [14.25.010](#), [14.25.030](#) and [14.25.040](#) shall be determined in accordance with "standard methods for examination of water and sewage," and shall be determined at the control manhole provided for in the preceding section or upon suitable samples taken at such control manhole. (Prior code § 12-5-6)

14.25.070 Special agreements with industrial concerns.

No statement contained in this title shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor by the industrial concern. (Prior code § 12-5-7)

**Title 15
BUILDINGS AND CONSTRUCTION**

Chapters:

[15.05 Building Code](#)

[15.10 Residential Code](#)

[15.15 Electrical Code](#)

[15.20 Existing Building Code](#)

[15.25 Plumbing Code](#)

[15.30 Dangerous Buildings Code](#)

[15.35 Mechanical Code](#)

[15.40 Energy Conservation Code](#)

[15.45 Uniform Housing Code](#)

[15.50 Fire Code](#)

[15.55 Property Maintenance Code](#)

[15.60 Plan Review](#)

[15.65 Building Permit Fees](#)

[15.70 Fences](#)

[15.75 Floodplain Management](#)

[15.80 Violations and Penalties](#)

**Chapter 15.05
BUILDING CODE**

Sections:

[15.05.010 Adoption of International Building Code, 2012 Edition.](#)

[15.05.020 Amendments.](#)

[15.05.030 Must conform to zoning ordinance.](#)

[15.05.040 Arizonans with Disabilities Act.](#)

[15.05.050 Standard specifications.](#)

15.05.010 Adoption of International Building Code, 2012 Edition.

That certain code entitled "International Building Code," 2012 Edition, with supplements, is hereby adopted and made a part of this chapter the same as though said code was specifically set forth in full herein with the following exception:

A. Raise the required fence enclosure height around a newly constructed swimming pool or spa from 48 inches to 60 inches, measured from the outside of the fence.

At least three copies of said code shall be filed in the office of the clerk and kept available for public use and inspection. (Ord. 15-01 § 1, 2015; Ord. 08-14, 2009; Ord. 06-01, 2006; Ord. 03-003, 2002; Ord. 97-007, 1997; Ord. 96-001, 1996; Ord. 94-013, 1994; prior code § 8-1-1-A)

15.05.020 Amendments.

The following provisions of the International Building Code, 2012 Edition, as published by the International Code Council, Inc., are hereby amended as follows:

A. At Section 101.1, Title, revise wording as follows:

These regulations shall be known as the Building Code of the Town of Huachuca City, hereinafter referred to as "this code."

B. At Section 101.2, Scope, Exception, revise wording as follows:

Exception: Detached one and two family dwellings and multiple family dwellings (town houses) not more than 2 stories high or more than 30 feet tall with separate means of egress and their accessory structures may comply with the 2012 edition of the International Residential Code.

C. At Section 101.2.1, Appendices:

The following appendices of the 2012 International Building Code shall be specifically adopted:
Appendix C Group U—Agricultural Buildings, Appendix E Supplementary Accessibility Requirements,
Appendix J Grading and Appendix K Administrative Provisions.

D. At Section 103.1, Creation of Enforcement Agency, revise wording as follows:

Enforcement Agency. There exists a Building Inspection Department. The code official in charge thereof shall be known as the building official.

E. At Section 105.2, Work Exempt from Permit, delete items 1, 2 and 4, and renumber the remaining items 1 through 11.

F. At Section 107.3.1, Approval of Construction Documents, delete the following wording: “as Reviewed for Code Compliance.”

G. At Section 109.2, Schedule of Permit Fees, revise wording as follows:

Schedule of Permit Fees: On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, fees for each permit shall be paid as required and outlined as follows:

H. At Section 109.2, Schedule of Permit Fees, insert:

Subsection 109.2.1 – Permit Fees. Permit fees due shall reflect the fee schedule established by the Town.

I. At Section 109.2, Schedule of Permit Fees, insert:

Subsection 109.2.2 – Plan Review Fees. When a plan review is required for a project, the plan review fee shall reflect the fee schedule established by the Town and shall be collected at the time of document submittal and before any review of such documents by the building official commences.

J. At Section 109.2, Schedule of Permit Fees, insert:

Subsection 109.2.3 – Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for by the building official are not made. Fees for investigations and work without a permit shall reflect the fee schedule established by the Town.

This subsection is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as a tool for controlling the practice of calling for inspections before the job is ready for such inspections or reinspections.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise

available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from the plans requiring approval of the building official.

To obtain a reinspection, the applicant shall pay the reinspection fee as set forth in the fee schedule adopted by the Town. If the Town has assessed a reinspection fee against an applicant, no additional inspection of the work will be performed until the required fees have been paid.

K. At Section 113.1, General, insert the following after the first sentence:

In the absence of an appointed board of appeals, all appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard and decided by the Town Board of Adjustment.

L. At Section 113.3, Qualifications, delete the entire section.

M. At Section 406.3.3, Garages and Carports, revise the first paragraph to read:

Carports of combustible construction and garages shall comply with the provisions of this section for separation and opening protection. Carport and garage floor surfaces shall be of approved noncombustible material.

N. At Section 406.3.4(1), Separation, change all references of 1/2-inch gypsum board to 5/8-inch Type X gypsum board. Revise the second paragraph to read:

Garages beneath habitable rooms above by not less than two layers of 5/8-inch Type X gypsum board.

At the end of this section, insert:

Doors providing opening protection shall be maintained tight-fitting, self-closing and self-latching. Windows are not permitted in the separation wall. All walls supporting the fire-resistance rated ceiling shall be protected with 5/8-inch Type X gypsum board.

O. At Section 406.3.4(3), Separation, revise wording to read:

Refer to Section 714 for protection of other through or membrane penetrations.

P. At Section 406.3.4, Separation, insert:

Subsection 406.3.4(4) – Attic access opening. The attic access opening protection supports shall be of noncombustible material. Where a pull-down ladder is installed it shall be a fire-rated ladder assembly.

Q. At Section 708.1, General, insert number 6 to read as follows:

Walls separating tenant spaces.

R. At Section 711, Horizontal Assemblies, insert:

Subsection 711.10 – Garage and Dwelling Unit Separation. Floor/ceiling assemblies providing a garage and dwelling unit separation shall be protected by not less than two layers of 5/8-inch Type X gypsum board or equivalent applied on the ceiling.

S. At Section 718.2.1, Fireblocking Materials, insert subsection 718.2.1.6 to read as follows:

Batts, blankets of mineral wool, mineral fiber, unfaced fiberglass or any loose fill insulation shall not be used as fireblocking unless specifically detailed on the construction documents and demonstrated to the building official its ability to remain in place and to retard the spread of fire and hot gases, otherwise, a rigid material shall be used complying with Section 718.2.1.

T. At Section 903.2, Where Required, delete the entire section (to include all subsections) and replace with a new Section 903.2 entitled, "Where Required" to read as follows:

Automatic fire sprinkler systems shall be provided in the locations described in this Section.

U. At Section 903.2, Where Required, insert the following subsections:

903.2.1, General. Unless expressly covered by one of the exceptions set forth below, an approved automatic fire sprinkler system shall be installed in all buildings and structures located within the Town. Installation of fire sprinkler systems shall be performed by an Arizona State licensed Fire Protection contractor.

Exception 1: Automatic fire sprinklers are not required in Group U occupancies.

Exception 2: Automatic fire sprinklers are not required for buildings or structures which were constructed and in use prior to January 8, 2009. This exception shall not apply if, after such date there is a discontinuation of use for a period of twelve (12) months, there is in the opinion of the Fire Chief, a change in use to a less restrictive use or there is an enlargement or structural alteration of the building or structure.

Exception 3. In addition to the general authority granted to the Town pursuant to Section 104.9, the Fire Chief shall have discretion to exempt other facilities from automatic fire sprinkler requirements where the size, intended use, and extent of use of that facility does not warrant the installation of fire sprinklers and alternate methods to secure public safety are provided. Such other facilities may include, but are not limited to: 1) unenclosed structures which are less than three thousand (3,000)

square feet in size, at least fifty (50) percent open on the sides and used to protect humans, animals, or property from the sun or elements; 2) structures which are less than three hundred (300) square feet in size used to monitor access to a larger facility, site, or area; 3) structures temporarily used for a period not to exceed two (2) years for onsite storage or maintenance purposes provided that the structure is not used for Group A, E, H, or I occupancies; and 4) mini self-storage units comprising a single building or group of buildings where primary or principal use of the facility is for storage.

Section 903.2.2, Special Amusement Buildings. Special amusement buildings shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. When the special amusement building is temporary, the sprinkler water supply shall be of an approved temporary means.

Exception: An automatic sprinkler system is not required where the total floor area of a temporary amusement building is less than 1000 square feet and the travel distance from any point to an exit is less than 50 feet.

V. At Section 903.3.1.1.1, Exempt Locations, delete (in its entirety) Item #4.

W. At Section 903.3.1.2.1, Balconies, delete everything after the first sentence.

X. At Section 903.3.5, Water Supplies, delete (in its entirety) the second sentence.

Y. At Section 903.4, Sprinkler System Monitoring and Alarms, insert Exception 8 to read as follows:

Exception 8. Underground key or hub valves in roadways boxes provided by the municipality or public utility are not required to be monitored.

Z. At Section 903.4.1, Monitoring, delete Exception 1 (in its entirety). Exception 2 is hereby renumbered as Exception 1 and revised by replacing the word "test" with the word "shutoff."

AA. At Section 904.11.2, System Interconnection, insert the following at the end of the first sentence:

... and to all electrical receptacles located within the perimeter of the protected exhaust hood.

BB. At Section 1006.3, Emergency Power for Illumination, insert number 6 to read:

Toilet rooms other than single use toilet rooms.

CC. At Section 1006.3, Emergency Power for Illumination, insert number 7 to read:

Interior electrical service rooms.

DD. At Section 1008.1.10, Panic and Fire Exit Hardware, revise wording as follows:

Doors serving a Group H occupancy and all other occupancy groups not covered by item 2 in Section 1008.1.9.3 serving rooms or spaces with an occupant load of 50 or more shall not be provided with a latch or lock unless it is panic hardware or fire exit hardware.

EE. At Section 1009.9.3, Enclosures Under Interior Stairways, at the exception, change reference to "1/2-inch" to read "5/8-inch Type X."

FF. At Section 1612.3, Establishment of Flood Hazard Areas, insert "Town of Huachuca City" for the name of the jurisdiction and "8-08" for the Date of Issuance.

GG. At Table 2304.9.1, Fastener Requirements, insert Line Item #35 – Connection:

Story to story tie at 48" o.c. by minimum 18 gauge strap with minimum 9" lap on studs. Fastening: per schedule in manufacturer's installation instructions, or continuous sheathing with minimum 9" lap on studs.

HH. At Section 2406.3, Identification of Safety Glazing, delete the last sentence of the first paragraph and the following two exceptions.

II. At Section 2902.2, Separate Facilities, insert Exception 4 to read:

In existing building occupancies, one public/employee restroom is permitted where the occupant load does not exceed 50 other than M occupancies, where the occupant load does not exceed 100 provided that the one restroom for all occupancies is code compliant with ICC A117.1 – 2009. Where it is technically infeasible to comply with the new construction standards, the above shall conform to the requirements to the maximum extent technically feasible.

(Ord. 16-01 § 2, 2016; Ord. 09-01 (Exh. A), 2009; prior code § 8-1-1-A)

15.05.030 Must conform to zoning ordinance.

Whenever a building permit is issued and a building inspection performed, such building must conform to the provisions of the zoning ordinance of Huachuca City in addition to the provisions of the Uniform Building Code. (Prior code § 8-1-2)

15.05.040 Arizonans with Disabilities Act.

A. Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act) and its implementing rules, including "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" declared a public record by Resolution No. 96-015, as applying to public entities, are hereby adopted and incorporated as an amendment to the Uniform Building Code adopted in this chapter and made part thereof as though fully set forth therein. At least three copies of said amendment shall be filed in the office of the clerk and kept available for public use and inspection. Such standards and specifications

shall apply to new construction and alterations and are not required in buildings or portions of existing buildings that do not meet the standards and specifications.

B. Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act) and its implementing rules, including “Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities” declared a public record by Resolution No. 96-015, as applying to public accommodations and commercial facilities, are hereby adopted and incorporated as an amendment to the Uniform Building Code adopted in this chapter and made a part thereof as though fully set forth therein. At least three copies of said amendment shall be filed in the office of the clerk and kept available for public use and inspection. Such standards and specifications shall apply to new construction and alterations commenced after September 3, 1996. (Ord. 96-11, 1996; prior code § 8-1-3)

15.05.050 Standard specifications.

That certain document entitled “The Uniform Standard Specifications for Public Works Construction from the Maricopa Association of Governments, 1979,” three copies of which are on file in the office of the clerk be and the same are hereby referred to, adopted and made a part hereof as though fully set out in this chapter. (Prior code § 8-8)

Chapter 15.10 RESIDENTIAL CODE

Sections:

[15.10.010](#) **Adopted.**

[15.10.020](#) **Amendments.**

15.10.010 Adopted.

That certain code entitled “International Residential Code for One and Two-Family Dwellings” and amendments thereto, 2012 Edition, as copyrighted by International Code Council, Inc., is hereby adopted as the “Residential Building Code of Huachuca City” and made a part of this title the same as though said code was specifically set forth in full herein. (Ord. 16-03 § 2, 2016; Ord. 08-14, 2009; Ord. 06-01, 2006; Ord. 03-003, 2002; prior code § 8-1-1-B)

15.10.020 Amendments.

The following provisions of the International Residential Code, 2012 Edition, as published by the International Code Council, Inc., are hereby amended as follows:

A. At Section R101.1 Title, revise wording as follows:

These provisions shall be known as the Residential Code for One and Two Family Dwellings of the Town of Huachuca City, and shall be cited as such and will be referred to herein as “this code.”

B. At Section R102.5 Appendices:

The following appendices of the 2012 International Residential Code shall be specifically adopted: Appendix A Sizing and Capacities of Gas Piping; Appendix B Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use with Type B Vents; Appendix C Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems; Appendix D Recommended Procedures for Safety Inspection of an Existing Appliance Installation; Appendix G Swimming Pools, Spas and Hot Tubs (as amended); Appendix J Existing Buildings and Structures; Appendix K Sound Transmission.

C. At Section R105.2, Work Exempt from Permit, delete items 1, 3, and 10 and renumber the remaining items 1, 2, ...

D. At Section R106.3.1, Approval of Construction Documents, delete following wording: “which states REVIEWED FOR CODE COMPLIANCE.”

E. At Section R108.2, Schedule of Permit Fees, revise wording as follows:

Schedule of Permit Fees: On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, fees for each permit shall be paid as required and outlined as follows:

F. At Section R108.2, Schedule of Permit Fees, insert subsection:

R108.2.1 – Permit Fees. Permit fees due shall reflect the fee schedule established by the Town.

G. At Section R108.2, Schedule of Permit Fees, insert subsection:

R108.2.2 – Plan Review Fees. When a plan review is required for a project, the plan review fee shall reflect the fee schedule established by the Town and shall be collected at the time of document submittal and before any review of such documents by the building official commences.

H. At Section R108.2, Schedule of Permit Fees, insert subsection:

R108.2.3 – Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for by the building official are not made. Fees for investigations and work without a permit shall reflect the fee schedule established by the Town.

This subsection is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as a tool for controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from the plans requiring approval of the building official.

To obtain a reinspection, the applicant shall pay the reinspection fee as set forth in the fee schedule adopted by the Town. If the Town has assessed a reinspection fee against an applicant, no additional inspection of the work will be performed until the required fees have been paid.

I. At Section R112.1, General, insert the following after the first sentence:

In the absence of an appointed board of appeals, all appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard and decided by the Town Board of Adjustment.

J. At Section R112.3, Qualifications, delete the entire section.

K. At Section R301.2(1), Wind Design Criteria, insert the following text in the Table:

Ground snow load, insert [5];

Wind speed, insert [90];

Wind exposure category [C, unless justified as B];

Seismic Design Category, insert [B];

Weathering, insert [Negligible];

Frost line depth, insert [0];

Termite, insert [Very heavy];

Decay, insert [none to slight];

Winter design temp, insert [18-20 degrees];

Ice barrier underlayment required, insert [No];

Flood hazards, insert [(a) December 1984, (b) April 2005];

Air freezing index, insert [50];

Mean annual temperature, insert [65 degrees].

L. At Section R302.1, Exterior Walls, delete second part of first paragraph beginning with “or dwellings equipped ...”

M. At Section R302.1, Exterior Walls, delete exceptions 3, 4 and 5.

N. Delete Table R302.1(2) and footnote “a.”

O. At Section R302.2, Townhouses, change the reference of “1-hour fire resistance rated wall assembly” in the exception to “2-hour fire resistance rated wall assembly.”

P. At Section R302.3, Two-family Dwellings, delete exception number 1 and change the reference of “1/2 inch gypsum board” in exception 2 to “5/8 inch Type X gypsum board.”

Q. At Section R302.5.1, Opening Protection, insert the following wording at the end of this section:

Doors providing opening protection shall be maintained self-closing and self-latching.

R. At Table R302.6, change the three references of “1/2 inch gypsum board” to “5/8 inch Type X gypsum board”

or equivalent.” Change the one reference of “5/8 inch Type X gypsum board” to “Two layers of 5/8 inch Type X gypsum board or equivalent.”

S. At Section R302.6, Dwelling/Garage Fire Separation, insert the following subsection:

R302.6.1 Attic Access Opening. The attic access opening protection supports shall be of noncombustible material. Where a pull-down ladder is installed, it shall be a fire-rated ladder assembly.

T. At Section R302.7, Under-Stair Protection, change the reference of “1/2 inch gypsum board” to “5/8 inch Type X gypsum board.”

U. At Section 302.11.1.1, Batts or Blankets of Mineral or Glass Fiber, delete the entire section.

V. After Section 302.13, Combustible Insulation Clearance, insert Section 302.14 to read as follows:

Fire Protection. Where there are four or more dwelling units or sleeping units in a single structure, the provisions of Chapter 9, Section 903.2.7 of the International Building Code for Group R shall apply.

W. At Section R308.1, Identification, delete the last sentence of the first paragraph and delete exceptions 1 and 2.

X. At Section R308.4.2, Glazing Adjacent Doors, revise wording of the first part of the paragraph as follows:

Glazing in all fixed and operable panels in window units adjacent to a door, side-lite, and fixed panels of patio doors where the nearest vertical edge of the glazing is within a 24-inch arc of either vertical edge of the door, side-lite, and fixed panels of patio doors in a closed position ...

Y. At Section R308.4.2, Glazing Adjacent Doors, delete exceptions 3 and 5 and renumber exception 4 to exception 3.

Z. At Section R308.4.5, Glazing and Wet Surfaces, revise wording for the exception as follows:

... from the water’s edge of a shower, bathtub ...

AA. At Section R308.4.6, Glazing Adjacent Stairs and Ramps, revise wording as follows:

Glazing where the bottom exposed edge of the glazing is less than 60 inches ...

BB. At Section R308.4.7, Glazing Adjacent to the Bottom Stair Landing, revise wording as follows:

Glazing adjacent to the landings at the bottom of a stairway where the glazing is less than 60 inches above the landing ...

CC. At Section R309, Garages and Carports, insert the following words “or carport of combustible construction” after all references to garage.

DD. At Section R313, Automatic Fire Sprinkler Systems, delete the entire section.

EE. At Section R314.4, Power Source, insert the following wording after the second sentence:

Smoke alarms shall not be installed on a dedicated circuit and shall originate from a general-purpose branch circuit.

FF. At Section R403.1.3.2, Slabs-on-Ground with Turned-Down Footings, delete the exception.

GG. At Section R403.1.7.1, Building Clearances From Ascending Slopes, delete the last sentence of the first paragraph.

HH. At Section R602.3, Design and Construction, insert the following wording at the end of the first paragraph:

In multi-story structures, floor ties shall be provided at 48” o.c. or wood structural panels shall be installed with a minimum of a 9” overlap of both floor studs.

II. At Section R602.10.8.2(1), Connections to Roof Framing, revise wording as follows:

For Seismic Design Categories A, B and C and wind speeds less than 100 mph, blocking between rafters or roof trusses shall be provided above the braced wall panel.

JJ. At Section R606.11, Anchorage, revise wording as follows:

Masonry walls shall be reinforced and anchored ...

KK. At Figure R606.11(2), retitle and revise wording as follows:

Requirements for Reinforced Grouted Masonry Construction in Seismic Design Category B.” and change #6 bars at 10 ft. o.c. to 4’ o.c.; add one 1/2 inch bar @ top of foundation; add two 1/2 inch bars @ bottom of foundation; add one 1/2 inch bar @ top of wall; add one 1/2 inch bar @ roof connection.

LL. At Section R606.12.2.3.3, Minimum Reinforcement Requirements for Masonry Shear Walls, revise the wording at end of first paragraph as follows:

... and at a maximum spacing of 4 feet.

MM. At Section R806.5, Unvented Attic and Unvented Enclosed Rafter Assemblies, delete the entire section.

NN. At Section R1003.3, Seismic Reinforcing, insert “C” after Seismic Design Categories and delete last

sentence of the paragraph.

OO. At Section R1003.4, Seismic Anchorage, insert “C” after Seismic Design Categories.

PP. Chapter 11 Energy Efficiency of the 2012 edition of the International Residential Code is deleted in its entirety and replaced with Chapter 11 Energy Efficiency from the 2006 Edition of the International Residential Code.

QQ. At Section R1307, Appliance Installation, insert subsection:

1307.7 – Liquefied Petroleum Appliances (LPG). LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

RR. At Section M1502.4.2, Duct Installation, revise the wording of the last sentence as follows:

Ducts shall not be joined with screws or similar fasteners that protrude into the inside of the duct.

SS. At Section P2603.5.1, Sewer Depth, revise the wording as follows:

Sewer Depth. Regardless of freezing conditions, all building sewers that connect to a private or public system shall be a minimum of 12 inches below grade.

TT. At Section P3201.2, Trap Seals and Trap Seal Protection, revise the wording of the last sentence as follows:

Traps for floor drains shall be fitted with a trap primer.

UU. At Section P3201, Fixture Traps, insert subsection:

P3201.8 Water Softener Trap. A water softener shall be provided with a trap installed in the wall and terminating in an approved box.

VV. Chapters 34 through 43, Electrical, delete all references to “aluminum conductors” throughout these chapters. Aluminum conductors are not allowed within any structure or building that resides or is constructed within town limits.

WW. At Section 3406.3, Minimum Size of Conductors, delete the words “and 12 AWG aluminum” from the first sentence.

XX. At Section E3601.6.2, Service Disconnect Location, revise the wording in the first sentence as follows:

Service disconnecting means and risers shall be surface mounted and provided on the outside of the structure. A recessed service entry is not permitted.

YY. At Section E3602.1, Ampacity of Ungrounded Conductors, revise the wording as follows:

For one or two family dwellings, the rating of the ungrounded conductors shall be not less than 200 amperes, 3 wire. Exception: Existing structures.

ZZ. At Section E3607.3.2, Grounded Conductor, Existing Premises, delete the entire section.

AAA. At Section E3608.1, Grounding Electrode System, insert a second paragraph to read as follows:

All accessory structures with a poured foundation require the installation of a concrete-encased electrode as required by Section E3608.1.2.

BBB. At Section E3609.4.2, Threaded Connections, revise wording as follows:

Connections at Service Riser. Equipment shall be bonded by approved rainproof, bolt-on hubs. Such connections shall be made wrench tight.

CCC. At Section E3609.7, Bonding Other Metal Piping, delete the third sentence.

DDD. At Section 3703.1, Branch Circuits for Heating, insert a new sentence at the end of the paragraph to read as follows:

Evaporative cooler fan and pump motors shall be permitted to be connected to the same branch circuit as central heating equipment when controls do not permit the evaporative cooler and central heating to operate at the same time.

EEE. At Section E3703, Required Branch Circuits, insert subsection E3703.7 to read as follows:

In residential occupancies, dishwasher and food waste grinder may be on the same 20 ampere branch circuit.

FFF. At Section E3901.2.2 subparagraph 1 Wall Space, delete the words "fireplaces and fixed cabinets."

GGG. At Section E3901.4.5, Receptacle Outlet Location, revise the wording of the fourth sentence as follows:

Receptacle outlets rendered not readily accessible by appliances or appliance in garages occupying dedicated space, shall not be considered as these required outlets.

HHH. At Section E3901.11, Foyers, insert the following wording after the first sentence:

Hallways and foyers 5 feet or greater in width shall have receptacle spacing as required by Section E3901.2.

III. At Section E3902.5, Unfinished Basement Receptacles, revise the wording as follows:

... receptacles installed in ground level rooms and unfinished basements shall have ...

and

For the purposes of this Section, ground level rooms and unfinished basements are defined ...

JJJ. At Section E4003.12, Luminaires in Clothes Closets, revise the Section title to:

Luminaires in Clothes Closets, Pantries and Storage Rooms. (All references in this Section to closet or clothes closet shall apply to clothes closets, pantries and storage rooms.)

KKK. At Section E4003.12, Luminaires in Clothes Closets, insert a new paragraph at the end of this section to read as follows:

Doorbell transformers shall not be permitted in a closet. If a receptacle is installed for an alarm transformer, it shall be located above the door.

LLL. At Section 4302, Power Sources, insert subsection:

E4302.3 – Location of Power Supply and Transformers.

- a. Accessibility. Class 1, Class 2 and Class 3 power supplies and transformers shall be accessible.
- b. Prohibited Locations: In closet storage space as described in Section E4003.11.

MMM. At Section AG105.2(1), Outdoor Swimming Pool, revise wording as follows:

The top of the barrier shall be at least 60 inches above grade ...

NNN. Specifically adopt Appendices A, B, C, D, G (as amended), J and K. (Ord. 16-03 § 3, 2016; Ord. 09-01 (Exh. A), 2009; prior code § 8-1-1-B)

Chapter 15.15 ELECTRICAL CODE

Sections:

[15.15.010](#) **Adopted.**

[15.15.020](#) **Amendments.**

15.15.010 Adopted.

That certain code entitled “National Electrical Code” and amendments thereto, 2014 Edition, copyrighted by the National Fire Protection Association, is hereby adopted as the “Electrical Code of Huachuca City” and made a part of this title the same as though said code was specifically set forth in full herein. (Ord. 16-04 § 2, 2016; Ord. 08-14, 2009; Ord. 03-003, 2002; Ord. 97-007, 1997; prior code § 8-1-1-C)

15.15.020 Amendments.

The following provisions of the National Electric Code, 2014 Edition, as published by the National Fire Protection Association, are hereby amended as follows:

A. At Article 90.1, Purpose, insert subarticle 90.1.1 to read as follows:

That certain document, known as the “National Electric Code, 2014 Edition” published by the National Fire Protection Association, together with all appendices thereto be and the same are hereby adopted as the Electric Code of the Town of Huachuca City, for regulating the installation, alteration and maintenance of all electrical installations, and this code is hereby referred to, adopted and made a part hereof as though fully set forth in this chapter.

B. At Article 210.8(A)(5), Unfinished Basements, revise the wording as follows:

All 125-volt, single phase, 15-and 20-ampere receptacles installed in ground level rooms and unfinished basements shall have ground-fault circuit-interrupter protection for personnel. For purposes of this article, ground level rooms and unfinished basements are defined as areas not intended as habitable rooms and limited to storage areas, work areas, and the like.

(The exception shall remain unchanged).

C. At Article 210.8(B)(3), Rooftops, insert the following wording:

Rooftops. The receptacle(s) shall have the reset located on the roof.

D. At Article 210.12(A), Dwelling Units, insert a second paragraph as follows:

All 120-volt, single phase, 15- and 20-ampere branch circuits throughout dwelling units including

bathrooms, other than the required GFCI protected branch circuits, shall be protected by a listed arc-fault circuit interrupter.

E. At Article 210.52(A)(2)(1), Wall Space, delete the words “fireplaces” and “fixed cabinets.”

F. At Article 210.52(H), Hallways, insert the following after the first sentence:

Hallways and foyers 5 feet or greater in width shall have receptacle spacing as required by NEC Article 210.52(a) and IRC Section E3801.2.

G. At Article 210.52(I), Foyers, delete the entire section.

H. At Article 210, Branch Circuits, insert subarticle:

210.65 – Commercial Buildings. 125-volt, single phase, 15-or 20-ampere-rated receptacle outlets shall be provided in the locations specified below:

1. Outdoors, near the front and rear entrances, accessible at grade level. NEC Article 210.8 (B) shall apply.
2. In all restrooms, adjacent to and within 3 feet of the outside edge of one basin. NEC Article 210.8 (B) shall apply.

I. At Article 210, Branch Circuits, insert subarticle:

210.71 – Power Source. Where required, smoke alarms shall not be installed on a dedicated circuit and shall originate from a general-purpose branch circuit.

J. At Article 215.2(A)(1), General, insert the following before the first sentence:

Feeder conductors shall have an ampacity of the highest rating of the equipment.

K. At Article 230.6, Conductors Considered Outside the Building, insert a second paragraph as follows:

A recessed service entry is not permitted.

L. At Article 230.70, General, insert the following wording after the first paragraph:

Service disconnecting means and risers shall be surface mounted.

M. At Article 230.70(A)(1), Readily Accessible Location, revise wording as follows:

The service disconnecting means shall be installed at a readily accessible location outside the building or structure. Exception: The service disconnecting means may be installed inside of the

building when a remote means of disconnecting the service is provided from outside of the building.

N. At Article 230.70(A)(1), Readily Accessible Location, insert the following second paragraph:

For one-family dwellings, except mobile and manufactured homes, the service disconnecting means shall be permanently installed on the outside of the structure.

O. At Article 230.79(C), One-Family Dwellings, revise wording as follows:

For a one-family dwelling, the service disconnecting means shall have a rating of not less than 200 amperes, 3-wire. Exception: Existing structures.

P. At Article 230.90(A), Ungrounded Conductor, insert the following before the first sentence:

The ungrounded conductor shall have an ampacity of the highest rating(s) of the service equipment.

Q. At Article 250.50, Grounding Electrode System, insert the following second paragraph:

All accessory structures with a poured foundation require the installation of a concrete-encased electrode as required by NEC 250.52(A)(3) and IRC Section E3508.1.2.

R. At Article 300.1, Scope, insert subarticle 300.1(D) to read as follows:

Special Requirements. The following requirements shall apply to all work except R-1, R-2, R-3, and R-4 Occupancies (as defined in the International Building Code) and U and S Occupancies accessory to R-1, R-2, R-3, and R-4 (including feeders and home runs serving these excepted occupancies).

1. All wiring shall be installed in Rigid, IMC, EMT, PVC (below top of slab), MC, AC or steel flexible metal conduit, as permitted by this code.
2. Existing energized wiring may remain if it was lawfully installed to code.
3. Changes to an existing circuit require any wiring method listed in (l) above with installation back to the panel.
4. Conductors shall not be smaller than No. 12 copper or equivalent.
5. Unused conduit, conductors, and cables located above accessible ceilings and in accessible walls shall be removed.

S. At Article 300.21, Spread of Fire or Products of Combustion, insert the following second and third paragraphs:

- i. Penetrations of one-hour fire-resistance-rated walls shall require approved metallic raceway with 12-inch extensions on both sides of the wall. The penetrations of the wall and the conduit ends shall be

fire safe.

ii. Penetrations of two-hour, or greater, fire-resistance-rated walls shall required approved metallic raceway with 5-foot extensions on both sides of the wall. The penetrations of the wall and the conduit ends shall be fire safe.

T. At Article 334.12(A), Types NM, NMC and NMS, insert item 11 as follows:

In other structures as specified in Article 300.1(D).

U. At Article 406.4(A), Grounding Type, insert item 1 as follows:

Installation. When installed in a vertical position, grounding-type receptacles shall be installed with the grounding contacts down. When installed in the horizontal position, grounding-type receptacles shall be installed with the grounding contacts on the right.

V. At Article 406.4(D)(4)(3), Arc-Fault Circuit-Interrupter Protection, revise second paragraph to read as follows:

This amendment becomes effective at the time of adoption of the 2014 NEC. This requirement applies to all installations when a permit is required by code.

W. At Article 408, Switchboards, Switchgear, and Panelboards, insert subarticle:

408.31 – Subpanels and Low-Voltage Boxes. Subpanels and low-voltage boxes shall not be located in any firewall, fire barrier, fire partition, or in the garage side of the common wall separating the dwelling from a garage or carport. Subpanels and low-voltage boxes may be surface mounted on any of the above-mentioned walls.

X. At Article 410.16, Luminaires in Clothes Closets, revise title as follows:

Luminaires in Clothes Closets, Pantries, and Storage Rooms. (All references in this article and section to closet or clothes closet shall apply to clothes closets, pantries and storage rooms.)

Y. At Article 410.30(B)(3), Metal or Nonmetallic Poles Supporting Luminaires, revise the wording in the first sentence as follows:

All metal poles supporting lighting fixtures shall have a 20-foot coil of #4 copper installed at the base of the footing and extended to a separate grounding termination point on the pole.

Z. At Article 450.13, Accessibility, insert paragraph (C) as follows:

Doorbell transformers shall not be permitted in a closet, pantry, or storage room. If a remote receptacle is installed for an alarm system transformer, it shall be located above the door.

AA. At Article 720.11, Mechanical Execution of Work, revise wording as follows:

Circuits operating at less than 50 volts shall be installed in a neat and workmanlike manner. Cables shall be supported by the building structure, independently of suspended ceiling wires, every 6 feet. Cables shall be installed parallel or perpendicular to the building framing.

(Ord. 16-04 § 3, 2016; Ord. 09-01 (Exh. A), 2009; prior code § 8-1-1-C)

Chapter 15.20
EXISTING BUILDING CODE

Sections:

[15.20.010](#) **Adopted.**

[15.20.020](#) **Amendments.**

15.20.010 Adopted.

That certain code entitled “International Existing Building Code” and amendments thereto, 2012 Edition, as copyrighted by International Code Council, Inc., is hereby adopted as the “Existing Building Code of Huachuca City” for all buildings and structures not covered under the International Building Code, and made a part of this title the same as though said code was specifically set forth in full herein. (Ord. 16-05 § 2, 2016; Ord. 08-14, 2009; prior code § 8-1-1-D)

15.20.020 Amendments.

The following provisions of the International Existing Building Code, 2012 Edition, as published by the International Code Council, Inc., are hereby amended as follows:

A. At Section 101.1, Title, revise the wording as follows:

These regulations shall be known as the Existing Building Code of the Town of Huachuca City, hereinafter referred to as “this code.”

B. At Section 101.2, Scope, insert the following wording at the end of the paragraph:

Hereinafter, where the International Building Code is mentioned, it shall include the applicable sections of the International Residential Code, and where the International Residential Code is mentioned, it shall include the applicable sections of the International Building Code.

C. At Section 103.1, Creation of Enforcement Agency, revise wording as follows:

Enforcement Agency. There exists a Building Inspection Department. The code official in charge thereof shall be known as the Building Official.

D. At Section 103.2, Appointment, delete the entire section.

E. At Section 103.3, Deputies, delete the entire section.

F. At Section 112.1, Board of Appeals, insert the following after the first sentence:

In the absence of an appointed board of appeals, all appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard

and decided by the Town Board of Adjustment.

G. At Section 112.3, Qualifications, delete entire section.

H. At Section 115.1, Conditions, insert a second sentence as follows:

Unsafe buildings shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in the currently adopted Uniform Code for the Abatement of Dangerous Buildings and the International Property Maintenance Code.

I. At Section 609.2, Water Closet Replacement, delete the exception.

J. At Section 805.4.4, Panic Hardware, revise wording as follows:

Doors serving a Group H occupancy and all other occupancy groups not covered by item 2 in Section 1008.1.9.3 serving rooms or spaces with an occupant load of 50 or more shall not be provided with a latch or lock unless it is panic hardware or fire exit hardware.

K. At Section 1010, Plumbing, revise wording by changing both references of the International Plumbing Code to the International Building Code.

L. At Section 1010.3, Interceptor Required, insert the following at the end of the paragraph:

... International Plumbing Code, Building Code, Ordinances of the Town of Huachuca City, and comply with Town of Huachuca City standards.

(Ord. 16-05 § 3, 2016; Ord. 09-01 (Exh. A), 2009; prior code § 8-1-1-D)

**Chapter 15.25
PLUMBING CODE**

Sections:

[15.25.010](#) **Adopted.**

[15.25.020](#) **Amendments.**

15.25.010 Adopted.

That certain code entitled “International Plumbing Code” and amendments thereto, 2012 Edition, as copyrighted by the International Code Council, Inc., is hereby adopted as the “Plumbing Code of Huachuca City” and made a part of this title the same as though said code was specifically set forth in full herein. (Ord. 16-06 § 2, 2016; Ord. 08-14, 2009; Ord. 03-003, 2002; Ord. 97-007, 1997; prior code § 8-1-1-E)

15.25.020 Amendments.

The following provisions of the International Plumbing Code, 2012 Edition, as published by the International Code Council, Inc., are hereby amended as follows:

A. At Section 101.1, Title, revise wording as follows:

These regulations shall be known as the Plumbing Code of the Town of Huachuca City, hereinafter referred to as “this code.”

B. At Section 101.2, Scope, revise as follows: Number the existing exception as Exception 1; insert Exception 2 to read:

Plumbing systems in existing building undergoing repair, alteration or addition, and change of occupancy shall be permitted to comply with the International Existing Building Code.

C. At Section 103.1, General, revise wording as follows: change “code official” to “building official.”

D. At Section 103.2, Appointment, delete the entire Section.

E. At Section 103.3, Deputies, delete the entire Section.

F. At Section 103.4 Liability, revise as follows: Renumber Section 103.4 as Section 103.2.

G. At Section 106.6.2, Fee Schedule, revise wording as follows:

All plumbing work requiring a permit, fees for each permit shall be paid as required. Permit fees due shall reflect the fee schedule established by the Town.

H. At Section 106.6.3, Fee Refunds, delete the entire Section.

I. At Section 109.1, Application for Appeal, insert the following after the first sentence:

In the absence of an appointed board of appeals, all appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard by the Town Board of Adjustment.

Revise wording in the last paragraph as follows: change “within 20 days” to “within 30 days”.

J. At Section 109.2, Membership of Board, delete the entire section.

K. At Section 109.3, Notice of Meeting, revise wording as follows: change “within 10 days” to “within 30 days.”

L. At Section 109.4.1, Procedure, delete the entire section.

M. At Section 109.5, Postponed Hearing, delete the entire section.

N. At Section 109.6, Board Decision, revise the wording as follows: change “vote of three members” to “vote of five members.”

O. At Section 403.2, Separate Facilities, insert Exception 4 as follows:

In existing building occupancies, one public/employee restroom is permitted where the occupant load does not exceed 50 other than M occupancies, where the occupant load does not exceed 100 provided that the one restroom for all occupancies is code compliant with ICC A117.1 – 2009. Where it is technically infeasible to comply with the new construction standards, the above shall conform to the requirements to the maximum extent technically feasible.

P. At Section 903.1, Roof Extension, insert in the [number], “6”.

Q. At Section 1108.1, Secondary (Emergency Overflow) Drains or Scuppers, insert the following wording at the end of this section:

The overflow opening in the downspout/rainwater leader shall not be considered the secondary (emergency) roof drain or scupper. Regardless of the size of the roof drain or scupper, secondary (emergency) roof drains or scuppers are required. Secondary (emergency) roof drains or scuppers shall be the same size as the roof drains or scuppers with the inlet flow line 2 inches above the low point of the roof and they shall be independent from the roof drain or scupper.

R. Specifically adopt Appendices B [3” per hour], D [2700 HDD], and E. (Ord. 16-06 § 2, 2016; Ord. 09-01 (Exh. A), 2009; prior code § 8-1-1-E)

Chapter 15.30
DANGEROUS BUILDINGS CODE

Sections:

[15.30.010 Adopted.](#)

[15.30.020 Amendments.](#)

15.30.010 Adopted.

That certain code entitled “Uniform Code for the Abatement of Dangerous Buildings” and amendments thereto, 1997 Edition, as copyrighted by International Conference of Building Officials, is hereby adopted as the “Dangerous Buildings Code of Huachuca City” and made a part of this chapter the same as though said code was specifically set forth in full herein. (Ord. 16-07 § 1, 2016; Ord. 03-003, 2002; Ord. 97-007, 1997; prior code §§ 8-1-1-F and 8-5)

15.30.020 Amendments.

The following provisions of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as published by the International Conference of Building Officials, are hereby amended as follows:

- A. At pages iv and v, Codes and Related Publications, delete all contents.
- B. At Section 403.1.2, Repair, Vacation and Demolition, delete the following wording: “at the option of the building owner; or”
- C. At Section 403.1.3, Repair, Vacation and Demolition, insert the following wording at the end of the paragraph:

for no more than 90 days. At the end of 90 days it shall be repaired, removed or demolished.
- D. At Section 501.1, Form of Appeal, revise wording as follows:

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. In the absence of an appointed board of appeals, all appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard and decided by the Town Board of Adjustment.

Delete Items 1 through 7. (Ord. 16-07 § 1, 2016; Ord. 09-01 (Exh. A), 2009; prior code § 8-1-1-F)

**Chapter 15.35
MECHANICAL CODE**

Sections:

[15.35.010](#) **Adopted.**

[15.35.020](#) **Amendments.**

15.35.010 Adopted.

That certain code entitled “International Mechanical Code” and amendments thereto, 2012 Edition, as copyrighted by International Code Council, Inc., is hereby adopted as the “Mechanical Code of Huachuca City” and made a part of this title the same as though said code was specifically set forth in full herein. (Ord. 16-08 § 2, 2016; Ord. 08-14, 2009; Ord. 06-01, 2006; Ord. 03-003, 2002; Ord. 97-007, 1997; prior code §§ 8-1-1-G and 8-11)

15.35.020 Amendments.

The following provisions of the International Mechanical, 2012 Edition, as published by the International Code Council, Inc., are hereby amended as follows:

A. At Section 101.1, Title, revise wording as follows:

These regulations shall be known as the Mechanical Code of the Town of Huachuca City, hereinafter referred to as “this code.”

B. At Section 101.2, Scope, number the existing exception as Exception 1. Insert Exception 2 as follows:

Mechanical systems in existing building undergoing repair, alteration or addition, and change of occupancy shall be permitted to comply with the International Existing Building Code.

C. At Section 103.1, General, revise wording as follows: change “code official” to “building official”.

D. At Section 103.2, Appointment, delete the entire section.

E. At Section 103.3, Deputies, delete the entire section.

F. At Section 103.4 Liability, revise as follows: Renummer Section 103.4 as Section 103.2.

G. At Section 106.5.2, Fee Schedule, revise wording as follows:

All mechanical work requiring a permit, fees for each permit shall be paid as required. Permit fees due shall reflect the fee schedule established by the Town.

H. At Section 106.5.3, Fee Refunds, delete the entire section.

I. At Section 109.1, Application for Appeal, insert the following after the first sentence:

In the absence of an appointed board of appeals, all appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard and decided by the Town Board of Adjustment.

Revise wording in the last paragraph as follows: change “within 20 days” to “within 30 days.”

J. At Section 109.2, Membership of Board, delete the entire section, to include subsections.

K. At Section 109.3, Notice of Meeting, revise wording as follows: change “within 10 days” to “within 30 days.”

L. At Section 109.4.1, Procedure, delete the entire section.

M. At Section 109.5, Postponed Hearing, delete the entire section.

N. At Section 109.6, Board Decision, revise wording as follows: change “three members” to “five members.”

O. At Section 109.6.1, Resolution, delete the entire section.

P. At Section 303.7, Pit Locations, insert an exception as follows:

Liquefied petroleum gas appliances shall not be located in any pit or basement, under show windows or interior stairway, in engine, boiler, heater, or electrical meter rooms.

Q. At Section 306.4, Appliances Under Floors, insert Exception 3 as follows:

Liquefied petroleum gas piping shall not serve any gas appliance located in a pit of a basement where heavier than air gas might collect to form a flammable mixture.

(Ord. 16-08 § 3, 2016; Ord. 09-01 (Exh. A), 2009; prior code § 8-1-1-G)

Chapter 15.40
ENERGY CONSERVATION CODE

Sections:

[15.40.010](#) **Adopted.**

[15.40.020](#) **Amendments.**

15.40.010 Adopted.

That certain code entitled “International Energy Conservation Code,” and amendments thereto, 2012 Edition, copyrighted by the International Code Council, Inc., is hereby adopted as the “Energy Conservation Code of Huachuca City” and made a part hereof the same as though said code was specifically set forth in full herein. (Ord. 16-09 § 2, 2016; Ord. 08-14, 2009; Ord. 03-003, 2002; prior code § 8-1-1-H)

15.40.020 Amendments.

The following provisions of the International Energy Conservation Code, 2012 Edition, as published by the International Code Council, Inc., are hereby amended as follows:

A. At Section C101.1, Title, revise wording as follows:

These regulations shall be known as the Energy Conservation Code of the Town of Huachuca City, hereinafter referred to as “this code.”

B. At Section C109.1, General, insert the following after the first sentence:

In the absence of an appointed board of appeals, all appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard and decided by the Town Board of Adjustment.

C. At Section C109.3, Qualifications, delete the entire section.

D. At Section C202, Definitions, add a definition for “Indirectly Conditioned Space” as follows:

Indirectly Conditioned Space. An indirectly conditioned space has no heating or cooling system, but is indirectly heated or cooled due to its proximity to spaces that are heated or cooled. Two criteria can be applied to determine if a space is indirectly conditioned:

1. If the heat transfer rate to conditioned space is larger than the heat transfer rate to the exterior (ambient conditions), then the space is considered indirectly conditioned.
2. If there is an air transfer rate between the space and conditioned space that exceeds three air changes per hour (ACH), then the space is considered indirectly conditioned. Air transfer can be provided by natural or mechanical means.

E. At Section R101.1, Title, revise wording as follows:

These regulations shall be known as the Energy Conservation Code of the Town of Huachuca City, hereinafter referred to as “this code.”

F. At Section R109.1, General, insert the following after the first sentence:

In the absence of an appointed board of appeals, all appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard and decided by the Town Board of Adjustment.

G. At Section R109.3, Qualifications, delete the entire section.

H. At Section R202, Definitions, add a definition for “Indirectly Conditioned Space” as follows:

Indirectly Conditioned Space. An indirectly conditioned space has no heating or cooling system, but is indirectly heated or cooled due to its proximity to spaces that are heated or cooled. Two criteria can be applied to determine if a space is indirectly conditioned:

1. If the heat transfer rate to conditioned space is larger than the heat transfer rate to the exterior (ambient conditions), then the space is considered indirectly conditioned.
2. If there is an air transfer rate between the space and conditioned space that exceeds three air changes per hour (ACH), then the space is considered indirectly conditioned. Air transfer can be provided by natural or mechanical means.

(Ord. 16-09 § 3, 2016; Ord. 09-01 (Exh. A), 2009; prior code § 8-1-1-H)

Chapter 15.45
UNIFORM HOUSING CODE

Sections:

[15.45.010](#) **Adopted.**

[15.45.020](#) **Amendments.**

15.45.010 Adopted.

That certain code entitled “Uniform Housing Code,” 1997 Edition, as copyrighted by International Conference of Building Officials, is hereby adopted as the “housing code of Huachuca City” for all buildings and structures not covered under the International Residential Code and made a part of this title the same as though said code was specifically set forth in full herein. (Ord. 08-14, 2009; Ord. 97-007, 1997; prior code § 8-1-1-I)

15.45.020 Amendments.

The following provisions of the Uniform Housing Code, 1997 Edition, as published by the International Conference of Building Officials, are hereby amended as follows:

A. At pages v and vi, Codes and Related Publications, delete all contents.

B. At Section 103, Scope, revise wording as follows:

Such occupancies in existing buildings may be continued as provided in chapter 34 of the International Building Code.

C. At Section 104.1, Additions, Alterations or Repairs, revised wording as follows:

Refer to Chapter 3 of the International Building Code.

D. At Section 104.2, Relocation, revise wording as follows:

Requirements in the International Building Code for new buildings and structures.

E. At Section 203.1, General, revise wording as follows:

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. In the absence of an appointed board of appeals, all appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard and decided by the Town Board of Adjustment.

F. At Section 302, Fees, revise wording as follows:

All work requiring a permit, fees for each permit shall be paid as required. Permit fees due shall reflect the fee schedule established by the Town.

(Ord. 16-10 § 1, 2016; Ord. 09-01 (Exh. A), 2009; prior code § 8-1-1-l)

Chapter 15.50 FIRE CODE

Sections:

[15.50.010](#) **Adopted.**

[15.50.020](#) **Amendments.**

15.50.010 Adopted.

That certain code entitled “International Fire Code” and amendments thereto, 2012 Edition, as copyrighted by International Code Council, Inc., is hereby adopted as the “Fire Code of Huachuca City” and made a part of this title the same as though said code was specifically set forth in full herein. (Ord. 16-02 § 4, 2016; Ord. 08-14, 2009; prior code § 8-1-1-K)

15.50.020 Amendments.

The following provisions of the International Fire Code, 2012 Edition, as published by the International Code Council, Inc., are hereby amended as follows:

A. Change all references throughout the code of “Fire Code Official” to “Fire Chief.”

B. At Section 101.1, Title, revise wording as follows:

These regulations shall be known as the Fire Code of the Town of Huachuca City, hereinafter referred to as “this code.”

C. At Section 108.1, Board of Appeals Established, insert the following after the first sentence:

In the absence of an appointed board of appeals, all appeals of orders, decisions or determinations made by the building official and/or fire chief relative to the application and interpretation of this code shall be heard and decided by the Town Board of Adjustment.

D. Section 108.3, Qualifications, delete the entire section.

E. At Section 507.5.1, Where Required, change reference in Exception 1 and 2 from “600 feet” to “500 feet.”

F. At Section 903.2, Where Required, delete the entire section (to include all subsections) and replace with a new Section 903.2 entitled, “Where Required” to read as follows:

Automatic fire sprinkler systems shall be provided in the locations described in this Section.

G. At Section 903.2, Where Required, insert the following subsections:

903.2.1, General. Unless expressly covered by one of the exceptions set forth below, an approved

automatic fire sprinkler system shall be installed in all buildings and structures located within the Town. Installation of fire sprinkler systems shall be performed by an Arizona State licensed Fire Protection contractor.

Exception 1: Automatic fire sprinklers are not required in Group U occupancies.

Exception 2: Automatic fire sprinklers are not required for buildings or structures which were constructed and in use prior to January 8, 2009. This exception shall not apply if, after such date there is a discontinuation of use for a period of twelve (12) months, there is in the opinion of the Fire Chief, a change in use to a less restrictive use or there is an enlargement or structural alteration of the building or structure.

Exception 3: In addition to the general authority granted to the Town pursuant to Section 104.9, the Fire Chief shall have discretion to exempt other facilities from automatic fire sprinkler requirements where the size, intended use, and extent of use of that facility does not warrant the installation of fire sprinklers and alternate methods to secure public safety are provided. Such other facilities may include, but are not limited to: 1) unenclosed structures which are less than three thousand (3,000) square feet in size, at least fifty (50) percent open on the sides and used to protect humans, animals, or property from the sun or elements; 2) structures which are less than three hundred (300) square feet in size used to monitor access to a larger facility, site, or area; 3) structures temporarily used for a period not to exceed two (2) years for onsite storage or maintenance purposes provided that the structure is not used for Group A, E, H, or I occupancies; and 4) mini self-storage units comprising a single building or group of buildings where primary or principal use of the facility is for storage.

Section 903.2.2, Special Amusement Buildings. Special amusement buildings shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. When the special amusement building is temporary, the sprinkler water supply shall be of an approved temporary means.

Exception: An automatic sprinkler system is not required where the total floor area of a temporary amusement building is less than 1000 square feet and the travel distance from any point to an exit is less than 50 feet.

H. At Section 903.3.1.1.1, Exempt Locations, delete (in its entirety) Item #4.

I. At Section 903.3.1.2.1, Balconies, delete everything after the first sentence.

J. At Section 903.3.5, Water Supplies, delete (in its entirety) the second sentence.

K. At Section 903.4, Sprinkler System Monitoring and Alarms, insert Exception 8 to read as follows:

Exception 8. Underground key or hub valves in roadway boxes provided by the municipality or public

utility are not required to be monitored.

L. At Section 903.4.1, Monitoring, delete Exception 1 (in its entirety). Exception 2 is hereby renumbered as Exception 1 and revised by replacing the word “test” with the word “shutoff.”

M. At Section 904.11.2, System Interconnection, insert the following at the end of the first sentence

... and to all electrical receptacles located within the perimeter of the protected exhaust hood.

N. At Section 1011.3, Sign Illumination, insert the following at the end of the first paragraph:

Floor level exit signs are required, additional approved low-level exit signs which are internally or externally or self-illuminated shall be provided in all interior corridors serving guest rooms of hotels in Group R-1 occupancies.

O. At Section 1011.6.3, Power Source, delete the exception. (Ord. 16-02 § 5, 2016; Ord. 09-01 (Exh. A), 2009; prior code § 8-1-1-K)

Chapter 15.55
PROPERTY MAINTENANCE CODE

Sections:

[15.55.010](#) **Adopted.**

[15.55.020](#) **Amendments.**

15.55.010 Adopted.

That certain code entitled “International Property Maintenance Code,” and amendments thereto, 2012 Edition, as copyrighted by International Code Council, Inc., is hereby adopted as the “Property Maintenance Code of the town of Huachuca City” and made a part of this chapter the same as though said code was specifically set forth in full herein. (Ord. 16-11 § 2, 2016; Ord. 09-05, 2009; prior code § 8-1-1-K)

15.55.020 Amendments.

The following provisions of the International Property Maintenance Code, 2012 Edition, as published by the International Code Council, Inc., are hereby amended as follows:

A. At Section 101.1, Title, revise wording as follows:

These regulations shall be known as the Property Maintenance Code of the Town of Huachuca City, hereinafter referred to as “this code.”

B. At Section 111.1, Application for Appeal, revise wording as follows: change “within 20 days” to “within 30 days.”

C. At Section 111.1, Application for Appeal, insert the following after the first sentence:

In the absence of an appointed board of appeals, all appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard and decided by the Town Board of Adjustment.

D. At Section 111.2, Membership of Board, delete entire section to include subsections 1 – 5.

E. At Section 111.3, Notice of Hearing, revise wording as follows: change “within 20 days” to “within 30 days.”

F. At Section 111.4.1, Procedure, revise wording as follows: delete “through the secretary.” (Ord. 16-11 § 3, 2016)

Chapter 15.60 PLAN REVIEW

Sections:

[15.60.010 Purpose.](#)

[15.60.020 Application.](#)

[15.60.030 Procedure.](#)

[15.60.040 Criteria.](#)

[15.60.050 Authority.](#)

[15.60.060 Plan check fees.](#)

[15.60.070 Appeal.](#)

15.60.010 Purpose.

This chapter is intended to encourage, protect and enhance the attractive appearance of those portions of the town which lie in close proximity to the major public thoroughfares traversing the town. The town recognizes that the creation of a desirable environment for the business and industry as well as residential areas is a prime requisite for the preservation of the public health, safety and general welfare. (Prior code § 8-7-1)

15.60.020 Application.

This chapter shall apply to any building, mobile facility or structure which is to be hereafter installed, erected, constructed, converted, established, altered or enlarged and is located in the business zone or permitted under Section 17-19-1(B). (Prior code § 8-7-2)

15.60.030 Procedure.

Prior to the preparation of final architectural or engineering drawings for any building or structure to which this chapter is applicable, the property owner or his representative shall submit the following information (two copies) for consideration by the planning and zoning commission.

A. Application for plan review forms as furnished by the town shall include the applicant's and owner's name, mailing addresses, location and legal description of the property, and such other information as deemed necessary by the planning and zoning commission.

B. Prior to issuance of a building permit for a building, mobile facility or structure to which this chapter is applicable, the building inspector shall ascertain that the plans submitted for the building permit are in substantial conformance with those approved by the planning and zoning commission and that the approval time has not expired. Questions regarding procedures or approvals shall be referred to the planning and zoning commission

for consideration.

C. Prior to change, remodeling or alteration of a building, mobile facility or structure as to the exterior character thereof, the property owner or his representative shall obtain the approval of the planning and zoning commission, except as authorized by Section [15.60.050](#)(E).

D. The planning and zoning commission may impose such conditions as it may deem necessary to carry out fully the intent of this chapter. The action of the commission shall be noted on two copies of the plans. One copy shall be returned to the owner and applicant, approved or disapproved, or approved with conditions.

E. A building, mobile facility or structure which has been approved, constructed or installed in accordance with the approval of the planning and zoning commission may be removed but may not be further modified without additional review and approval by such commission.

F. A building, mobile facility or structure which has been approved by the planning and zoning commission and has been constructed or installed shall be maintained by the owners or the person in possession of the property upon which the building or structure is located to create an attractive appearance for the development. Lack of maintenance shall constitute a violation of this code.

G. Residential projects, whether work is performed by a licensed general contractor or homeowner, must use licensed, bonded and insured electrical, plumbing and mechanical contractors. Exceptions to this for minor work in these trades may be granted by the building official on a case-by-case basis. All commercial projects already require licensed contractors in all trades per State of Arizona Registrar of Contractors guidelines. (Ord. 97-007, 1997; prior code § 8-7-3)

15.60.040 Criteria.

In considering any application for plan approval, the planning and zoning commission shall be governed by the following criteria:

A. Storage areas, refuse and mechanical equipment shall be screened from view by either landscaping or other opaque or semi-opaque material.

B. The overall plan of the building, mobile facility or structure and its site shall not adversely affect the present or potential development of the nearby properties or the traffic pattern on abutting streets by virtue of the type of building, structure, its placement on the lot and the location of parking and driveway areas.

C. All loading functions and areas shall be screened from public view by the use of landscaping or other appropriate screening material.

D. All off-street parking is prohibited on public rights-of-way.

E. All building permits shall be issued for a 180-day (six-month) period and can be renewed for an additional 180-day period for no additional charge. Completion of the entire project must be accomplished within one year of permit issuance. A new permit will need to be purchased on projects exceeding the one-year limit. Exceptions can be made on discretion of the building official on a case-by-case basis. (Ord. 97-007, 1997; prior code § 8-7-4)

15.60.050 Authority.

The planning and zoning commission shall have the following powers and duties:

A. The planning and zoning commission shall have the power to approve, conditionally approve or disapprove all applications for plan review basing its decision on the criteria set forth in Section [15.60.040](#).

B. It shall be the responsibility of the applicant to submit adequate material on which the commission may make a determination as to the compliance of the proposed development with the terms of this chapter.

C. The commission, after hearing an application, shall impose such reasonable conditions as it may deem necessary to carry out the provisions and intent of this chapter.

D. Such approval as is granted by the commission shall become effective in seven days unless the applicant appeals the commission's decision as set forth in Section [15.60.070](#). In case of such appeal, the approval shall be void until council action on the matter. Approval of applications under this chapter shall expire by limitation and become null and void if construction authorized by such approval is not commenced within six months or completed within 12 months from the date of such approval. Applications which have been disapproved by the commission may be reconsidered by the commission upon resubmittal by the applicant.

E. Under all the following circumstances, the building official may approve a building or structure without going to the commission:

1. The building or structure is either an addition or an accessory to an existing building and the structure does not exceed 250 square feet, or a minor revision of a building or structure previously approved by the commission, and the building or structure meets all other current code requirements. This does not apply to fences and mobile facilities.
2. That the addition or accessory does not substantially alter the appearance of the site as seen from off the site. (Prior code § 8-7-5)

15.60.060 Plan check fees.

The 65 percent plan review fee schedule referenced in Section 107.3 (attached hereto and incorporated herein by this reference) Plan Review Fees from the "Uniform Building Code Book," Volume 1, 1997 Edition, is hereby adopted and shall serve as the official plan review fees schedule for commercial and residential construction in the town of Huachuca City. (Ord. 09-04 § 1, 2009; Ord. 06-11, 2006; Ord. 03-003, 2002; prior code § 8-9-2)

15.60.070 Appeal.

The applicant for plan review or the building official, if dissatisfied or aggrieved by any decision of the planning and zoning commission, may appeal such decision, after arbitration, to the council by filing written notice of appeal with the clerk within seven calendar days from the date of the commission action. Notice of such appeal and the date for its consideration by the council shall be published in a local paper once not less than seven calendar days prior to the council meeting at which said appeal is to be heard. The council, on appeal, shall have the same powers and be governed by the same criteria as are vested in the planning and zoning commission and the council by this chapter and shall approve, conditionally approve or disapprove the application within 30 days of its initial consideration by the council. (Prior code § 8-7-6)

**Chapter 15.65
BUILDING PERMIT FEES**

Sections:

[15.65.010 Building permit fee table.](#)

[15.65.020 Alternate building valuation fee schedule.](#)

15.65.010 Building permit fee table.

Since the International Building Code and International Residential Code, 2000 Editions, do not include building permit fee tables, Table 1-A from the Uniform Building Code Book, Volume 1, 1997 Edition, is therefore adopted and shall serve as the official minimum building permit fee table for all Huachuca City building permits.

Otherwise, the cost estimate provided by the architect, engineer, contractor or other person(s) qualified to provide an accurate estimate of the construction cost will be used, whichever is greater.

TOTAL VALUATION	FEE***
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$3.65 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000 plus

	\$3.65 for each additional \$1,000, or fraction thereof
Other Inspections and Fees:	
1. Inspections outside of normal business hours	\$42.00 per hour* (minimum charge – two hours)
2. Re-inspection fees assessed under provisions of Section 108.8, Uniform Building Code Book, Volume 1, 1997 Edition	\$42.00 per hour*
3. Inspections for which no fee is specifically indicated	\$42.00 per hour*
4. Additional plan review required by changes, additions or revisions to plans	\$42.00 per hour*
5. For use of outside consultants for plan checking and inspections, or both	Actual costs**

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

*** Fees may be adjusted annually on or about January 1st with a cost of living increase without further action by the town council.

(Ord. 06-11, 2006; Ord. 05-001, 2005; Ord. 03-003, 2002; prior code § 8-9-1)

15.65.020 Alternate building valuation fee schedule.

Section 8-2-3 of the International Code Council, Building Valuation Data, as published February 2009 for the 2006 International Building Code and the 2006 International Residential Code alternate fee schedule, is hereby adopted and shall serve as the official alternate building fee schedule for all Huachuca City minimum building permit valuations for construction permits.

For purposes of calculating building valuation fees, the cost estimates provided by the architect, engineer, contractor or other person(s) qualified to provide an accurate estimate of the construction cost shall be used unless that fee determination is less than the fee as determined by the fee schedule provided in this section; attached hereto and incorporated herein by this reference. (Ord. 09-04 § 2, 2009; Ord. 06-11, 2006; Ord. 01-015 § 5, 2001; Ord. 95-009, 1995; prior code § 8-9-3)

Chapter 15.70 FENCES

Sections:

[15.70.010 Intent and purpose.](#)

[15.70.020 Maximum height.](#)

[15.70.030 Setback requirements.](#)

[15.70.040 Masonry or block-stone wall.](#)

[15.70.050 Material \(fence construction\).](#)

15.70.010 Intent and purpose.

This chapter is intended to preserve the character and value of real property within the limits of the town and to promote the peace, comfort, convenience and welfare of all inhabitants of the town. (Ord. 94-015, 1994; prior code § 8-10-1)

15.70.020 Maximum height.

The maximum height of fences measured from highest grade on either side of the fence shall be:

- A. Maximum four feet above grade front yard extending to the front corner of the house on side parcel lines, may include the rear portion of the lot to include complete parcel dimensions.
- B. Maximum six feet above grade fence shall encompass the back and side parcel lines but shall not extend past the front side corners of the house.
- C. Maximum eight feet above grade fence within a commercial, industrial or public works facility, where such property requires security. Temporary or construction fencing may exceed the eight-foot limit but not more than 10 feet respectively. (Ord. 94-015, 1994; prior code § 8-10-2)

15.70.030 Setback requirements.

Fence setback requirements are as follows:

- A. Side fence lines shall not extend over the property line, nor extend past front or rear easements.
- B. Front and rear fence lines will be regulated by the town easement restrictions. (See town for exact setback requirements.) (Ord. 94-015, 1994; prior code § 8-10-3)

15.70.040 Masonry or block-stone wall.

To construct a masonry or block-stone wall:

- A. Requires a building permit from the town building department or town clerk.
- B. Footers are required and shall be inspected by the building inspector prior to construction of a masonry-type fence.
- C. An inspection is required after completion. (Ord. 94-015, 1994; prior code § 8-10-4)

15.70.050 Material (fence construction).

- A. Fencing shall be constructed of proper recommended fencing material (of noninfestation material), which includes but is not limited to wood specifically treated or used for fencing, i.e., redwood, cedar and other woods that have been treated for insect and rot retardation.
- B. A fence post shall not exceed six-inch by six-inch dimensions.
- C. A post shall be set not less than two feet below grade.
- D. In residential areas that do not have alleys or open utility easements in the rear of the lots, fencing must be of a noncombustible material. (Ord. 94-015, 1994; prior code § 8-10-5)

**Chapter 15.75
FLOODPLAIN MANAGEMENT**

Sections:

[15.75.010 Floodplain management.](#)

15.75.010 Floodplain management.

The mayor and council have transferred management of the floodplain within its area of jurisdiction to the flood control district of Cochise County. The town has adopted the most current Cochise County floodplain regulations, which are public records of the town and are available in the office of the town clerk.

The town building official is designated as the NFIP floodplain administrator for the town, is responsible for coordinating with the flood control district of Cochise County, and will serve as the town's point of contact on NFIP issues for county, state and federal officials.

The floodplain administrator shall be responsible for all of the following:

- A. Verifying that the community's participation in the National Flood Insurance Program is maintained and remains in good standing through adoption and enforcement of the current regulations;
- B. Keeping and maintaining current flood insurance studies and flood insurance rate map(s) applicable to the town;
- C. Keeping and maintaining the most current "Cochise County Floodplain Regulations" at the office of the town clerk; and
- D. Keeping and maintaining elevation certificates (or acceptable records of lowest floor elevations) for all structures within the special flood hazard areas. (Ord. 16-13 § 4, 2016; Res. 07-13, 2007; Ord. 06-12, 2006; Ord. 06-06, 2006; Ord. 06-02, 2006; Ord. 01-015 § 10, 2001; Ord. 87-03, 1987; prior code § 13-3)

Chapter 15.80
VIOLATIONS AND PENALTIES

Sections:

[15.80.010 Notice of violations.](#)

15.80.010 Notice of violations.

A. Any resident may file a formal written complaint for violation of the town code with the town building official, who may then institute any appropriate legal action or proceeding to prevent such unlawful construction, reconstruction, structural alteration, remodeling, renovation, restoration, relocation, sign erection, demolition, razing or maintenance; to restrain, correct, or abate such violation; to prevent any illegal act, conduct, business, or maintenance in and about such premises, or effect removal. Each day such a violation continues shall constitute a separate violation.

B. Any person, firm, company, association, corporation or other entity (hereinafter referred to as "person") in violation of any provisions of this title shall be guilty of a class one misdemeanor, and shall be deemed guilty of a separate offense for each 24-hour period after receipt of a notice of noncompliance from the town building official. Any such violation(s) shall be dealt with as follows:

1. Upon receipt of the initial formal written complaint, the town building official may issue a letter of noncompliance and intent to suspend the business license or permit to the person in violation, which shall state the extent and nature of the violation and the actions necessary to remedy the noncompliance. The person in violation shall be given 30 days from the date of the letter to initiate actions approved by the building official necessary to comply with this chapter.
2. If corrective action is not taken as outlined above and to the satisfaction of the town building official, the person in violation shall receive a notice of continued noncompliance from the town building official, which shall state the extent and nature of the continued noncompliance. Additionally, a copy of the notice of continued noncompliance shall be forwarded to the Huachuca City police department, which may issue a criminal citation for violation and may issue additional citations for each violation. Each 24-hour period of noncompliance after receipt of the notice of continued noncompliance shall constitute a separate violation and shall carry a fine no less than \$500.00 per violation, plus an additional \$50.00 shall be collected per issued citation as reimbursement to the police department, upon the determination of guilt or no contest by the town magistrate. In addition, it shall require an immediate suspension of the business license or permit or both issued by the town of Huachuca City and used by the violator to conduct business within the town limits of Huachuca City upon the determination of guilt or no contest by the town magistrate. Should the person in violation be found guilty or otherwise enter a plea of guilty or "no contest," the person's business license or permit shall immediately be suspended until such time as the town building official has determined that the person in violation has remedied the violation, paid all fines in full issued by the town magistrate and is in full compliance with the town code.

3. If a person builds a structure without having a valid permit from the Huachuca City town clerk, that person(s) will have 10 days from the date of notice to tear down all structures that were built without a permit, or file a request for hearing with the Huachuca City planning and zoning commission. If corrective action is not taken as outlined above to the satisfaction of the town building official, the person in violation shall receive a notice of continued noncompliance from the town building official, which shall state the extent and nature of the continued noncompliance. Additionally, a copy of the notice of continued noncompliance shall be forwarded to the Huachuca City police department, which shall issue a criminal citation for violation and may issue additional citations for each violation. Each 24-hour period of noncompliance after receipt of the notice of continued noncompliance shall constitute a separate violation and shall carry a fine no less than \$500.00 per violation, plus an additional \$50.00 shall be collected per issued citation as reimbursement to the police department, upon the determination of guilt or no contest by the town magistrate.

4. For purposes of this chapter, a notice shall be deemed received when it is personally served or five days after it is sent by certified U.S. mail.

5. In addition to the penalties provided in this section, the court shall impose restitution as part of its sentence to compensate the town for its costs to enforce this chapter and bring a building or land into compliance with this chapter. Restitution shall include all costs of abatement, including inspection fees and prosecution of the case. (Ord. 17-04 § 1, 2017; Ord. 16-01 § 3, 2016; Ord. 05-005, 2005; prior code § 8-13)

Title 16
NEIGHBORHOOD PRESERVATION AND VACANT PROPERTY REGISTRY

Chapters:

[16.05 General Provisions](#)

[16.10 Definitions](#)

[16.15 Property Maintenance Standards](#)

[16.20 Building Maintenance Standards](#)

[16.25 Unsafe/Dilapidated Structures and Equipment](#)

[16.30 Graffiti Prevention, Prohibition and Removal](#)

[16.35 Slum Property](#)

[16.40 Public Nuisance](#)

[16.45 Additional Violations](#)

[16.50 Administration, Enforcement and Appeals](#)

[16.55 Liability, Conflicts, Severability](#)

[16.60 Foreclosure/Vacant Property Registry](#)

**Chapter 16.05
GENERAL PROVISIONS**

Sections:

[16.05.010 Title.](#)

[16.05.020 Purpose and scope.](#)

[16.05.030 Permits required.](#)

16.05.010 Title.

These regulations shall be known as the “Neighborhood Preservation Ordinance of the town of Huachuca City” and may be cited as such and will be referred to hereinafter as “title.” The town of Huachuca City will be referred to hereinafter as the “town.” (Ord. 19-16 § 2, 2019)

16.05.020 Purpose and scope.

A. The purpose of this title is to promote and preserve the health, safety and welfare of the citizens of Huachuca City, and to protect its residents, neighborhoods and business district against hazardous, blighting and deteriorating influences or conditions that diminish quality of life and contribute to the downgrading of property values. This title serves these purposes by establishing minimum standards for the condition of the interior of residential buildings; by establishing requirements for the maintenance of all residential and nonresidential buildings and structures of any kind, and vacant and improved land; and by prohibiting acts and conduct that diminish quality of life.

B. Unless otherwise specifically provided, this title shall apply to all buildings, structures and lands within the town without regard to the use or the date of construction, improvement or alterations. It constitutes the minimum requirements and standards for structures, equipment and facilities; the responsibility of owners, operators and occupants; and for the occupancy of existing structures and premises.

C. This title shall be applied lawfully, fairly, sensibly, consistently, and reasonably to promote the maintenance of all existing buildings and land in the town. The intent is to ensure that individuals, business owners and families do not suffer undue hardship.

D. This title shall not require changes in existing buildings and utilities when alterations were installed in accordance with the town building codes in effect at the time of construction or alteration of the building, structure or utilities and have been satisfactorily maintained since that time. This subsection does not apply when the building, structure or utility has been determined to be an imminent hazard, unsafe, unhealthy, or deteriorated, when the building has been moved to another location, or in connection with the requirements of Chapter [16.20](#).

E. Repairs, additions or alterations to a building or structure, or changes of occupancy, shall be done in

accordance with the procedures and provisions of the building, zoning, administrative and technical codes adopted by the town and in effect at the time of such repair, addition or alteration.

F. To the extent that any provision of this title conflicts with or is preempted by any state or federal law, including state and federal laws concerning the construction and maintenance of manufactured homes and mobile homes, the provisions of this title shall not apply. (Ord. 19-16 § 2, 2019)

16.05.030 Permits required.

No building, structure or building service equipment regulated by this title or by the building and technical codes adopted by the town shall be built, erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a permit first has been issued by the building official in the manner provided in Title [15](#) and the building codes adopted by the town. (Ord. 19-16 § 2, 2019)

Chapter 16.10 DEFINITIONS

Sections:

[16.10.010 Definitions.](#)

16.10.010 Definitions.

For purposes of this chapter, the following terms shall have the definitions provided below; provided, however, where terms are not defined in this chapter, they shall have the meanings ascribed to them in other chapters of the Huachuca City Municipal Code, including but not limited to the International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Mechanical Code, National Electrical Code or NFPA 70. Words not defined shall be given their normal, ordinary meaning.

Abandoned Property. The word “abandoned” is hereby defined as voluntarily relinquished by the owner for an apparently indefinite period of time. As applied to motor vehicles or other articles of property, the term includes, but is not limited to, any motor vehicle or other article of personal property which is left upon the public or private property without the consent of the public entity, owner, lessee, or occupant thereof for longer than four hours.

Abandoned Structure. An “abandoned structure” is hereby defined as any structure that is in a partially dismantled state, and which remains uninhabitable for more than 12 consecutive months and there is no active building permit for work to the structure; or which remains uninhabitable for more than 30 months, even if there is an active building permit for work to the structure; and one of the following conditions exists:

1. The structure’s roof or any part thereof is missing; or
2. Any outside wall of the structure or portion thereof is missing, including any windows that are missing, or the structure is not dried-in.

“Abate” means to correct, including, but not limited to, repair, clear, rehabilitate, demolish, or remove.

“Abatement warrant” means an order, in writing, signed by a judge of a court of competent jurisdiction, authorizing any employee, authorized agent, representative or contractor of the town to enter onto any affected property to abate specified conditions.

“Acceptable indoor air quality” means air in which there are no known contaminants at harmful concentrations.

“Accessory improvements” means improvements to land other than buildings, including, but not limited to, driveways, parking areas, pools, bridges, monuments, signs, sidewalks, walkways, exterior steps, railings, fences, screening walls, and retaining walls.

“Accessory use areas” means those areas and buildings around a dwelling which provide space for amenities and facilities, including but not limited to pay phones, picnic areas, recreation areas, laundry rooms, recreation

rooms and refuse collection facilities.

“Addition” means an extension or increase to floor area or height of a building or structure.

“Agent” means a person residing or located within Arizona authorized by the owner of a property to make or order repairs or service to the property, building or structure and authorized to receive notices on behalf of the owner.

“Aggregate material” means any rock fragments, pebbles, sand, gravel, cobbles, crushed base, asphalt, dirt or similar material.

Air Pollution. No emission shall be permitted which can cause damage to health, animals, vegetation, or other forms of property, or which can cause any excessive soiling.

“Alter” or “alteration” means any change in construction or a change in occupancy. Where the term “alteration” is applied to a change of construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another.

“Attractive nuisance” means the maintaining of a condition, instrumentality, machine, or other agency that is dangerous to young children because of a child’s ability to appreciate peril and which may be reasonably expected to attract them.

“Bathroom” means a room containing plumbing fixtures, including a bathtub or shower.

“Bedroom” means any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

“Blight” or “blighted” means unsightly, unsafe, or unsanitary conditions including, but not limited to, the accumulation of litter or debris; fences, buildings or other structures characterized by holes, breaks, rot, crumbling, cracking, peeling, or rusting; landscaping that is dead or damaged, characterized by bare dirt areas, uncontrolled growth or lack of maintenance, or is damaged; any other similar conditions of neglect, disrepair or deterioration; the exterior visible use or display of tarps, plastic sheeting or other similar materials as flexible or inflexible screening, fencing or walls covering upon a residential lot; excessive use, decay, degeneration, infestation, disrepair and deterioration that contribute to the depreciation of neighborhood property values or affect the health, safety, economic, aesthetic, or general welfare of citizens, regardless of the condition of other properties in the neighborhood.

“Building” means any structure, either temporary or permanent, having a roof, supported by columns or walls, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall

include tents, awnings, or vehicles situated on private property and used for the purposes of building.

“Building code” means the code adopted by this jurisdiction regulating the design and construction of buildings and structures.

“Building official” means the officer or other person designated and authorized by the city manager to enforce and administer the town adopted building codes; or the building official’s authorized representative.

“Closed container” means a container designed for transporting loose material such as garbage, refuse, or aggregate material with sides, top, and bottom made of solid and durable material such as metal or plastic, which will resist normal wear and tear and without any holes, cracks, or openings through which materials contained therein may escape, regardless of the degree to which the container is filled.

“Code official” means the official(s) designated and authorized by the city manager to enforce and administer the provisions of this title; or any duly authorized representative or designee of that official. “Code official” includes any peace officer, fire code official (fire-related issues only), building official or code enforcement officer.

“Commercial property” means any property occupied by a business or businesses which sell, rent, trade or store goods, or which provide a service.

“Compliance order” means an order notifying the recipient that he or she is subject to civil or criminal prosecution for a violation of this chapter unless the violation is corrected.

“Contiguous” means relating to property or residences, property that shares or abuts the boundary line or edge of the immediately adjacent property.

“Debris” means substance or junk of little or no apparent economic value, which may be present in accumulation in excess of six inches in height and 10 inches in diameter, including but not limited to deteriorated lumber, old newspapers, furniture, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, car parts, equipment that is abandoned, broken or neglected, or the scattered remains of items.

“Default” means, with respect to a mortgage, that the obligor under the mortgage has breached or is in default of a repayment or other obligation in connection with that mortgage and has been notified by the mortgagee.

“Designee” means a person authorized in writing by the city manager to carry out specific actions to enforce this chapter.

“Deteriorated” or “deterioration” means a lowering in quality in the condition or appearance of a building, structure, or premises, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, vermin infestation, unsafe or unsanitary conditions, or any other evidence of physical decay, neglect, damage or lack of maintenance.

“Dilapidated” means a condition relating to a structure and consisting of multiple violations of the town code, such that the structure is in an obvious and serious state of disrepair.

“Driveway” means a private way that provides access from a street to a building such as a house or garage.

“Dumping ground” means any area that is used for the storing, leaving, or abandoning of refuse, litter, garbage, waste, earth, rock or debris, including construction, agricultural, landscape, residential, commercial and industrial solid waste.

“Dwelling unit” means an enclosed space of one or more rooms that is designed, occupied, or intended for occupancy as living quarters exclusively for a single household, to include permanent provisions for living, sleeping, sanitation, and kitchen facilities.

“Excavation” means any well, shaft, basement, pit, tunnel, trench, hole or other like or similar removal of earth material.

“Exterior surface” means building exterior surfaces and attachments to buildings, including, but not limited to, walls, roofs, doors, windows, gutters, downspouts, antennas, fixtures, satellite dishes, porches, garages, patios, and chimneys.

“Fences,” “screen walls” and/or “retaining walls” means self-standing structures designed to provide semi-privacy, security or bank retention between grade separation.

“Garbage” means swill, offal and any accumulation of spoiled or fully decomposed, rotting or discarded animal, vegetable or other matter resulting from the handling, preparation, cooking, storage, or consumption of plant and animal matter, including meats, fowl, buds, fruits, vegetables, dairy products or other organic waste material subject to rapid decomposition and their waste wrappers or containers.

“Graffiti” means any unauthorized inscription, figure, slogans, designs, drawings or other defacement that is written, marked, painted, carved, scratched, etched, sketched, or otherwise affixed to any exterior building surface, unscreened area, accessory improvement, or vehicle in a place which can be seen by the public and that degrades the beauty and appearance of property.

“Guard” means a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

“Habitable space” means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, screen enclosures, sunrooms, storage or utility space and similar areas are not considered habitable space.

“Health hazard” means the presence of any item(s) or condition(s) that adversely impact or jeopardize the well-being or health of an individual. Such items or conditions include, but are not limited to, evidence of occupancy without adequate water and sanitation facilities, or may be inclusive of human or animal waste, medical or biological waste, sharp, gaseous or combustible materials, radioactive waste, dangerous or corrosive chemicals or liquids, flammable or explosive materials, friable asbestos, offal and decay matter.

“Housekeeping unit” means a room or group of rooms forming a single habitable space equipped and intended to be used for living, cooking, sleeping and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

“Imminent danger or hazard” means a condition of real property that places a person’s life, health, or property in high risk of peril when such condition is immediate, impending, on the point of happening and menacing.

“Impervious” means incapable of being penetrated or affected by water or moisture.

“Industrial property” means any property occupied by land uses whose primary operation involves manufacturing, assembling, processing or otherwise treating raw materials, semi-finished products, or finished products for packaging and distribution to either wholesale or retail markets.

“Infestation” means the presence or apparent presence of insects, rodents, birds, animals, vermin or other noxious pests of a kind or in a quantity that may cause structural damage to a building or structure, or endangers health within or around a building or structure, or may have an adverse effect upon the health, safety, aesthetics, or general welfare of citizens.

Inoperable Vehicle. For the purposes of this title, the definition of “inoperable vehicle” shall be the same as the definition located in [Section 9.30.010](#).

“Inspection warrant” means an order, in writing, signed by a judge of a court of competent jurisdiction, directed to a state, county or local official, authorizing entry into private property to inspect for violations of this town code or other relevant laws and requirements.

“Labeled” means devices, equipment, appliances, or materials to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

“Land” means all land in the town, whether improved or unimproved.

“Landscape debris” means material generated or accumulated as a result of, or moved in the course of, landscape operations. “Landscape debris” includes, but is not limited to, grass clippings, leaves, branches, vegetative matter, rubbish, soil and rock.

“Leaf blower” means any device that generates a stream of air that is designed, or used, to move landscape debris.

“Litter” means all decaying or nondecaying solid wastes, including but not limited to both combustible and noncombustible wastes, such as ashes, street cleanings, garbage, rubbish, dead animals, abandoned or junked vehicles or parts thereof, solid market and industrial waste, discarded appliances, discarded furniture, wood, paper, rags, empty barrels, crates, packing cases, excelsior, packing material, wrappings, cigarettes, cardboard, cans, metal, mattresses, bedding, crockery, trash, boxes, bottles, glass, cartons, refuse, debris, plaster, plastic, asphalt, tile, rock, bricks, concrete dribble, yard clippings, dry vegetation, weeds, dead trees and branches, leaves, vegetation and trees which may harbor insect or rodent infestations or may become a fire hazard, piles of earth mixed with any of the above or any foreign objects or other materials tending to create an unsightly condition and having an adverse effect upon the health, safety, economic, aesthetic, or general welfare of adjoining properties or occupants thereof.

“Manufactured home” means a structure built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974 and any subsequent amendments.

Minor Vehicle Repair. Brake part replacement, minor tune-ups, change of oil and filter, repair of flat tires, lubrication and other similar operations are considered minor vehicle repairs. It does not include any removal or rebuilding of engines, repair or removal of differentials or axles, body or painting work of vehicles or vehicle parts or any vehicle repair that causes a vehicle to be inoperable for a period in excess of 24 hours.

“Mobile home” means a structure built before June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a dwelling when connected to on-site utilities. Does not include recreational vehicles and factory-built buildings.

“Mortgage” means a first mortgage or other first-priority security interest in real property that is placed as security for the repayment of a loan and includes a first deed of trust.

“Mortgagee” means any person or firm who holds a first-priority mortgage or other first-priority security interest in real property to secure a loan, whether as the mortgagee of a mortgage or the beneficiary of a deed of trust.

“Notice of default event” means, with respect to a mortgage, a default regarding that mortgage has occurred and either: (1) a notice of breach or notice of default and election to sell has been provided to the obligor and has been recorded in the Cochise County Recorder’s Office; or (2) an action for judicial foreclosure has been commenced regarding that mortgage by the filing of a complaint or petition for foreclosure in a court of competent jurisdiction.

“Notice of violation (NOV)” means a notice issued to a property owner or responsible person concerning violations of this title.

“Noxious weed” means any species of plant which is, or is liable to be, detrimental or destructive and difficult to control or eradicate and shall include any species that the Arizona Department of Agriculture, after investigation and hearing, determines to be a noxious weed.

“Nuisance” means any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

1. Injures or endangers the comfort, repose, health or safety of others;
2. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
3. In any way renders other persons insecure in life or the use of property; or
4. Essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others.

“Occupancy” means the purpose for which a building, or part thereof, is used or intended to be used.

“Occupant” means an individual or individuals or legal entity, through rights of ownership or tenancy, has possession or use and enjoyment of the subject real property and premises. Any person, permittee, licensee, or franchisee that places or maintains facilities in the city streets and public ways.

“Off-road vehicle” means a recreational vehicle designed for off-road use and not required to be licensed, including without limitation all-terrain vehicles, motocross cycles, sand rails and dune buggies.

“Openable area” means that part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

“Operator” means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

“Owner” means a person, persons or legal entity listed as the current titleholder of real property, as recorded in the official records of the Cochise County Recorder’s office.

“Owner’s agent” means a statutory agent designated pursuant to ARS Section 33-1902.

“Person” means any individual, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination of groups acting as a

unit.

“Polluted” means a condition that exists in the water and is characterized by bacterial growth, algae, insect infestation, the remains of litter, debris, garbage, or any other foreign matter which, because of its nature or location, constitutes an unhealthy, unsafe, or unsightly condition.

“Pool” means a constructed or excavated exterior area designed to contain a regular supply of water.

“Premises” means a lot, plot or parcel of land, easement or public way, including any structures thereon.

“Private property” means any real property not owned by the federal government, state, county, city, or political subdivision of the state.

“Property line” means the line that represents the boundary of property (including an apartment, condominium, room or other dwelling unit) owned, leased, or otherwise occupied by a person, business, corporation or institution.

“Public way” means any street, alley or similar parcel of land, essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

“Refuse” means solid waste, including garbage.

“Resident” means a person that lives in a residence, or a responsible party.

“Residential property” means a property where the dominant use is nontransient occupancy of residential dwelling units.

“Residential rental property” means property that is used solely as leased or rented property for residential purposes. If the property is a space rental mobile home park or a recreational vehicle park, “residential rental property” includes the rental space that is leased or rented by the owner of that rental space but does not include the mobile home or recreational vehicle that serves as the actual dwelling if the dwelling is owned and occupied by the tenant of the rental space and not by the owner of the rental space.

“Responsible person” means an owner, tenant, renter, lessor, lessee, manager, agent, lien holder or a fiduciary or person with power of attorney or other person who is occupying or having charge, possession or control of the premises or has authority and ability to act on behalf of, or in the interest of, the owner. When property is held in common by more than one owner, each owner is a responsible person, even when a homeowner’s association has been formed to manage and maintain such commonly owned property. Such a homeowner’s association shall also be a responsible person. When any subdivision or planned area development (PAD) has been approved by town council and provisions have been made for the creation of an architectural review committee, homeowner’s association or similar committee which has been created, or will be created, for the purpose of

controlling or regulating matters of common concern or maintenance, the developer of said subdivision or PAD shall submit to the town clerk the names, addresses and telephone numbers of the officers of said committee or association at the time the organization is granted autonomy. Until such information is supplied to the town clerk, the developer shall remain a responsible person for the purposes of maintaining all common property in accordance with this section. Once granted autonomy, the chairperson, secretary or principal officer of any committee or association, as described above, shall notify the town clerk of any change in officers and provide the names, addresses and telephone numbers of the new officers within 30 days after the change becomes effective. Until the town clerk receives notice of any new officers, the officers on record shall remain responsible persons as provided herein.

“Rooming house” means a building arranged or occupied for lodging with or without meals, for compensation and not occupied as a one- or two-family dwelling.

“Rooming unit” means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

“Rubble” means broken solid surface fragments, usually resulting from the decay or deterioration of a building; miscellaneous mass of broken or apparently worthless materials.

“Screened area, exterior” means an area separated by a permanent nonflexible device to completely conceal one element of a property from other elements or from adjacent or contiguous property. Examples include but are not limited to fencing six feet in height that is made from solid wood, brick or chain link with opaque slats.

“Sidewalk area” means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, whether identified on the ground as a pedestrian walkway or not.

“Sleeping unit” means a room or space in which people sleep which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

“Slum property” means residential rental property that has deteriorated or is in a state of disrepair and that manifests one or more of the following conditions that are a danger to the health or safety of the public:

1. Structurally unsound surfaces, roofs, walls, doors, floors, stairs, stairwells, porches or railings.
2. Lack of potable water, adequate sanitation facilities, adequate water or waste pipe connections.
3. Hazardous electrical system or gas connections.
4. Lack of safe, rapid egress.

5. Accumulation of human or animal waste, medical or biological waste, gaseous or combustible materials, dangerous or corrosive liquids, flammable or explosive materials or drug paraphernalia.

Smoke. No emission of smoke from any source shall be permitted to exceed a greater density than the density described as No. 1 on the Ringleman Chart. However, smoke may be emitted which is equal to but not darker than No. 2 on the Ringleman Chart for not more than four minutes in any eight-hour period. For the purpose of grading the density of smoke, the Ringleman Chart, as published by the U.S. Bureau of Mines, shall be the standard. All measurements shall be taken at the point of emissions of the smoke.

“Stabilization” or “stabilized” means treatment of ground surfaces with asphaltic concrete, cement, concrete, hardscape, penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate, decomposed granite cover, crushed granite cover, aggregate cover, gravel cover, grass or other continuous vegetative cover, or any combination of these stabilizers.

“Store” means parking, leaving, locating, keeping, maintaining, depositing, remaining, or having a physical presence.

“Structure” means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

“Tenant” means a person who rents, leases or subleases, through either a written or oral agreement, real property from another for a fixed time.

“Toilet room” means a room containing a water closet or urinal but not a bathtub or shower.

“Vacant” means, with respect to real property and vacant real property, real property and improvements that are not presently occupied by persons lawfully entitled thereto. The term does not include real property that is unoccupied by reason of the temporary absence of lawful occupants who intend to return and resume occupancy.

“Vacant and unsecured building or structure” means any vacant or abandoned building or structure, regardless of whether or not the building or structure is surrounded in whole or in part by a fence or wall, that is: (1) a fire or health hazard because of the accumulation of weeds, debris, or flammable or combustible waste or refuse; or (2) an attractive nuisance or hazard to the public because unsecured doorways or window openings or holes in the exterior of the building or structure permit entry of unauthorized persons.

“Vacant structure” means any unoccupied or illegally occupied structure.

“Vegetation” means plant growth, whether living or dead, characterized by grass, weeds, bushes, cactus, or trees.

“Vehicle” means 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 tracts.

“Ventilation” means the natural or mechanical process of supplying conditioned or unconditioned air to or removing such air from any space.

Weeds. In addition to those noxious weeds defined in ARS Section 3-201, weeds include, but are not limited to, bull thistle, cocklebur, foxtail, horseweed, lamb’s quarters, London rocket, mallow, milkweed, pigweed, mustards, prickly lettuce, ragweed, Russian thistle, tumbleweed, shepherd’s purse, sowthistle, white horsenettle, and willow weed, regardless of whether an owner or occupant regards the plant growth as desirable. In addition, any vegetation in excess of 12 inches growing in an uncontrolled manner which will, if not cut or destroyed, become a fire hazard or menace to adjacent property is, for the purpose of this chapter, a weed.

“Yard, front” means the area extending the full lot width and situated between the front property lot line and the face of the principal building, which is parallel to, or most nearly parallel to, the front lot line.

“Yard, rear” means the area extending the full lot width and situated between the rear lot property line and the face of the principal building, which is parallel to, or most nearly parallel to, the rear lot line.

“Yard, side” means the area extending between the front yard and the rear yard and situated between the side lot property line and the face of the principal building, which is parallel to, or most nearly parallel to, the side lot line. (Ord. 19-16 § 2, 2019)

Chapter 16.15
PROPERTY MAINTENANCE STANDARDS

Sections:

[16.15.010 Scope.](#)

[16.15.020 Litter control.](#)

[16.15.030 Care of premises.](#)

16.15.010 Scope.

In this chapter, unless otherwise provided, the terms “exterior premises” and “land” apply to all land, vacant or improved, located within the town. (Ord. 19-16 § 2, 2019)

16.15.020 Litter control.

A. Accumulation of Refuse, Debris and Litter Is Prohibited. Each owner, lessee, tenant, resident or occupant shall maintain all exterior premises and land so it is free of accumulated refuse, debris, litter or inoperable vehicles. This means contained or uncontained refuse, debris or litter that is present on a property in a manner not authorized by the town.

B. Accumulation of Refuse, Debris and Litter from a Construction Site Is Prohibited. It is unlawful for any property owner, agent, or contractor in charge of any construction or demolition site to cause, maintain or permit the accumulation of any refuse, debris or litter on the site before, during, or after completion of the project except in a designated contained area or to allow any such refuse, debris or litter to become windblown and carried or deposited upon any alley, street, public place or adjacent private property.

C. Dumping of Refuse, Debris and Litter Is Prohibited. No person shall throw, deposit or dump any refuse, debris or litter on any land, whether owned by such person or not, except that approved receptacles may be used for the collection and containment of such refuse, debris or litter, provided they are maintained in such a manner to prevent the refuse, debris or litter from becoming windblown and being carried about the area or deposited on any alley, street, public place or adjacent private property.

D. Failure to Provide Receptacles to Contain Refuse, Debris and Litter Is Prohibited. It is unlawful for any business, corporation, firm or person to fail to provide approved litter or trash receptacles for the containment of refuse, debris, litter and trash generated within or upon their premises or to allow refuse, debris, litter or trash from approved receptacles to become windblown and be carried about the area or deposited on any alley, street, public place or adjacent private property.

E. Burning of Refuse Is Prohibited. Except as specifically permitted by this or other adopted codes, the open burning or incineration of refuse is prohibited. (Ord. 19-16 § 2, 2019)

16.15.030 Care of premises.

All exterior premises and land shall be maintained in accordance with the following minimum standards so as not to create a public nuisance. All exterior premises and land area shall be kept free from dry vegetation, tumbleweeds, weeds, bushes and tall grass and trees which present a visual blight upon the area, which may harbor insect or rodent infestations, or dry vegetation which may likely become a fire hazard or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants.

A. Accumulation of Vegetation Prohibited. Each owner, lessee, tenant, resident or occupant shall maintain a premises or land so it is free of the accumulation or untended growth of vegetation. The “accumulation or untended growth of vegetation” means the presence of plants on property that create a fire, safety or health hazard, or that attract vermin either on the property, on neighboring properties, or on both, and includes but is not limited to:

1. Any lawn grass that exceeds 12 inches in height.
2. All weeds that exceed 12 inches in height.
3. All hedges along the front and side lot line to the front line of a residence that exceed four feet in height.
4. All noxious weeds, defined as all grasses, annual plants and vegetation, other than trees and shrubs; provided, however, this term shall not include cultivated flowers and individual or community gardens.
5. Dead trees or dead shrubs.
6. Dead palm fronds within 10 feet of the ground, a structure, a fence or wall, or of any combustible other than the tree from which the fronds have grown.
7. Any tree, shrub, or other form of vegetation of any kind on the property or on the adjoining right-of-way, street, or alley that extends over or under the sidewalk space (whether sidewalk is installed or not) or roadway in a manner that may interfere with the reasonable use of the street, sidewalk space, or alley for pedestrian or vehicular traffic of any kind or that may obstruct the view or light distribution of traffic-control signs or devices or luminaries. Vegetation must be trimmed and maintained to provide an unobstructed pedestrian path a minimum of 48 inches in width and 80 inches in height from grade.

B. Vacant Lots or Parcels Shall Be Maintained. Vacant lots or parcels that are located within an established subdivision or in a business zone shall be maintained free from weeds or untended plant growth the same as if it was improved. Vacant lots or parcels that are adjacent to established subdivisions or a business zone shall be maintained free from weeds or untended plant growth in excess of 12 inches in height a distance of 75 feet from the property line adjoining the improved property and 25 feet from the property line adjoining a public or private

street.

C. Maintenance of Public Rights-of-Way. It is the duty of all tenants or occupants of any real property abutting any local street or alley in the town or, if no tenant or occupant, then the property owner thereof shall be required, to keep that part of the street between such property lines and the curb, including the gutter of the street on which such property abuts, or up to the median point of an alley, improved or unimproved, in a safe and sanitary condition at all times. Said area shall be kept free from debris, litter and trash of all kinds, except household waste that is being properly disposed. Grass, weeds, or other groundcover shall not exceed 12 inches. This duty extends to and includes:

1. Any portion of a street or street right-of-way which has been opened for public use between the curblines (or if there is no curblines, the edge of street pavement) and the abutting property line. This includes the abutting sidewalk area (whether the sidewalk is installed or not). Sidewalk areas shall be kept free from sand, leaves, algae growth, vegetation and slippery conditions.
2. One half of the width of abutting alleys, from the property line to the centerline of the alley.

D. Composting. The provisions of this section do not prohibit the maintenance of a compost pile on residential property, so long as the compost pile does not create a hazard and is:

1. Contained;
2. Maintained so as not to produce offensive odors or attract flies or vermin;
3. Located, insofar as reasonably possible, so that it is not visible from abutting properties or streets;
4. Maintained in compliance with all rules, regulations and procedures that may be promulgated by the code official.

A compost pile not in compliance with all the provisions of this section is in violation of this chapter.

E. Insect, Rodent and Animal Control. All exterior premises shall be kept free from insect and rodent harborage and infestation and other noxious pests where such harborage or infestation threatens the health, safety or welfare of a person or persons. Where harborage or infestation is found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate harborage and prevent reinfestation. 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 residents of the area, and where other applicable legal requirements are met.

F. Walkways and Driveways. All walkways, stairs, driveways, parking spaces and similar areas located on the exterior premises shall be kept in a proper state of repair and maintained free from hazardous conditions.

G. Parking in Front Yards. No vehicle, recreational vehicle, accessory vehicle, trailer, or similar type vehicles or trailers, or parts for such vehicles or trailers, shall be parked or stored in the portion of the front yard directly in front of a residence.

H. Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

I. Exterior Hazard or Attractive Nuisance. All premises and land shall be kept free of any condition that constitutes a health hazard, imminent hazard, or attractive nuisance. Such prohibited conditions include, but are not limited to, the following:

1. Accessory Structures, Fences, Screen Walls and Retaining Walls. All accessory structures on the exterior premises, including, but not limited to, detached garages, guest houses, storage buildings and sheds, as well as all fences, screen walls and retaining walls shall be safe, structurally sound and maintained so that they do not constitute a hazard, blight or condition of disrepair. Examples of hazards, blight or conditions of disrepair are inclusive of, but not limited to, leaning fences, fences that are missing slats or blocks, graffiti, peeling paint, deterioration of paint or materials, rotting or damaged materials.

2. Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

3. Abandoned Refrigerators. All premises shall be kept free of iceboxes, refrigerators or other containers with a capacity of one and one-half cubic feet or greater that have an attached door or lid, snap-lock or other locking device that may not be released from the inside and that are abandoned, discarded or no longer used for refrigeration and are in any place accessible to children. In addition to any other remedy provided under this chapter, a code official may immediately and without prior notice remove an attached door, lid or other locking device or take other similar action to abate the hazard presented.

4. Excavations. All premises shall be kept free of abandoned or unsecured excavations, or any excavation that creates a hazard to public safety or an attractive nuisance. An excavation made under permit and secured and maintained in a manner that complies with the applicable permit requirements is not considered a violation of this section. An excavation or mound is considered secure when:

a. It is protected by a permanent or complete five-foot minimum height enclosure that surrounds the excavation or property.

b. A well, pit, abandoned swimming pool, or similar excavation is completely and permanently covered,

fenced securely or protected in an equivalent manner.

5. Grading and Drainage. All exterior premises, with the exception of approved retention areas and reservoirs, shall be graded and maintained to prevent erosion of soil and to prevent the accumulation of stagnant water thereon, when such water causes a hazardous or unhealthy condition, becomes a breeding area for insects, causes soil erosion or causes damage to neighboring property.

6. Sanitation. All exterior premises shall be maintained in a safe and sanitary condition. The property owner or occupant shall keep that part of the exterior premises which such person occupies or controls in a safe and sanitary condition. It shall be unlawful for any person to permit any rubbish, trash, refuse, junk and other abandoned materials or any conditions which provide harborage for rats, mice, snakes or other vermin to remain in a yard or open area owned, occupied or in the possession of such person for a period of more than five days. Garbage and refuse shall be disposed of in accordance with the provisions of Title [8](#).

7. Repeated Dumping. Vacant lots or lands which have been subject to dumping on more than one occasion shall be secured to prevent further occurrences of dumping. Signs stating "no dumping" shall be erected in accordance with applicable laws on vacant lots or lands which have been subject to dumping on more than one occasion.

8. Toxic, Hazardous, and Flammable Materials. The storage and use of poisonous, corrosive, explosive, flammable and combustible liquids, radioactive materials, and other materials hazardous to life or property, as determined by the town, shall conform to all applicable portions of the currently approved edition of the International Building Code and the International Fire Code. These standards are in addition to all applicable state and federal regulations.

9. Outdoor Storage. Outdoor storage on residential properties is prohibited under the following conditions:

- a. When stored in the front yard.
- b. When stored in the side yard or rear yard and not screened by a minimum five-foot-high solid wall or opaque fence.
- c. When it exceeds 25 percent of the total lot area.
- d. When stored in an open, covered porch that is visible from beyond the boundaries of the lot.
- e. When stored in an open carport that is visible from beyond the boundaries of the lot or where the amount of storage restricts an automobile from being properly stored within the carport. A double carport will require enough space to store two automobiles.

f. When storage items include garbage, refuse or debris not contained in an approved receptacle.

10. Maintenance of Swimming Pools and Architectural Pools. All swimming pools and architectural pools, ponds and spas shall be properly maintained so as not to create a safety hazard or harbor insect infestation or create a visibly deteriorated or blighted appearance. They shall meet the following standards:

a. It shall be unlawful for any person, owner, lessee, tenant, occupant, or business entity (hereinafter collectively "person") to have, keep, maintain, cause or permit a swimming pool where the water quality deteriorates to such a poor level as to prevent clear visibility from the water's surface to the pool bottom or as to create a breeding ground for mosquitoes or other insects. Water shall not be allowed to stagnate, or to become stale or foul through lack of circulation.

b. Architectural pools that contain fish must be maintained to provide for the health of the fish. Dead fish must be removed immediately.

c. Private swimming pools, hot tubs and spas shall be surrounded by a fence or barrier at least 60 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. Provided, however, spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section. (Ord. 19-16 § 2, 2019)

Chapter 16.20
BUILDING MAINTENANCE STANDARDS

Sections:

[16.20.010 Scope.](#)

[16.20.020 Building interior.](#)

[16.20.030 Building and structure exteriors.](#)

16.20.010 Scope.

In this chapter, unless otherwise provided, the “building interior” section applies to the interior, utility service, plumbing and mechanical equipment of all residential dwellings and dwelling units in the town. The “building and structure exteriors” section applies to all residential and nonresidential structures and buildings in the town.

(Ord. 19-16 § 2, 2019)

16.20.020 Building interior.

A. Fire Safety.

1. The presence and operations of window openings, size and condition of exits, bars, grills, grates covering windows and openings shall allow for safe and rapid egress in emergency situations. At least one window and all doors in living/sleeping rooms in dwelling units must have an operable release mechanism that allows safe and rapid egress without the use of separate tools.
2. Every dwelling unit or guest room shall have unobstructed access directly to the outside, or to a public corridor. Every door, stairway, passageway or other means of exit shall be of sufficient size, width and arrangement so as to provide safe and rapid egress in the event of fire. Every walking surface of any means of exit shall be maintained free of warping, rotting, or other damage or obstructions so as to provide safe and rapid egress in the event of fire.
3. Every existing dwelling unit shall be provided with smoke detectors in good operating condition as required by the adopted fire code of the town of Huachuca City.

B. Heating and Cooling Systems.

1. Heating. Every habitable room within a dwelling unit, guest room, and congregate residence shall be provided with safe heating facilities which are properly installed and maintained in a sound condition and are capable of providing adequate heating, appropriate for the climate, to assure a safe living environment. All heating facilities shall be free from health hazards associated with ventilation, mounting, electrical and gas connections and other defects. Unvented fuel-burning heaters must be of a listed and approved type but are prohibited as the sole source of heating. Ovens, stoves or ranges, or other cooking appliances

cannot be used for the purpose of heating any portion of a dwelling. Listed and approved type of portable space heaters may only be used as the sole source of heating on a temporary basis (as determined by the code official) when the permanent heating system is being repaired or replaced.

2. Cooling. Every dwelling unit, guest room, and congregate residence shall be provided, in at least one habitable room, with either mechanical cooling or an alternate cooling method. Cooling facilities shall be installed and maintained in a safe condition and in accordance with the manufacturer's recommendations, and shall be capable of providing adequate cooling, appropriate for the climate, to assure a safe living environment. Evaporative cooling shall be maintained to be free of excessive rust, corrosion or mineral deposits that limit proper operation. Any mounting apparatus for a cooling facility must be structurally sound. Mechanical fans or portable evaporative cooling devices may only be used as the sole source of cooling on a temporary basis (as determined by the code official) when the permanent cooling system is being repaired or replaced.

C. Ventilation.

1. Habitable rooms within a dwelling unit shall be provided with natural ventilation by means of openable exterior openings with an area of not less than five square feet. A mechanical ventilating system may be provided in lieu of required exterior openings for natural ventilation, so long as such a system is capable of providing 0.35 air changes per hour and so long as the air supply is taken from the outside.

2. Bathrooms, laundry rooms, water closet compartments and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than one and one-half square feet. A mechanical ventilation system connected directly to the outside may be provided in lieu of required exterior openings for natural ventilation in bathrooms that contain a bathtub, shower or combination thereof, laundry rooms, and similar rooms. Such a system must be capable of providing five air changes at the rate of 50 cubic feet per minute if the system operation is intermittent, or 20 cubic feet per minute if the operation is constant. The point of discharge of exhaust air shall be at least three feet from any opening into the building. In bathrooms containing only a water closet, lavatory or combination thereof, or in similar rooms, ventilation may be provided with an approved mechanical recirculating fan or a similar device designed to remove odors from the room.

D. Electrical Systems.

1. All dwellings and dwelling units shall be provided with electrical service. Electrical facilities connected to or in any building or structure are to be maintained hazard-free and in a state of good repair. The electrical system shall be free from hazards such as bare wiring; overloaded circuits or services; equipment not properly grounded; over-fused circuits; misuse of wiring, including the use of extension cords in lieu of permanent wiring; nonapproved wiring; and wiring exposed to moisture or extreme heat. Broken, loose, frayed, inoperable, defective or missing portions of the electrical service, lines, switches, outlets, fixtures

and fixture coverings shall be repaired or replaced.

2. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner and in accordance with all applicable laws.

3. Every habitable room must have at least two electrical receptacle outlets, or one outlet and one electric light fixture. Every bathroom, water closet compartment and laundry room must have at least one electric light fixture.

E. Mechanical Equipment. All mechanical equipment and appliances shall be properly installed, maintained in a safe, working, operating condition, and shall be free of any defect that impairs operability.

F. Plumbing Systems.

1. Dwelling units shall be provided with one or more bathrooms equipped with a water closet, lavatory, and either a bathtub or shower. Hotels or subdivisions thereof where both sexes are accommodated shall contain at least two separate toilet facilities that are conspicuously identified for male or female use, each of which contains at least one water closet. Additional water closets shall be provided on each floor for each sex at the rate of one for every additional 10 guests, or fractional part thereof in excess of 10. Each sink, bathtub and shower shall have hot and cold running water as necessary for its normal operation and use.

2. All dwellings or dwelling units shall have a kitchen, which shall include an indoor cooking area. The cooking area must be provided with a sink separate and apart from any bathroom sink or lavatory. Each kitchen sink shall have hot and cold running water necessary for its normal operation and use.

3. All plumbing systems are to be maintained safe and hazard-free and in a state of good repair. Every dwelling or dwelling unit shall have an adequate potable water supply. Every plumbing fixture, water and waste pipe and gas connection shall be properly installed in accordance with all applicable laws and maintained in good and sanitary working condition so as to prevent structural deterioration or health hazards and are to be free from leaks and obstructions.

4. All plumbing fixtures shall be connected to a public sewer system, or to an approved private sewage disposal system, with the connections free from leaks, blockages, or other defects. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

5. When a structure is equipped with a gas supply system, it must be installed and maintained in a safe, hazard-free condition.

G. Interior Surfaces and Features.

1. Every wall or vertical support must be sufficient to carry imposed loads safely, and must not lean, buckle, or split due to defect or lack of maintenance.
2. Every ceiling, roof, and ceiling and roof support must be sufficient to carry imposed loads safely, and must not buckle, sag or split due to defective material or deterioration.
3. Every floor and floor support shall be maintained in a safe and structurally sound condition, and every existing floor covering shall be maintained in a safe condition that is free of defect or deterioration that creates an unsafe or unsanitary condition.
4. Every interior door, cabinet and other feature shall be maintained in a safe and structurally sound condition.
5. All interior coverings, finishes, and surfaces, including walls, ceilings and floors, shall be maintained in a good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. All walls, ceilings or floors shall be free from holes, breaks and loose or rotting materials. Cracked or loose plaster, wallboard, decayed wood or other defective surface conditions shall be corrected.
6. All repair work shall be done in a workman-like manner.

H. Ceiling Heights. Habitable spaces, kitchens, halls, bathrooms and toilet compartments must have a ceiling height of not less than seven feet measured to the lowest projection of the ceiling. If any room has a sloping ceiling, at least one-half of the room area must have the prescribed minimum ceiling height.

I. Interior Sanitation.

1. The interior of every building or structure shall be maintained from any unsafe or unsanitary accumulation of refuse.
2. All sanitary facilities shall be installed and maintained in a safe and sanitary condition.
3. Every dwelling unit must have a kitchen, which shall include a sink. All sinks, drainboards and countertops adjacent to the kitchen sink shall be made of nonabsorbent materials, or must be covered by a nonabsorbent material.

J. Interior Insect and Rodent Control. The interior of all buildings and structures shall be kept free from infestation of insects, rodents and other noxious pests where such infestation threatens the health, safety or welfare of a person or persons.

K. Access Control.

1. Exterior doors, including sliding glass doors, must have an operable locking mechanism. Double cylinder deadbolt locks or other mechanisms that prevent rapid egress in case of fire or other type of emergency are prohibited.
2. All windows must have an operable locking mechanism. (Ord. 19-16 § 2, 2019)

16.20.030 Building and structure exteriors.

A. Exterior Surfaces. All exposed exterior surfaces, windows and doors shall be maintained to be free of deterioration that is a threat to health and safety, impervious to moisture and weather elements, and shall not otherwise present a deteriorated or blighted appearance. Windows, doors, locks on doors, and hinges must be present and installed properly. These items must be free from deterioration or blighting conditions. Examples of such deterioration and blight may include the following:

1. Improperly anchored canopies, metal awnings, stairways, exhaust ducts, and overhead extensions;
2. Exterior windows and doors that are not fitted securely in their frames and are not substantially weathertight or that have inoperable locks;
3. Paint that is deteriorated, indicated by peeling, flaking, cracking, blistering or mildew, resulting in exposed, bare, unprotected surfaces;
4. Window screening not maintained in good condition.

B. Weather Protection. All weather-exposed exterior surfaces of every building, including windows and doors, shall provide weather protection. Every building shall be weather protected to provide shelter for the occupants against the elements and to exclude moisture and dampness.

C. Protective Treatment. All exterior wood surfaces, except for decay-resistant woods, must be protected from deterioration and from the elements by paint or other protective treatment or covering. Any exterior wood surface that has paint that is peeling, flaking, cracked, blistered or chipped, resulting in bare, unprotected surfaces, must be repainted. All metal surfaces subject to corrosion or rust must be treated or coated to inhibit corrosion and rust, unless corrosion or rust is a design element.

D. Boarded Window or Door Openings.

1. No occupied structure may have boarded window or door openings, except as necessary on a temporary basis to keep the structure secure while under repair.
2. While vacant structures may temporarily be secured by boarding up window and door openings in accordance with Section [16.25.050](#), having or maintaining boarded window or door openings on a vacant structure for 366 days in any two-year period is prohibited.

E. Windows, Skylights and Doors. Every window, skylight, door and all associated frames shall be kept in sound condition and repair and weathertight. All glazing materials shall be maintained free from cracks and holes. Every window, other than fixed windows, shall be easy to open and capable of being held in position by window hardware. All window and door hardware shall be maintained in good condition and shall function properly.

F. Decorative Features. All cornices, belt courses, corbels, trim, eaves, fascia, soffits, wall facings and similar decorative features shall be maintained in good repair free of decay, rot or loose material, and have proper anchorage.

G. Foundations, Walls, Roofs and Chimneys. Every foundation, wall, roof, chimney and all exterior surfaces of buildings and structures shall be maintained in structurally sound condition and shall provide weather protection. All wood showing evidence of termite damage or decay, where structural or functional integrity is impaired, shall be replaced.

H. Foundations. All foundations shall be maintained in a structurally sound condition and shall be capable of supporting the load placed thereon by normal use. Foundations shall have effective waterproofing.

I. Walls. Exterior walls shall be maintained in a structurally sound condition that is substantially weathertight and weatherproof and shall be protected from the elements by paint or other approved protective covering. Exterior walls must be free of loose, crumbling or deteriorated plaster or rotted, split or buckled exterior wall coverings.

J. Roofs. The roof of every building or structure shall be maintained in a structurally sound condition and shall provide weather protection for that building or structure. Roof coverings shall not be rotted, broken, split, buckled or otherwise deteriorated. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structures. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

K. Chimneys. All chimneys must be maintained to be structurally safe and in sound condition.

L. Stairways, Decks and Porches. All stairways, decks and porches shall be maintained in a safe condition and shall be capable of supporting the load and resisting all forces placed thereon by normal use. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

M. Coolers and Their Apparatus. Evaporative coolers, cooler stands and any cooler mounting apparatus shall be maintained in a condition free from excessive accumulation of scale, rust, corrosion or mineral deposits. Cooler stands and any mounting apparatus must be structurally sound. Unused, deteriorating and unattached evaporative coolers are to be removed from the structure.

N. Accessory Structures. All accessory structures, including but not limited to detached garages, fences and

walls, must be structurally sound and be free of disrepair. Examples of disrepair include missing slats, posts or blocks, or damage, deterioration or rot. Fences and walls cannot be constructed or covered with materials not designed or commonly used for that purpose, such as pallets or tarps. Fences and walls must be properly anchored so as to not be in danger of failure or collapse.

O. Exterior, Weathertight, Watertight and Vermin-Proof. Every foundation, roof and exterior wall shall be reasonably weathertight, watertight and vermin-proof and shall be kept in sound condition.

P. Address Identification. All buildings, whether new or existing, with an assigned address shall display the address in a manner to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background and shall not be obstructed by trees, shrubs or anything that would tend to hide or obscure the numbers. (Ord. 19-16 § 2, 2019)

**Chapter 16.25
UNSAFE/DILAPIDATED STRUCTURES AND EQUIPMENT**

Sections:

[16.25.010 General.](#)

[16.25.020 Unsafe structures.](#)

[16.25.030 Unsafe equipment.](#)

[16.25.040 Structures unfit for human occupancy.](#)

[16.25.050 Unsecured vacant buildings or structures.](#)

[16.25.060 Closing of vacant buildings or structures.](#)

[16.25.070 Emergency measures.](#)

[16.25.080 Demolition.](#)

16.25.010 General.

Buildings, structures or equipment that are or hereafter become so deteriorated, damaged, dilapidated, or in need of repair so as to present a threat to the health, safety and welfare of the community constitute a nuisance and shall be abated by repair, rehabilitation or demolition as provided in this title or other applicable law, code, ordinance or regulation. (Ord. 19-16 § 2, 2019)

16.25.020 Unsafe structures.

It is unlawful to maintain an unsafe structure that is found to be dangerous to life, health or property by not providing minimum safeguards to protect or warn occupants in the event of a fire, or because such structure contains unsafe equipment, or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible. (Ord. 19-16 § 2, 2019)

16.25.030 Unsafe equipment.

It is unlawful to maintain unsafe equipment that includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health or property. (Ord. 19-16 § 2, 2019)

16.25.040 Structures unfit for human occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin- or rat-infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or

other essential equipment required by this title, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. (Ord. 19-16 § 2, 2019)

16.25.050 Unsecured vacant buildings or structures.

Unsecured vacant buildings or structures are unlawful and are prohibited by this chapter. The following requirements shall apply to all vacant and unsecured buildings or structures, regardless of whether the building or structure is surrounded in whole or in part by a fence or wall or not:

A. Duty to Clean, Secure and Prohibit Trespass. The owner or responsible person of a vacant building or structure shall remove any accumulation of weeds, combustible waste, or refuse from the interior of a building or structure and the surrounding yards and shall secure all doors, windows and other openings to prevent unauthorized entry. No vacant building or structure shall be allowed to be used for storage. The owner or responsible person shall post both the structure and premises with signs to provide conspicuous and reasonable notice prohibiting entry (i.e., "No Trespassing" signs).

B. Reinspection of Secured Buildings and Structures. The code official shall periodically reinspect a building or structure that was cleaned or secured pursuant to an administrative or judicial order to ensure continued compliance with the order and this title. The code official may assess a reinspection fee for actual costs of each inspection in those instances where the building or structure is again found to be vacant and unsecured or in need of debris or weed removal.

C. Abatement of Unsecured Vacant Buildings or Structures. When ordered abated, an unsecured vacant building or structure shall be cleaned and secured as follows:

1. All accumulated refuse or stored materials that pose a fire, safety or health hazard within or upon the property or premises shall be removed; and
2. All unsecured doorways, windows, or exterior openings shall be barricaded in accordance with standards established by the code official, which shall be kept on file with the town clerk, and in accordance with Section [16.20.030\(D\)](#).
3. Both the structure and the exterior premises shall be posted with signs that provide reasonable notice prohibiting entry (i.e., "No Trespassing" signs). (Ord. 19-16 § 2, 2019)

16.25.060 Closing of vacant buildings or structures.

If a building or structure is vacant and determined to be unfit for human habitation or occupancy, but is not in danger of structural collapse, the code official is authorized to post a placard and/or condemnation on the premises and to order the structure be closed up as to not be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and

the costs thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any available legal resource.

A. Notice. Whenever the code official has condemned a building, structure or equipment under the provisions of this section, notice shall be provided in accordance with Section [16.50.060](#).

B. Placarding. Upon failure of the owner or responsible person to comply with the notice provisions within the given time, the code official shall post on the premises, building, structure or on defective equipment a placard bearing the words "CONDEMNED" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

C. Placard Removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. It is unlawful for any person, other than a code official, to remove the condemnation placard.

D. Prohibited Occupancy. Any occupied building or structure condemned and placarded by the code official shall be vacated as ordered by the code official. It shall be unlawful for any person to occupy a placarded building or structure. Any person who shall occupy a placarded building or structure or who shall let anyone occupy a placarded building or structure or operate placarded equipment shall be subject to the citations and/or penalties as provided for in Section [16.50.090](#). (Ord. 19-16 § 2, 2019)

16.25.070 Emergency measures.

A. Imminent Danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupancy of the structure, or when there is actual or potential danger to the building occupants or those in close proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice to read as follows:

THIS STRUCTURE IS UNSAFE AND ITS OCCUPANCY HAS BEEN PROHIBITED BY ORDER OF
THE CODE OFFICIAL.

It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same structure.

B. Temporary Safeguards. Whenever in the opinion of the code official there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

C. Closing Streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures and prohibit the same from being utilized.

D. Emergency Repairs. For the purpose of this section, the code official shall employ the necessary labor and materials to perform the required repair work as expeditiously as possible.

E. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Huachuca City magistrate, be afforded a hearing pursuant to provisions of the magistrate court. (Ord. 19-16 § 2, 2019)

16.25.080 Demolition.

The code official shall order the owner of any premises upon which is located any building or structure, which in the code official's judgement is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the building or structure, to demolish and remove such building or structure; or, if such building or structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any building or structure for a period of more than two years, to demolish and remove such building or structure. (Ord. 19-16 § 2, 2019)

Chapter 16.30
GRAFFITI PREVENTION, PROHIBITION AND REMOVAL

Sections:

[16.30.005 Findings.](#)

[16.30.010 Purpose and intent.](#)

[16.30.020 Graffiti prohibited.](#)

[16.30.030 Notice of violation.](#)

[16.30.040 Notice of violation – Contents.](#)

[16.30.050 Town abatement.](#)

16.30.005 Findings.

Graffiti is considered to be obnoxious, contributes to neighborhood deterioration, provides a communication system for gangs and other vandals, damages property, and constitutes a public nuisance and must be abated immediately to avoid the detrimental impact of such graffiti on the town and its residents, to disrupt the communication system for gangs and other vandals, and prevent the further spread of graffiti. (Ord. 19-16 § 2, 2019)

16.30.010 Purpose and intent.

It is the purpose and intent of this chapter to provide a procedure for the prevention and removal of graffiti from walls, buildings, structures or surfaces on public and private property in order to reduce blight and deterioration within the town and to protect the public health and safety. (Ord. 19-16 § 2, 2019)

16.30.020 Graffiti prohibited.

No person who owns or is in control of any real property within the town shall maintain, permit or allow graffiti to remain on any sidewalk, building, sign, fence, wall or any other structures or surfaces where the graffiti is visible from the street or other public or private property. Doing so is a class one misdemeanor. (Ord. 19-16 § 2, 2019)

16.30.030 Notice of violation.

If it is determined by the town that graffiti exists on a property in violation of this chapter, the town shall, in writing, notify the owner of the property or responsible person through the issuance of a notice of violation providing a maximum of 10 days to abate the graffiti, which notice may be served by certified mail, personal service, or by posting the subject property and publishing the notice in a local newspaper. The town police department shall assist in the enforcement of this section and may use the Arizona traffic ticket complaint form in lieu of a written notice of violation. Failure to comply is a class one misdemeanor. (Ord. 19-16 § 2, 2019)

16.30.040 Notice of violation – Contents.

The notice of violation shall include the following:

- A. Identify the property in violation.
- B. Generally describe the location of the graffiti.
- C. Direct that the graffiti shall be abated within a stated time period, not to exceed 10 days of receipt of the notice.
- D. State that in the event the owner or responsible person fails to abate the graffiti within the time period specified in the notice of violation, the town shall abate the graffiti and bill the owner or responsible person for the costs thereof. (Ord. 19-16 § 2, 2019)

16.30.050 Town abatement.

In the event the owner or responsible person fails to abate the graffiti as required by the notice of violation, the town or its authorized representative is expressly authorized to enter private property only after going through the police department and abate graffiti thereon and bill the owner or responsible person for the costs thereof. In the event the bill is not paid, a statement of the account shall be certified to the town manager, who shall collect the same due, together with interest at the rate established by law. (Ord. 19-16 § 2, 2019)

**Chapter 16.35
SLUM PROPERTY**

Sections:

[16.35.010 Slum property designation.](#)

[16.35.020 Service of notice to designate slum property.](#)

[16.35.030 Slum designation appeal.](#)

[16.35.040 Remedies.](#)

16.35.010 Slum property designation.

A. If, after an inspection, the code official finds that a residential property meets the definition of slum property as outlined in this title and the Arizona State Statutes, the code official or designee may designate the property a slum property.

B. Written notice shall be given to the owner or owner's statutory agent that such property has been designated a slum property and shall set forth:

1. The identification of the land where the violation(s) is located, by the street address, if known, and by book, map and parcel number.
2. A statement of the violation(s) in sufficient detail to allow a reasonable person to identify and correct the violation(s).
3. Except for an imminent hazard to life, health or public safety requiring emergency abatement, the owner shall be given 30 days from service of the notice of designation of slum property to correct the violation(s).
4. The name and phone number of the code official who sent the notice.
5. An explanation that the residential rental property is subject to state statutes, including the appointment of a temporary receiver, annual inspections and payment of inspection costs and penalties.
6. An explanation of the appeal process and specify the date by which any appeal must be filed.

C. The failure to timely appeal the designation of slum property as slum property shall be deemed an admission that the property is slum property.

D. If the violation(s) in the notice of designation of slum property is corrected within 30 days from the service of the notice, the town shall withdraw the designation of slum property. If the violation(s) in the notice of designation of slum property is not corrected within 30 days, the town may then record a notice of designation of slum

property in the Cochise County recorder's office. (Ord. 19-16 § 2, 2019)

16.35.020 Service of notice to designate slum property.

A. The notice to designate slum property shall be served by any of the following methods:

1. By hand delivering a copy of the notice to the owner or owner's statutory agent; or
2. By mailing a copy of the notice to the owner at the last known address or at the address to which the tax bill for the land was last mailed; or
3. By mailing a copy of the notice to the owner's statutory agent.

B. The notice to designate slum property is deemed served on the date it is hand delivered or, if mailed, on the date it is deposited in the United States mail. (Ord. 19-16 § 2, 2019)

16.35.030 Slum designation appeal.

Within 10 working days from the date of the notice of slum designation, the property owner of property designated to be slum property may file with the town clerk a written appeal to the board of adjustment from such designation. The failure to timely appeal the designation of slum property as slum property shall be deemed an admission that the property is slum property.

A. The appeal shall clearly show the street address (if known) and the parcel identification number of the property, the date the notice of slum property designation was issued and the reason for the appeal.

B. The board of adjustment shall, at its next regularly scheduled meeting after receiving the appeal, but no later than 60 days, hear and determine the same and the decision of the board of adjustment shall be final.

C. If no appeal is taken or if the board of adjustment affirms the designation of the property as a slum property, the town may proceed with all inspections and enforcement, charges and other remedies provided by law for slum properties. (Ord. 19-16 § 2, 2019)

16.35.040 Remedies.

A. If the violations outlined in the notice of designation of slum property are corrected within 30 days from the service of the notice, the town shall withdraw the designation of slum property.

B. If the violations are not corrected, the town may then record a notice of designation of slum property with the Cochise County recorder's office. A recorded notice shall run with the land. Failure to record a notice shall not affect the validity of the notice as to the persons who receive the notice.

C. In addition to other remedies provided in this title for the abatement of slum property, the code official is authorized to seek the appointment of a temporary receiver and recover costs associated with such

appointment, including the filing of liens as provided by law.

D. In addition to any other remedy providing for recovery of costs either by law or otherwise specified by this title or elsewhere in the Huachuca City Municipal Code, the code official is authorized to file costs as provided by law associated with inspections of slum properties in accordance with ARS Section 33-1904 or its successor sections in the Cochise County recorder's office and, upon such filing, such costs shall be a lien on the property. (Ord. 19-16 § 2, 2019)

**Chapter 16.40
PUBLIC NUISANCE**

Sections:

[16.40.010 Public nuisance designated.](#)

[16.40.020 Nuisance prohibited.](#)

[16.40.030 Buildings and structures constituting a nuisance.](#)

[16.40.040 Other conditions constituting a nuisance.](#)

16.40.010 Public nuisance designated.

Anything which is injurious to health or safety or is indecent, or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by a considerable number of persons, or which unlawfully obstructs the free passage or use, in the customary manner, of any stream, public park, square, street, alley, public easement or highway is designated a public nuisance, and is no less a nuisance because the extent of the annoyance or damage inflicted is unequal. In addition, any violation of this title that is continuous with respect to time is a public nuisance. (Ord. 19-16 § 2, 2019)

16.40.020 Nuisance prohibited.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance as defined in this chapter and Chapter [16.10](#). (Ord. 19-16 § 2, 2019)

16.40.030 Buildings and structures constituting a nuisance.

All buildings and structures are to be maintained so as not to pose a threat to the health and safety of any person or persons. The condition of a building or structure that meets any one or more of the following conditions is considered a public nuisance, is a violation of this chapter, and subjects the building or structure to abatement as provided in Section [16.50.100](#), including demolition as provided in Section [16.50.100](#)(F):

- A. The building or structure is vacant and unsecured, regardless whether the building or structure is surrounded in whole or in part by a fence or wall or not.
- B. The building or structure lacks safe and adequate means of exit in case of fire or panic.
- C. The stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose or location.
- D. The building, structure or any portion thereof has been damaged by fire, earthquake, wind, flood or any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before the

damage and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.

E. The building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children or a harbor for trespassers or persons committing unlawful acts.

F. The building, structure, or any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to partially or completely collapse and thereby injure persons or damage property.

G. Any portion of a building or structure, or any member, appurtenance or ornamentation on the exterior thereof, is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.

H. Any portion of a building or structure that has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

I. The walls or other vertical structural members of the building or structure list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

J. The building or structure, excluding the foundation, has 33 percent or more damage or deterioration to the supporting member or members or structural assembly, or 50 percent damage or deterioration to the nonsupporting members, enclosing or outside walls or coverings.

K. The building or structure is infested by rodents, insects or other noxious pests, rendering it uninhabitable.

L. The building or structure exhibits conditions that present actual or imminent hazards or dangers or is otherwise unsafe for the purpose for which it is being used.

M. The building or structure, whether erected in accordance with any applicable laws or not, has any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the following:

1. Strength;
2. Fire-resisting qualities or characteristics; or
3. Weather-resisting qualities or characteristics required by law in the case of a newly constructed building

of like area, height and occupancy in the same location.

N. A dwelling is unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

O. The building or structure, because of obsolescence, dilapidated condition, damage, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause.

P. The building or structure has been found, upon reinspection, to be vacant and unsecured, and either:

1. The code official has issued at least one previous abatement order to secure within the preceding 12 months, or more than three abatement orders to secure over any timeframe; or
2. The code official has secured the building or structure on at least one previous occasion within the preceding 12 months, or more than three times over any time frame.

Q. A building or structure or portion thereof remains for any period of time on a site after the demolition or destruction of the building or structure, or normal construction of an unfinished or incomplete building or structure has ceased for a period of more than 12 months.

R. Slum property. (Ord. 19-16 § 2, 2019)

16.40.040 Other conditions constituting a nuisance.

Except as otherwise permitted by law, each of the following conditions is declared to be a nuisance:

A. Abandoned property and/or structure.

B. Maintenance of premises, including buildings, so out of harmony or conformity with the maintenance standards of adjacent properties as to cause an attractive nuisance, blight, complaints and substantial diminution of the enjoyment, use or property values of such adjacent properties.

C. A building, premises or land regularly used in the commission of a crime.

D. Animal waste that is not securely protected from insects and the elements, or that is kept or handled in violation of the town code or the county code; provided, that nothing in this subsection shall be deemed to prohibit the normal use of such animal manure for fertilizing lawns or gardens.

E. Making, causing or permitting to be made any vibration or artificial illumination of such intensity as to interfere substantially and unnecessarily with the use and enjoyment of any public or private property, or as to constitute a hazard or threat to the public health, safety and welfare of the people of the town. Nothing herein shall be construed so as to prohibit or cause removal of any lighting system that has been approved and installed in

accordance with the town code or the Arizona Department of Transportation, or which has been approved and installed in accordance with the sign, subdivision or zoning codes of the town, or where the person responsible for such artificial illumination is utilizing the same at any exhibition, performance, amusement attraction or event authorized or sponsored by the town. Outdoor lighting shall comply with zoning requirements outlined in Chapter [18.125](#).

F. Willfully or negligently permitting or causing the escape or flow of water into the public right-of-way in such quantity, in the opinion of the town, as to cause flooding, to impede vehicular or pedestrian traffic, to create a hazardous condition for such traffic, or to cause damage to the public streets or alleys of the town through the failure or neglect to properly operate or maintain any water facility or device, including, but not limited to, swimming pools, architectural pools, spas, sprinklers, hoses, pipes, ditches, standpipes, berms, valves and gates.

G. Any commercial or industrial type equipment, to include the following: tractors, backhoes, bulldozers, trenchers, cranes or other similar equipment parked in an area visible to the public for more than 48 hours in any residential district except when the equipment is being used for construction purposes on the site.

H. Any putrid, unsound or unwholesome bones, meat, hides, skins, or the whole or any part of any dead animal, butcher's trimmings and offal, or any waste vegetable or animal matter in any quantity, garbage, human excreta, sewage or other offensive substances; provided, that nothing contained in this subsection shall prevent the temporary retention of waste in receptacles in the manner approved by the Cochise County health officer or the town code.

I. A dumping ground or other land or building for depositing litter or debris.

J. Exterior areas used or maintained as junkyards, except any automobile wrecking yard or other junkyards where the use is allowed by the town zoning regulations.

K. The erection, continuance or use of any building, room or other place in the town that, by noxious exhalations or other airborne irritations, including but not limited to smoke, soot, dust, fumes or other gases, offensive odors or other annoyances, is discomforting or offensive or detrimental to the health of individuals or of the public. Refer to definition of "smoke" outlined in Chapter [16.10](#).

L. Burning or disposal of refuse, sawdust or other material in such a manner as to cause or permit ashes, sawdust, soot or cinders to be cast upon land or buildings, the sidewalk, streets, alleys, or highways of the town, or to cause or permit the smoke, ashes, soot or gases arising from such burning which is discomforting or offensive to a reasonable person of normal sensitivity, or to constitute a potential hazard to public health, safety and welfare; provided, that this subsection shall not apply where the person responsible for the action has properly obtained a fire permit from the fire department.

- M. Allowing fumes and residue from spraying applications to enter the property of another without permission.
- N. To leave or permit to remain in an unsecured location outside on any property, or within any unoccupied or abandoned building, dwelling or other structure or in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator, washer, dryer or other container that has an airtight door or lid, snap lock or other locking device that may not be released from the inside, without first removing such door or lid, snap lock or other locking device from such ice box, refrigerator or container.
- O. An unsecured or abandoned excavation, pit, well or other holes.
- P. Maintaining any privy, vault, cesspool, septic system, sump, pit, accumulated water or like place or thing which is not securely protected from insects or rodents or which is foul, malodorous, or detrimental to the health of the public.
- Q. Any swimming pool, architectural pool or spa that creates a health hazard, is unsecured, harbors insect infestation or presents a deteriorated appearance.
- R. The use, on public or private property, of any form of motor vehicle, motorcycle, mini-bike, dune buggy, motor scooter or other recreational vehicle or conveyance which produces offensive noise or airborne dust sufficient to cause discomfort or annoyance to a reasonable person of normal sensitivity.
- S. Any material growing within or along a public or private right-of-way, alley, access drive, fire lane or utility easement, which by reason of its size, manner of growth or location, constitutes an obstruction, impairs visibility or otherwise endangers any person, improvement or structure.
- T. Plant growth or any other condition that constitutes a fire hazard or encourages infestation of noxious pests.
- U. Any sign, cornice, parapet wall, mechanical screen or fence which has become deteriorated or so unstable that it constitutes a hazard to passers-by.
- V. Any material, structure, fabrication or vehicle placed on, in or near any public or private right-of-way, alley, sidewalk, access drive, fire lane or easement which prevents the free and unimpeded use thereof shall be considered a public nuisance.
- W. Graffiti.
- X. Excessive heat extending beyond property lines. (Ord. 19-16 § 2, 2019)

**Chapter 16.45
ADDITIONAL VIOLATIONS**

Sections:

[16.45.010 Additional violations.](#)

[16.45.020 Each day a separate violation.](#)

16.45.010 Additional violations.

A. No person shall create, maintain or permit a public nuisance as defined in Chapter [16.10](#) and enumerated in Chapter [16.40](#).

B. No person shall create, maintain, permit or assist any violation of this title, or fail to perform any act or duty required by this title.

C. No person shall interfere or attempt to interfere with a town official investigating or abating a violation of this title.

D. No person shall knowingly make a false statement or knowingly mislead a town official investigating or abating a violation of this title. (Ord. 19-16 § 2, 2019)

16.45.020 Each day a separate violation.

Each day any violation of any provision of this title or the failure to perform any act or duty required by this title continues shall constitute a separate offense upon being cited. (Ord. 19-16 § 2, 2019)

Chapter 16.50
ADMINISTRATION, ENFORCEMENT AND APPEALS

Sections:

[16.50.010 Authority to enforce.](#)

[16.50.020 Presumptions.](#)

[16.50.030 Inspections.](#)

[16.50.040 Warrants.](#)

[16.50.050 Voluntary compliance.](#)

[16.50.060 Notice of violation.](#)

[16.50.070 Transfer of property after notice.](#)

[16.50.080 Administrative consent orders, civil and criminal complaints.](#)

[16.50.090 Violations and penalties.](#)

[16.50.100 Abatement.](#)

[16.50.110 Administrative appeal.](#)

16.50.010 Authority to enforce.

A. The code official, as defined in Chapter [16.10](#), may enforce the provisions of this title by any one or more lawful means, including, but not limited to, voluntary compliance, administrative and civil consent orders, civil enforcement, including injunctive action, criminal enforcement, abatement by administrative procedure, emergency abatement and designation of slum property. The town may also require restitution. One type of enforcement neither limits nor precludes the town from pursuing any other type of enforcement.

B. The code official is authorized to make safe any structure, in whole or part, which, in the opinion of the code official, is an imminent threat to the health or safety of any person or persons due to the conditions of such structure. Such work shall be limited to the minimum work necessary to remove the hazard or secure the hazard through boarding or fencing.

C. When vegetation extends into a street, alley, or public right-of-way in such a manner that it interferes with the free and safe use of the street, alley, or right-of-way, the town may immediately trim and cut such vegetation as necessary to remove such interference without notice to the property owner and without following the abatement procedures set forth in this code. In addition, the town may immediately remove any structure or sign from any

street or public place. Costs of such removal may be billed to the property owner for reimbursement.

D. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the town who is lawfully engaged in the enforcement or execution of the provisions of this title.

E. A violation of this title is in addition to any other violation of the Huachuca City Municipal Code. The authority of the code official to enforce the provisions of this title is independent of and in no way limits enforcement of any other violations of the town code or of state statutes. (Ord. 19-16 § 2, 2019)

16.50.020 Presumptions.

A. The owner of land, as recorded in the Cochise County recorder's office, is presumed to have control over the land and buildings and accessory improvements on the land. If more than one person is recorded as the owner of land, all persons on record are presumed to have joint and several control over the land and buildings and accessory improvements on the land. The occupant residing or operating a business on land or in a building is presumed to have control over the building and land on which it is located. These presumptions shall not prevent the enforcement of this title against persons other than record owners.

B. A sign or structure is presumed to be owned by and under the control of:

1. The person whose name, address, email address or phone number appears on it; and/or
2. The person whose business, product or service appears on it; and/or
3. The person whose business benefits by it; and/or
4. The person who owns or controls the land upon which the sign or structure is placed; and/or
5. The person who installed or placed it.

C. All presumptions are rebuttable. (Ord. 19-16 § 2, 2019)

16.50.030 Inspections.

A. Right of Entry. The code official is authorized to make inspections of property to determine compliance with this title; provided, however, inspections for buildings not readily accessible to or readily visible to the public shall be conducted in conformance with ARS Section 9-833. Except in a situation presenting an imminent hazard to life, health or public safety, building interiors and screened land shall be inspected during the normal business hours of the town, unless otherwise arranged upon the owner's or occupants' consent, or any administrative or court order.

B. Correction of Violations Required. If, upon inspection, it is determined that violations of this title or state law exist, the owner or responsible person shall be required to correct all violations within a reasonable amount of

time. In the event the building, dwelling, or dwelling unit is unoccupied or becomes unoccupied, future occupancy will be prohibited until a compliance letter is issued by the town.

C. Inspection Fees. Except as expressly provided in this title or elsewhere in the Huachuca City Municipal Code, no fee shall be charged for an initial inspection to determine the existence of a violation of this title. Any person who neglects, fails or refuses to correct the violation contained within a notice of violation issued pursuant to Section [16.50.060](#) may be assessed a reinspection fee for inspections that occur after the compliance date specified in the notice, where such reinspection demonstrates the failure to comply. The fee for these reinspections shall be set by resolution or ordinance adopted by the mayor and council. Failure to pay reinspection fees within 14 days of assessment is a violation of this section. Reinspection fees may be collected in any manner as provided by law, including as a lien against the real property where the violation occurred.

D. Appeal of Reinspection Fee. A person may appeal the imposition of a reinspection fee to the code official through an administrative conference in the manner provided in Section [16.50.110\(B\)](#). The administrative conference shall be the only administrative appeal of a reinspection fee, and no appeal may be made to the board of adjustments. (Ord. 19-16 § 2, 2019)

16.50.040 Warrants.

A. Issuance – Supporting Affidavit.

1. An inspection warrant for residential rental property may only be issued in accordance with state law.
2. An inspection warrant for all other property may be issued upon a showing that the proposed inspection is reasonable and necessary.
3. An abatement warrant may be issued to allow entry upon private property to abate specific conditions in accordance with an abatement order issued by the court.

B. Refusal to Permit Inspection or Abatement Prohibited – Penalty. Any person who willfully refuses to permit an inspection or abatement lawfully authorized by warrant issued pursuant to this chapter is guilty of a misdemeanor.

C. Return. An inspection or abatement warrant must be returned to the judge by whom it was issued within 10 working days from its date of execution.

D. Execution of Inspection or Abatement Warrants.

1. Occupied Property. In executing an inspection or abatement warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose of the warrant to an occupant or person in possession of the property. A copy of the warrant shall be left with the occupant or the person in possession.

2. Unoccupied Property. In executing an inspection warrant or abatement warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case, a copy of the inspection or abatement warrant shall be conspicuously posted on the property. (Ord. 19-16 § 2, 2019)

16.50.050 Voluntary compliance.

The code official may seek voluntary compliance with the provisions of this title, proactively or reactively, through warnings, letters, notices to comply, compliance orders, or other means designed to achieve compliance in the most efficient and effective manner under the circumstances. (Ord. 19-16 § 2, 2019)

16.50.060 Notice of violation.

A. Notification. If the code official finds a violation of this title, in the first instance, in any given 12-month period, other than when the violation presents an imminent hazard to life, health or public safety under Section [16.50.100](#)(D), the code official may notify the owner or responsible person through the issuance of a notice of violation.

B. Contents of Notice. A notice of violation issued pursuant to this title shall include the following information:

1. The identification of the property in violation; street address, legal description or tax parcel identification of the property is sufficient identification of the property;
2. A statement of the violation(s) in sufficient detail to allow the owner, occupant or responsible person to identify and correct the violation(s);
3. A statement of the actions required to correct and abate the violation(s). The statement of required action shall direct the owner, occupant or responsible person to perform whatever action is reasonably necessary to correct the violation(s), including cleanup, extermination, repair, rehabilitation, vacation of the building or structure, compliance with Chapter [16.35](#), and/or demolition:
 - a. If the action required is a repair, the notice shall direct that all required permits be secured for the repair, and that the repair work shall be commenced and completed within such time, not to exceed 60 days, as the code official determines is reasonable under the circumstances;
 - b. If the action required includes the vacation of a building or structure, the notice shall direct that the building or structure be vacated within a certain time as the code official determines is reasonable under the circumstances;
 - c. If the action required includes demolition and removal of a building or structure, the notice shall direct that the building or structure be vacated within a certain time as the code official determines is

reasonable under the circumstances; that all permits required for the demolition be secured within 60 days from the date of the notice; and that the demolition and removal be completed within a certain time as the code official determines is reasonable under the circumstances;

d. If the action required is the abatement of a hazardous excavation, the notice shall direct any or all of the following actions be completed within a certain time as determined to be reasonable by the code official:

i. Securing the excavation by surrounding either the excavation or the property with a fence or other enclosure that is at least five feet in height at all points;

ii. Securing the excavation by completely covering the excavation in a manner that prevents any access to the excavation and eliminates any hazard or attractive nuisance;

iii. Completely filling the excavation with clean fill;

4. The stated compliance date shall be a reasonable time period as determined by the code official;

5. The name and phone number of the code official;

6. The criminal or civil penalties for failing to correct the violation;

7. A statement describing the town's authority to abate the violation(s) should the owner or responsible person not correct the violation(s) within the time specified in the notice, and to assess a lien against the property for the costs of abatement; and

8. A statement advising that any person having legal interest in the property may appeal from the notice in the manner specified in this title; and that failure to appeal will constitute a waiver of all rights to an administrative determination and hearing of the matter.

C. Cost to Abate. In order for the town to assess the property for the costs of abatement as provided in Section [16.50.100\(B\)](#), the notice shall be given not less than 30 days before the day set for compliance and shall include the estimated cost of such abatement to the town if the owner or responsible person does not comply.

D. Service of Notice. The notice shall be served upon the record owner and/or the responsible person in the manner described in subsection E of this section. In addition, the notice shall be served on the holder of any legal interest in the property, if known to the code official and, in cases involving an order to vacate, upon any lawful tenant. Any failure to serve any person holding legal interest in the property shall not invalidate any proceedings as to any other person duly served and shall not relieve any such person from any obligation imposed by this title.

E. Method of Service. Notices given under this title shall be deemed effective:

1. On the date when written notice is hand delivered or on the date when written notice is mailed by first class mail, addressed to the property owner or responsible person, except any notice that includes an order to vacate or an order to abate by demolition. Any notice served by first class mail shall be mailed to the last known address of the owner, the owner's authorized agent or the owner's statutory agent and to the address to which the tax bill for the property was last mailed.
2. On the date when written notice is hand delivered or mailed by certified mail, return receipt requested, addressed to the property owner or responsible person for any order to vacate or abate by demolition.
3. Upon notification through one-time public notice published in a newspaper of general circulation and by posting on the property for a period of 30 days, if personal service or mailed service is not practicable.

F. Additional Notice – Notice Not Required. Nothing herein shall preclude the town from giving additional verbal or written notice at its discretion, but it is not obligated to notify the same person as to a second (or additional) violation(s) which has been the subject of a notice to comply within the previous 12-month period. If the town does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situations.

G. Recording a Violation. If there is not compliance with a notice of violation within the time specified in the notice, and no appeal has been properly and timely filed, the code official may record a notice of violation with the office of the Cochise County recorder. A recorded notice of violation shall describe the property and the violations and shall certify that the owner has been notified. A recorded notice of violation shall run with the land and shall constitute notice, for all purposes of this title, to all persons or entities thereafter acquiring an interest in the property. Whenever the required corrections ordered thereafter have been completed or the building demolished so that the violations described in the notice have been abated, the code official shall file a new certificate with the Cochise County recorder certifying that all required corrections have been made and that the property is no longer in violation of this title. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice.

H. Civil or Criminal Violation Proceedings. Unless otherwise specifically provided, nothing in this section shall require the issuance of a notice of violation prior to the commencement of civil or criminal violation proceedings. (Ord. 19-16 § 2, 2019)

16.50.070 Transfer of property after notice.

A. Responsibility upon Transfer of Property. The transfer of any and all property interests in any manner, including but not limited to the sale, trade, lease, gift or assignment of any real property against which a notice of violation has been issued, shall not relieve the party(s) served with a notice unless the legal entity assuming an ownership interest in such property, in writing, assumes responsibility for compliance with the notice of violation

and a copy of such writing is presented to the code official.

B. Fraudulent Transfer as a Misdemeanor. Any person who has been served with a notice of violation and who then transfers an ownership interest in the real property against which the notice has been served is guilty of a misdemeanor if the transfer is made without first obtaining a written acceptance of liability from the new owner for the items listed in the notice. (Ord. 19-16 § 2, 2019)

16.50.080 Administrative consent orders, civil and criminal complaints.

A. Administrative Consent Orders. The town may enter into a written administrative consent order, signed by the town manager or code official, with a person accused of violating this title. The administrative consent order may be enforced as a contract is enforced or by any other lawful means.

B. Civil Complaints. The town manager or designee, building official, code official, town attorney and Huachuca City police officers may bring civil complaints under this title.

1. The complaint shall include a written description and statutory designation of the violation(s).
2. The town shall attempt to hand deliver the civil citation to the person accused of violating this title. If the town is unable to hand deliver the civil citation, the town may serve it by certified or registered mail, return receipt requested, or by any means allowed by the Arizona Rules of Civil Procedure. If the town sends a citation via certified or registered mail, an additional copy must also be sent by regular mail.
3. The citation is deemed served on the date it is hand delivered or, if mailed, on the date it is deposited in the United States mail.

C. Civil Complaints Court Appearance or Failure to Appear.

1. On or before the date specified in the complaint, the defendant shall appear in municipal court in person or through an attorney. The defendant shall admit or deny the allegations in the complaint. If the defendant admits the allegations, the court shall enter judgement against the defendant, impose the civil penalties set forth in Section [16.50.090](#), require restitution and require the defendant to correct the violation(s). If the defendant denies the allegations, the court shall set the matter for hearing.
2. If a defendant serviced with a complaint fails to appear on or before the date specified in the complaint, the court shall enter judgement against the defendant and impose the civil penalties set forth in Section [16.50.090](#), require restitution and require the defendant to correct the violation(s).

D. Criminal Complaints. A Huachuca City police officer or the town attorney may bring criminal complaints under this title. (Ord. 19-16 § 2, 2019)

16.50.090 Violations and penalties.

Unless a penalty, remedy or sanction is otherwise specified in this title, the penalty for a violation of this title shall be as follows:

- A. The remedies herein are cumulative, and the town may proceed under one or more such remedies.
- B. Violations of this title may be prosecuted pursuant to the provisions of this section.
- C. Each day any violation of any provision of this title or the failure to perform any act or duty required by this title exists shall constitute a separate violation or offense.
- D. In addition to the various removal, abatement and cost recovery provisions contained throughout this title, as well as any other remedies allowed at law, citations for civil and criminal violations of this title may be filed in the Huachuca City magistrate court by the police department or the town attorney against any owner or responsible person who commits, causes, permits, facilitates or aids or abets any violation of any provision of this title or who fails to perform any act or duty required by this title.
- E. Penalties for Title [16](#) Violations May Be Civil or Criminal.
 - 1. If the violation(s) concerns property used for residential purposes, the fine for a defendant's first citation under this title shall be \$50.00 per violation. The fine for a defendant's second violation under this title shall be \$100.00 per violation. A defendant's third and subsequent violations under this title over any time frame after the second violation shall be classified as a criminal class one misdemeanor, punishable as determined by the court, not to exceed a \$2,500 fine, six months in jail and three years' probation.
 - 2. If the violation(s) concerns property used for nonresidential purposes, the fine for a defendant's first citation under this title shall be \$250.00 per violation. The fine for a defendant's second violation under this title shall be \$500.00 per violation. A defendant's third and subsequent violations under this title over any time frame after the second violation shall be classified as a criminal class one misdemeanor, punishable as determined by the court, not to exceed a \$2,500 fine, six months in jail and three years' probation.
- F. In addition to the penalties of subsection E of this section, the court shall impose restitution as part of its sentence to compensate the town for its costs to enforce this title and bring a building or land into compliance with this title. Restitution shall include all costs of abatement, including inspection fees, and prosecution of the case.
- G. Any continuing violation of this title constitutes a public nuisance that may be abated by the town. Imposition of a fine or penalty assessment shall not relieve the owner or responsible person of the responsibility of abatement of the violation(s) or excuse him/her from liability for any and all costs incurred by the town for abatement.
- H. In addition to any other abatement procedure provided in this title, the town attorney or prosecutor may

petition the municipal court for an order permitting the town to abate any condition that constitutes a violation of this title. The court shall conduct an informal hearing after written notice, served by personal service or certified mail, to the owner as recorded in the office of the Cochise County recorder, and any responsible person. The rules of evidence shall not apply to the informal hearing. Each party shall have an opportunity to be heard and present evidence at the hearing. Any failure to appear after notice of the hearing may be deemed a waiver by that party to submit evidence or to be heard. The court's determination on whether a condition or violation of this title exists shall be based on a preponderance of the evidence. Upon finding that abatement is appropriate, the court may order the town to take any action reasonably necessary to abate the condition that constitutes a violation. The reasonable costs of any abatement permitted by the court order are the responsibility of the owner and may be collected as provided by law. (Ord. 19-16 § 2, 2019)

16.50.100 Abatement.

A. Court Ordered Abatement.

1. Upon finding a person guilty or responsible for a violation of any provision of this title, the court shall order such person to perform whatever action is reasonably necessary to correct and abate the violations, including cleanup, board-up, extermination, repair, rehabilitation, vacation of the building or structure, permanently securing or filling the excavation and/or demolition. If more than one person is guilty or responsible for a violation, such persons shall be jointly and severally responsible for completing the abatement.
2. When the court orders abatement pursuant to this section, the court shall advise a violator that additional fines will be imposed for failure to abate a violation, and that the town may bring criminal charges for failure to obey an order to abate a violation.

B. Abatement by the Town.

1. In addition to ordering abatement of a violation as provided in subsection A of this section, upon finding a person guilty or responsible for a violation of any provision of this title, the court may issue an order authorizing the town to perform whatever action is reasonably necessary to correct and abate the violation, including cleanup, board-up, extermination, repair, rehabilitation, vacation of the building or structure, disconnection of utilities, permanently securing or filling an excavation, and/or demolition. Town personnel can perform the abatement work or hire appropriate persons or companies to perform such work.
 - a. The reasonable costs of any such abatement shall be the responsibility of the person found guilty or responsible for the violation. If more than one person is guilty or responsible for a violation, such persons shall be jointly and severally responsible for the costs of the abatement.
 - b. The town shall pay the cost and expense of such abatement from any appropriation made available for that purpose and shall prepare a statement of cost, plus five percent incidental cost of abating the

violation. The statement shall be mailed to the owner, the owner's statutory agent or other responsible party.

c. The statement of cost shall specify the date the payment is due to the town.

d. If payment is not made by the date specified in the statement of cost, the town shall place a lien on the land in the amount of the statement.

2. The town may make the costs of an abatement an assessment on the property that is the subject of the violation where all the following are true:

a. The case was initiated by the service of a notice of violation pursuant to Section [16.50.060](#);

b. The owner or responsible person failed to comply with such notice within the specified time frame;
and

c. The notice included the estimated cost of such abatement to the town if the owner or responsible person did not comply.

3. Upon commencement of action on the property or after mailing the statement of account to the owner or responsible person, the town shall assess the property for the cost of work performed, including actual costs of any additional inspection and other incidental connected costs, and for associated legal costs for abatement or injunction and may pursue any or all means for recovery of cost if the assessment is not paid. If the assessment is paid, the town shall remove the assessment.

4. Prior assessment or assessments for the purposes provided for in this title shall not be a bar to subsequent assessment or assessments and any number of liens or assessments on the same parcel may be enforced in the same action.

5. An assessment made pursuant to this section is prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes.

6. Any liens or assessments filed with the Cochise County recorder pursuant to previous provisions of this chapter or any similar chapter shall remain in effect under the same terms and conditions that existed at the time of recording.

7. If the code official observes a violation(s) of Sections [16.15.020\(A\)](#) through (D) or [16.15.030\(A\)](#) through (E) and serves a written notice of violation(s) pursuant to Section [16.50.060](#) and the violation(s) has not been completely abated within the time frame specified, then the violation is presumed to constitute a health or fire hazard or a public nuisance. The town may then go upon the property and abate the violation(s), assess the owner, occupant or responsible party the cost of the abatement, and record a lien

on the land for assessment. Town personnel can perform the abatement work or hire appropriate persons or companies to perform such work.

- a. Following abatement, the town shall prepare a statement of the cost of abating the violation(s) of this title, plus five percent incidental cost of abating the violation.
- b. The statement shall be mailed to the owner, the owner's statutory agent or other responsible party at the address used to serve the notice of violation. If more than one person is responsible for the violation(s), such persons shall be jointly and severally responsible for the payment of the costs or expenses of the abatement.
- c. The payment may be in addition to any civil or criminal penalty imposed pursuant to this town code.
- d. The statement shall set forth:
 - i. The statement of cost is an assessment upon the land from which the town abated the violation(s).
 - ii. The payment of the statement of cost shall be made by the date specified in the statement of cost.
 - iii. If payment is not made by the date specified in the statement of cost, the town shall place a lien on the land in the amount of the statement.
 - iv. The appeal procedures, if any.

C. Temporary Abatement. If it is determined that a nuisance as provided in Section [16.40.030](#) is a hazard to the public safety and health, the code official may declare such building or structure a hazard. After notice is communicated to any owner of record or responsible person to secure the structure and the owner does not secure the building or structure to town specifications, the hazard may be summarily abated by the town through boarding. The town may also post both the building, structure and exterior premises with signs to provide reasonable notice prohibiting entry (i.e., "No Trespassing" signs). Any and all charges and costs arising from the town-taken action to secure the structure shall be charged to the owner or responsible person. If unpaid, the charges and costs shall be a lien against the real property containing such structure.

D. Emergency Abatement. Notwithstanding any other provision of this title, if, in the opinion of the code official, the conditions at a property constitute an imminent hazard, the code official may order immediate abatement of the hazard without notice. Such abatement of the imminent hazard shall be limited to the minimum work necessary to remove the hazard and may include disconnection of utilities.

1. The town shall pay the cost and expense of such abatement from any appropriation made available for

that purpose.

2. A lien shall be recorded with the Cochise County recorder's office and shall address the same costs and procedures identified in subsection B of this section, Abatement by the Town.

3. Whenever the code official finds that any building or structure contains an imminent hazard or health hazard, the code official may declare such building or structure unfit for human occupancy and order it to be vacated or to remain vacant. A structure declared unfit for human occupancy and ordered vacated or to remain vacant under the provisions of this title shall not be leased, rented or occupied and the utilities cannot be reconnected until it has been inspected and deemed fit for occupancy by the town. The town shall reinspect, for the purpose of reoccupancy, within three business days of the receipt of a written request by the owner.

4. Fire department suppression forces are responsible for emergency operations related to fire conditions. In any case involving fire conditions at a building or structure, fire suppression forces shall be responsible for fire suppression and structure control until such time as the fire is fully extinguished. After the fire conditions are fully extinguished, and after any necessary fire cause investigation, fire suppression forces shall transfer control and responsibility for the building or structure to the building official or other appropriate code official. After this transfer, all subsequent enforcement actions, such as securing the structure, restoring utilities, or ordering demolition, as well as all follow-up actions such as cost recovery, shall be the responsibility of the building official or code official. After the transfer of responsibility, fire cause investigators shall retain authority over and responsibility for investigation of the fire causation.

E. Structures Posted as Dangerous. Whenever the code official has determined that a building or structure is unfit for occupancy and orders the building or structure to be vacated, the code official shall post a written notice at or upon each exit of the building or structure. The notice shall be in substantially the following form:

DO NOT ENTER. UNSAFE TO OCCUPY. It is unlawful to occupy this building or structure, or to remove or deface this notice.

F. Abatement by Demolition. Abatement by demolition shall be ordered only where repair of the structure is unreasonable or impracticable, and demolition and removal of a structure or building is necessary to correct and abate a violation. Any action involving the demolition of a building or structure shall be commenced by issuing a notice of violation to the owner and any responsible person in accordance with the provisions of Section [16.50.060](#). (Ord. 19-16 § 2, 2019)

16.50.110 Administrative appeal.

A. Availability of Administrative Appeal. The provisions of this section, which permit administrative review of a notice of violation, only apply to: (1) violations of Chapter [16.20](#), Building Maintenance Standards; (2) violations of Chapter [16.25](#), Unsafe/Dilapidated Structures and Equipment; (3) designations of slum properties pursuant to

Chapter [16.35](#); (4) imposition of a reinspection fee for the failure to comply with a notice of violation; (5) violations of this title wherein the town seeks the recovery of costs through the imposition of an assessment as provided in Section [16.50.100](#)(B). No administrative appeal is available in a case involving a pending or adjudicated court proceeding.

B. Administrative Conference. An appeal shall be made to the code official in the following manner:

1. The applicant shall file a written appeal on the form provided by the code official and accompanied by a nonrefundable fee, as determined by separate ordinance, within 10 days after the date of service of the notice.
2. The appeal will be heard by the code official within 10 days at a regular, specified time.
3. The code official may use a hearing committee consisting of such staff as the code official deems appropriate or other technical persons to advise the code official on an administrative appeal.
4. The applicant shall provide adequate information to fully describe the conditions in question.
5. The applicant may, but is not required to, meet personally with the code official.
6. If the code official denies an appeal made under this section, the applicant must comply with the decision of the code official or may appeal to the board of adjustment according to subsection D of this section.
7. Failure to file an appeal in accordance with the provisions of this section constitutes a waiver of the right to an administrative conference. Additionally, any person who appeals directly to the board of adjustment, pursuant to subsection D of this section, waives the right to an administrative conference.

C. Modifications. The code official may grant a minor variance to the provisions specified in this title when there exists an unusual or unreasonable hardship resulting from a literal interpretation of this chapter. The code official shall first find that a special individual hardship makes the strict application of this chapter impractical, and the variance is in conformity with the intent and purpose of this title, and that the variance does not lessen health, life safety and fire safety requirements or any degree of structural integrity. The details of actions granting variances shall be recorded and maintained by the code official.

D. Appeals to the Board of Adjustment.

1. An owner or responsible person who is not or was not a party to a pending or adjudicated court proceeding involving a request for court ordered abatement of the violation (hereinafter, the "appellant") may appeal a notice of violation or slum designation to the board of adjustment (hereinafter, the "board"), when it is claimed that:

- a. Substantive errors exist in the notice of violation or the slum designation.
 - b. The method or schedule for correcting the violation as set forth in the notice of violation or the slum designation is unreasonable or arbitrary.
2. An owner or responsible person whose relationship with the property existed at the time of the recording of an assessment, and who is not or was not a party to a court proceeding which has established or may establish the amount of an assessment, may appeal the amount of the assessment for abatement to the board.
3. The appellant shall prepare the appeal in a written application as follows:
 - a. The appellant shall file a written appeal on the forms provided by the code official and accompanied by a nonrefundable fee, as determined by separate ordinance.
 - b. The appellant shall provide adequate information to fully describe the conditions in question.
 - c. The application for appeal shall contain each appellant's signature and mailing address to which the decision of the board may be mailed.
 - d. The appellant shall provide a brief statement describing the legal interest of each of the appellants in the property involved in the proceeding.
 - e. The appellant shall verify by declaration under penalty of perjury the truth of the matters stated in the application
 - f. The appeal shall be filed within 30 days from the date of the service of the notice of violation or notice of designation as a slum property; provided, however, that if the building or structure is in such condition as to make it an imminent hazard and is posted and vacated in accordance with Section [16.50.100\(D\)](#), an appeal shall be filed within 10 days from the date of the service of such notice.
4. Except for vacation orders made pursuant to Section [16.50.100\(D\)](#), the timely filing of an appeal shall act as an automatic stay of enforcement of the notice of violation until the appeal is finally determined by the board. The filing of an appeal does not stay enforcement of any notice or order, or any provision thereof, where the notice or order includes an order to vacate.
5. As soon as practicable after receiving the written appeal, the board shall fix a date, time and place for the hearing of the appeal. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant, either by causing a copy of the notice to be delivered personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the

appeal application.

6. Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of the right to an administrative hearing of the appeal and adjudication of the notice of violation or notice of designation as a slum, and such person shall be stopped to deny the validity of any order or action of the town which could have been timely appealed.

7. The board shall decide any appeal immediately after the hearing, or within a reasonable time thereafter, but in no event shall the board keep an appeal under consideration for more than five days after the hearing. The board shall render its decision in writing, and the decision of the board shall be filed with the town clerk, with a copy to the appellant or applicant.

8. The decision of the board is final. No further appeal is available to town or county boards or officials. In cases involving the designation of a property as a slum, persons aggrieved by decisions of the board may appeal the decision pursuant to ARS Title 12, Chapter 7, Article 6 or pursuant to successor provisions relating to judicial review of administrative decisions. In all other cases, persons aggrieved by decisions of the board may apply to superior court for relief in accordance with the Arizona Rules of Procedure for Special Actions. In the absence of a court order, the filing of an appeal or special action will not stay the enforcement.

E. Powers, Duties and Responsibilities of the Board.

1. Appeals. On an appeal, the board may affirm, reverse or modify the notice of violation or notice of designation of a slum. In the event that the board modifies the notice, the following limitations and procedures shall apply:

a. If the appeal is taken on the grounds that the amount of time for correction of the violation given in the notice of violation is unreasonable, upon a showing by the appellant that the time is unreasonable, and upon a satisfactory showing by the appellant that there is a reasonable probability that the appellant will be able to correct the violation by the granting of additional time, the board may grant up to an additional 90 days to correct the violation. The board may permit town staff to grant additional time of up to 90 days if, during the initial time extension, the appellant has substantially complied with any plan or timetable approved by the board.

b. If the appeal is taken on the grounds that the method to correct the violation as specified in the notice of violation is unreasonable, the board may approve an alternate method of correction as long as the purposes of this title are fulfilled.

c. In the event the appeal is taken on the grounds that the cost of the abatement is unreasonable, the board may affirm, modify or reverse the lien or assessment amounts resulting from the abatement for

good cause shown.

d. If the appeal is taken on the grounds that an order to vacate is unreasonable or arbitrary, the board may affirm, reverse or modify the order to vacate.

2. Adoption of Rules. The board may adopt rules necessary to carry out the duties and responsibilities imposed upon it by this section. Such rules shall not be inconsistent with the provisions of this title or the charter or code of the town of Huachuca City. (Ord. 19-16 § 2, 2019)

Chapter 16.55
LIABILITY, CONFLICTS, SEVERABILITY

Sections:

[16.55.010 Liability.](#)

[16.55.020 Conflict of ordinances.](#)

[16.55.030 Severability.](#)

16.55.010 Liability.

A. The board, manager, code official, or any employee charged with the enforcement of this title, acting in good faith and without malice for the town in the discharge of the duties required by this title or other pertinent law or ordinance, shall not be personally liable for damages that may accrue to the persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against said board, manager, code official or employee because of such act or omission performed in the enforcement of any provisions of this title or other pertinent laws or ordinances shall be defended by the town until the final termination of the proceedings, and any judgement resulting therefrom shall be assumed by the town.

B. This title does not relieve from or lessen the responsibility of any person owning, operating or controlling any property, premises, building or structure for any damages to persons or property caused by defects, nor shall the town be held as assuming any such liability by reason of the inspections authorized by this title. (Ord. 19-16 § 2, 2019)

16.55.020 Conflict of ordinances.

A. In any case where a provision of this title is found to be in conflict with a provision of any zoning, building, housing, fire, safety or health ordinance or code of the town existing on the effective date of this title, the provision(s) which establishes the higher standard for the protection and preservation of public health and safety shall control.

B. In cases where two or more provisions of this title should conflict, the most stringent or restrictive shall prevail.

C. 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. (Ord. 19-16 § 2, 2019)

16.55.030 Severability.

If a provision of this title or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this title that can be given effect without the invalid provision or application, and to this end the provisions of this title are severable. (Ord. 19-16 § 2, 2019)

Chapter 16.60
FORECLOSURE/VACANT PROPERTY REGISTRY

Sections:

[16.60.010 Purpose and intent.](#)

[16.60.020 Definitions.](#)

[16.60.030 Applicability.](#)

[16.60.040 Authority to implement.](#)

[16.60.050 Registration requirements.](#)

[16.60.060 Fees.](#)

[16.60.070 Evidence of vacancy.](#)

[16.60.080 Fire damaged property.](#)

[16.60.090 Inspection requirements.](#)

[16.60.100 Monitoring of property.](#)

[16.60.110 Maintenance requirements.](#)

[16.60.120 Security requirements.](#)

[16.60.130 Abatement and demolition.](#)

[16.60.140 Violations and enforcement.](#)

[16.60.150 Penalty.](#)

[16.60.160 Appeals.](#)

[16.60.170 Joint and several liability.](#)

[16.60.180 Waived inspection and maintenance.](#)

[16.60.190 Severability.](#)

16.60.010 Purpose and intent.

It is the purpose and intent of this chapter to establish a registration program to identify and regulate

foreclosures and vacant properties within the town. Furthermore, the intent of the registration program is to provide a mechanism to protect and preserve neighborhoods and the commercial district within the town from becoming unsightly and blighted due to the lack of adequate maintenance of foreclosures and vacant properties. (Ord. 19-16 § 2, 2019)

16.60.020 Definitions.

For the purpose of this chapter, the following definitions shall apply:

“Foreclosure(s)” means any property that is vacant and meets one or more of the following criteria:

1. Is under a current notice of default with any foreclosing entity and/or notice of trustee’s sale;
2. Is subject to a current foreclosure action;
3. A finding of foreclosure has been issued relative to the property;
4. Has been the subject of a foreclosure where the title was retained by the beneficiary of a deed of trust involved in the foreclosure;
5. Is owned by a foreclosing entity; or
6. Has been transferred via a deed in lieu of foreclosure.

“Foreclosing entity” means an entity holding a note secured by a mortgage, an entity holding a lien recorded with Cochise County recorder’s office, a nongovernmental entity that holds an interest in delinquent property taxes, an entity that takes property via a deed in lieu of foreclosure, an entity that has purchased a property from a sheriff’s sale, or a government entity that accepts property as a result of a government insured mortgage or loan.

“Owner” means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

“Property” means any unimproved or improved real property, or portion thereof, situated in the town, including any house, manufactured home, mobile home, building or other structure that may be located on the property, regardless of condition.

“Vacant” means any property, building, manufactured home, mobile home or structure, or any part thereof, that is not presently occupied by persons lawfully entitled thereto. It does not include any property, building, manufactured home, mobile home or structure that is unoccupied by reason of the temporary absence of lawful

occupants who intend to return and resume occupancy, provided such absence does not exceed four months within a year. (Ord. 19-16 § 2, 2019)

16.60.030 Applicability.

The provisions of this chapter shall apply to all property within the town, to include all residential and commercial property. The requirements and penalties in this chapter are in addition to and shall not be considered in conflict with any and all other requirements of this title and the Huachuca City Municipal Code. Nothing within this chapter shall be construed to limit the foreclosing entity or the owner of vacant property to comply with and adhere to any and all building, housing, health, code enforcement and zoning ordinances or any other local, state and federal laws. (Ord. 19-16 § 2, 2019)

16.60.040 Authority to implement.

By means of contract, the town may assign and delegate to another person or entity the authority and responsibility to effect, collect and maintain registrations and registration fees authorized under this chapter. (Ord. 19-16 § 2, 2019)

16.60.050 Registration requirements.

A. Foreclosure Property. Any foreclosing entity that files a foreclosure action, accepts a deed in lieu of foreclosure, buys real property at a sheriff's sale, or accepts property as a result of a government insured mortgage or loan shall, within 15 days after property becoming vacant, register the foreclosure property on forms to be provided by the town. In connection with that registration, the foreclosing entity shall also designate a property manager to inspect, maintain and secure the property. The designated property manager must be located within Arizona, and must be:

1. A duly licensed property management company or property preservation company;
2. A department or section of a foreclosing entity that is devoted to property management or preservation;
or
3. A service provider specifically employed by a mortgagee to provide property management or preservation within the town.

B. Vacant Property. Any owner of vacant property, whether residential or commercial, shall, within 15 days after property becomes vacant, register the vacant property on forms to be provided by the town. In connection with that registration, if the owner does not reside within Arizona, the owner shall also designate a local property manager or agent who would be responsible to inspect, maintain and secure the property.

C. Each Property Registered Separately. Each property having a separate parcel identification number, as designated in the official records of the Cochise County assessor's office, shall be registered separately on forms provided by the town.

D. Required Information. It is the responsibility of the foreclosing entity or the owner of vacant property making the initial application for registration, and any subsequent applications for registration, to provide the following required information:

1. The direct name, mailing address, and telephone number of the foreclosing entity or owner of the vacant property;
2. The name, address, telephone number and email address of an authorized agent for the foreclosing entity of the vacant property to receive notices of code violations, to receive process in any court and to receive notice of enforcement proceedings in connection with the enforcement of this title;
3. The name, address, email address and a 24-hour contact telephone number of the local property manager or designated agent responsible for the security and maintenance of the property;
4. The period of time the vacant building is expected to remain vacant and a plan and timetable for returning the building to appropriate occupancy or use and/or for demolition of the building.

E. Registration Renewal. The registration of the property shall remain valid for 12 months. Upon the expiration of the registration period, the foreclosing entity or the owner of vacant property shall complete another application to renew the registration of the property and pay an additional registration fee. The property registration requirement shall remain until the property is legally occupied; the foreclosure action has been dismissed; the property is purchased, and the deed transferred into the new owner's name.

F. Change in Registration Information. Any person, firm, partnership, copartnership, association, fiduciary, beneficiary, lender, corporation or any legal entity that has registered under this chapter must report any change in registration information required by this chapter within 10 days of the change.

G. Orders Requiring Registration. If a foreclosure or vacant property is identified and found not to be registered with the town as required by this chapter, orders will be issued requiring the property to be registered.

H. Posting Contact Information. Property shall be posted with the name and contact phone number of the foreclosing entity, owner or designated property manager. The posting shall be no less than eight and one-half inches by 11 inches and shall contain, along with the name and contact number, the words: THIS PROPERTY IS MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL" or substantially similar wording. The posting shall be placed in a window adjacent to the entry door or attached to the exterior of the entry door. Exterior postings must be made of weather-resistant materials.

I. Existing Vacant Buildings. Buildings or structures that are vacant property at the time of the adoption of these provisions must register within 30 days of the date these provisions take effect. (Ord. 19-16 § 2, 2019)

16.60.060 Fees.

Registration fees shall be set by the town council by resolution from time to time.

A. All registration fees shall be paid as specified by the established fee schedule for each property subject to the provisions of this chapter. Fees are nonrefundable and shall not be prorated.

B. In the case where the foreclosing entity or owner of vacant property has failed to register, there shall be assessed any added cost incurred by the town in having to determine ownership, which may include, but is not limited to, a title search.

C. The town shall have the authority to collect any additional fees owed to the town at the time the property is registered. Payment in full of all the following fines, fees and debts relating to the vacant property being registered that are owed to the town and are currently due or past due must be paid prior to obtaining registration:

1. Outstanding water, sewer, trash or landfill bills;
2. All charges for mowing, cleanup, weed or debris removal;
3. All charges for securing of the property, including locks and boarding; and
4. Any fines, penalties or debts of any sort arising from provisions of this title, including blight violations.

D. All fees hereunder that remain unpaid after 14 days' written notice to the foreclosing entity, owner or property manager shall be assessed against the property as a lien and included on the tax roll.

E. All delinquent fees shall be paid by the foreclosing entity or owner of vacant property prior to any transfer of an ownership interest in the property. (Ord. 19-16 § 2, 2019)

16.60.070 Evidence of vacancy.

A structure or property will be presumed vacant when any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past due utility notices or disconnection of utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items; statements based on observations by neighbors, passersby, delivery agents or government employees that the property is vacant. (Ord. 19-16 § 2, 2019)

16.60.080 Fire damaged property.

If a building or structure regulated hereunder is damaged by fire, the owner has 90 days from the date of the fire to apply for a permit to start reconstruction or demolition. Failure to do so will result in the property being

deemed vacant property and also subject to the requirements of this title. (Ord. 19-16 § 2, 2019)

16.60.090 Inspection requirements.

Upon registration, an exterior property maintenance inspection shall be scheduled with the code official. A notice of violation or orders to correct may be issued for any violations of this title or the Huachuca City Municipal Code identified during an inspection. Additionally, express authorization shall be provided for the town employees, and contractors designated by the town, to enter upon the property for the purpose of ensuring compliance with this chapter. Regular inspections of the property must be performed by the foreclosing entity or their property manager and an owner of vacant property or the owner's designated agent, to ensure compliance with this chapter, title and all other applicable laws. (Ord. 19-16 § 2, 2019)

16.60.100 Monitoring of property.

- A. The code official shall inspect and monitor the condition of any property required to be registered under this chapter, including building, water, fire, police/public safety, and any other inspections deemed necessary by the code official.
- B. The code official or designee shall have the authority to require foreclosure entity, owner or property manager to implement additional maintenance, security, or other measures not specified in this chapter as may be reasonably required to prevent further decline or blight of the vacant property.
- C. Vacant property that is left open and/or accessible shall be subject to entry by the code official in order to ensure that the property has not become an attractive nuisance and to ensure that the property is locked and/or secured. The foreclosing entity or owner of the vacant property subject to the provisions of this chapter, which property is found open or unsecured, shall be responsible for a securing fee as set by the town council to offset the costs incurred by the town in securing the property if the owner, property manager or designated agent cannot be contacted or does not secure the property within 24 hours. (Ord. 19-16 § 2, 2019)

16.60.110 Maintenance requirements.

It is declared a public nuisance for any foreclosure entity, owner, property manager or designated agent to cause, permit or maintain any property condition contrary to the provisions of this section. The owner, foreclosure entity or individual responsible for the care and control of the property shall perform regular weekly inspections of the property to assure compliance with the requirements of this section, and shall allow access to the property by the building official or code official for the purpose of inspection and in the case of emergency. Properties subject to this chapter shall be maintained in a safe and sanitary manner, in accordance with this title and Huachuca City Municipal Code, including, but not limited to:

- A. Being kept free of overgrown vegetation, including grass and weeds exceeding 12 inches in height;
- B. Being kept free of any accumulation of newspapers, circulars, flyers, trash, junk, debris, litter, building materials, discarded personal items, furniture, appliances or any other issue that gives the appearance of

vacancy;

C. Being kept free of any infestation of rodents, insects or vermin. The owner, property manager or designated agent shall immediately upon notice undertake an expedient means of extermination of such nuisances. Such extermination shall be certified by an approved exterminator and proof of the same provided to the code official.

D. Being sure the area between the sidewalk space and the roadway (whether the sidewalk is installed or not) is free from vegetation growth, obstructions, tripping hazards, garbage, litter and debris.

E. Being sure that no yard area of an unoccupied or vacant building, or the unoccupied or vacant building itself, is utilized for the storage of any materials unless said materials are being used on site for the renovation, construction, repair or demolition of said building.

F. Being sure property is free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the building or structure affected.

G. Being sure the appearance of the exterior of the premises and the condition of buildings and accessory structures reflect the level of maintenance in keeping with the standards of the neighborhood such that the appearance of the premises and structures does not constitute a blighting factor for adjoining property owners or an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property value.

H. Being sure every foundation, exterior wall and exterior roof shall be weathertight, watertight and rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

I. Being sure all building appurtenances are securely attached so as not to cause a blighting condition, including, but not limited to, gutters, downspouts, shutters, railings, guards, steps, awnings, canopies, signs, light fixtures and fire escapes.

J. Being sure pools, spas, and other water features are kept in good working order or winterized to ensure that the water remains clear and free of pollutants and debris, or drained and kept dry and free of debris, and comply with the minimum security fencing, barrier and maintenance requirements outlined in this title.

K. Being sure detached signs and lighting systems are structurally sound and maintained so as not to cause a blighting condition or the same shall be removed.

L. Being sure fencing and retaining walls are structurally sound. Any fence or wall with broken or hanging components shall be repaired, straightened or removed.

M. Being sure utilities are properly disconnected or connected and in proper working order.

N. Being sure all perishables are removed from the interior of buildings and structures. (Ord. 19-16 § 2, 2019)

16.60.120 Security requirements.

Properties subject to this chapter shall be maintained in a secure manner, in accordance with this title and Huachuca City Municipal Code, so as not to be accessible to any unauthorized persons. Secure manner includes, but is not limited to:

A. Being sure buildings and structures are secured in such a manner so as not to be accessible to unauthorized persons. Doors, windows, and other openings that make the property accessible must be closed and locked so that a key, keycard, tool or special knowledge is necessary to gain access. Broken windows must be repaired or replaced within 14 days. Boarding up of open or broken windows is prohibited except as a temporary measure for no longer than 14 days; and

B. In the case of damaged or broken fences, gates, pool barriers and other openings, the unsecured opening must be repaired per provisions of this title. (Ord. 19-16 § 2, 2019)

16.60.130 Abatement and demolition.

Whenever a property is deemed abandoned or vacant pursuant to the terms of this title and is not maintained pursuant to the terms of this title and the Huachuca City Municipal Code, the code official may order the abatement of the violation or any other action that may be required including, but not limited to, demolition. Any abatement action shall be conducted in accordance with the provisions of this title and the Huachuca City Municipal Code. The cost of any action taken by the town shall be charged against the real estate upon which the structure or violation is located and shall be a lien upon such real estate. (Ord. 19-16 § 2, 2019)

16.60.140 Violations and enforcement.

A. It is unlawful for a responsible person under this chapter to violate any provision of this title.

B. The provisions of this chapter shall be enforced by the designated code official of the town.

C. The code official who observes a violation of any of the provisions of this chapter shall take one or more of the actions described below in order to resolve the violation:

1. Issue a notice and order to comply to the responsible person.
2. Prepare a request for a long form criminal complaint. The request will be forwarded to the town attorney for approval. The town attorney will file the complaint with the town of Huachuca City municipal court against the foreclosing entity, owner or any other party as deemed appropriate by the town attorney. The town attorney may reduce criminal violations to petty offenses or defer prosecution in the interest of justice.
3. A notice and order to comply is not required if the responsible person is the same and the person has

been charged criminally within the previous 24 months for the same or similar code violation.

4. Police officers may cite any violation of this chapter as a criminal offense without notice by using the Arizona traffic ticket complaint form for enforcement.

D. In addition to any enforcement remedy otherwise available, the code official has authority to require a responsible person to implement additional maintenance and/or security measures as may be reasonably required to prevent further decline of the property. (Ord. 19-16 § 2, 2019)

16.60.150 Penalty.

A. Failure to file the required registration form, or failure to maintain the registration form containing current information, shall be a civil infraction and subject to a \$100.00 fine. Each day that a registration form is not on file and each day that an owner or foreclosing entity fails to maintain current information in a registration form shall be considered a separate offense.

B. Failure to make required repairs or a second or subsequent offense of any other requirement of this chapter shall be a misdemeanor subject to prosecution. (Ord. 19-16 § 2, 2019)

16.60.160 Appeals.

Any person directly affected by a decision, notice or order under this title shall have the right to appeal to the board of adjustment; provided, that a written application for appeal and fee is submitted within 15 days from the date of the notice or order. An application for appeal shall be based on a claim that the true intent of this title or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this title do not fully apply, or the requirements of this title are adequately satisfied by other means. Appeals heard by the board of adjustment shall be submitted on forms provided by the town. (Ord. 19-16 § 2, 2019)

16.60.170 Joint and several liability.

Any owner, person in control, foreclosing entity, or subsequent owner of property for which a notice of violation is issued to correct violations shall be jointly and severally liable for the costs incurred by the town for the abatement of violations on the property. Joint and several liability shall be attributed to each entity in the chain of title from the date of issuance of orders forward. (Ord. 19-16 § 2, 2019)

16.60.180 Waived inspection and maintenance.

A foreclosing entity's obligation under this chapter regarding inspection and maintenance of a vacant property may be waived by the town if the foreclosing entity demonstrates to the satisfaction of the town that the circumstances set forth below exist:

A. The mortgage documents either expressly prohibit the mortgagee and its agents from entering the property for purposes required herein or do not authorize entry in order to protect the mortgagee's interests in the property; and

B. There is a reasonable possibility, based on articulable evidence, that:

1. The obligor under the mortgage or an authorized occupant of the premises will report the entry as a trespass; or
2. The obligor under the mortgage will assert against the mortgagee, whether in a foreclosure proceeding or otherwise, a claim that the entry is a breach of the mortgage documents or constitutes an illegal or unauthorized entry on the property. (Ord. 19-16 § 2, 2019)

16.60.190 Severability.

If a section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 19-16 § 2, 2019)

**Title 17
SUBDIVISIONS**

Chapters:

[17.05 General Provisions](#)

[17.10 Plats](#)

[17.15 Drainage Planning](#)

[17.20 Street Planning](#)

[17.25 Easement Planning](#)

[17.30 Lot Planning](#)

[17.35 Improvements](#)

[17.40 Variances](#)

Prior legislation: Ord. 01-015.

Chapter 17.05
GENERAL PROVISIONS

Sections:

[17.05.010 Definitions.](#)

[17.05.020 General.](#)

[17.05.030 Reservation of public land.](#)

[17.05.040 Requirements.](#)

[17.05.050 Issuance of building permits.](#)

[17.05.060 Waiver.](#)

17.05.010 Definitions.

In this chapter, unless the context otherwise requires:

“Alley” means a minor way designated or used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

“Area of jurisdiction” means within the corporate limits of the town and in the unincorporated area within three miles beyond such corporate limits.

“Arterial street” means such major street, highway, thoroughfare, parkway or boulevard so designated on the general development plan, or so designated by the town council.

“Collector street” means a street collecting traffic from local streets and connecting the same with an arterial street or another collector street.

“Commission” means the planning and zoning commission of the town.

“Drainage easement” means a dedication of land for the conveyance of storm and runoff water.

“General development plan” means the master plan or any part thereof adopted by the town.

“Local street” or “minor street” means a street exclusively or primarily to provide access to abutting properties.

“Person” means any individual, as well as any firm, corporation, partnership, company or any other form of multiple organizations for the carrying on of business.

“Public works department” means the designated representative of the town as appointed by the mayor and

council.

“Service street” or “local access street” means that part of an arterial street right-of-way, separated from the main flow of traffic and designated exclusively or primarily to provide access to abutting properties.

“Street” means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, freeway, road, boulevard, avenue, lane or however otherwise designated.

“Subdivider” means a person, firm, corporation, partnership, association, syndicate, or trust or other legal entity that files application and initiates proceedings for the subdivision of land.

“Subdivision” means improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts.

“Utility easement” means a dedication of land for installation and maintenance of public utilities only. (Ord. 06-07 § 1, 2006; prior code § 13-1-1)

17.05.020 General.

A. Conformance to Laws. Every subdivision shall conform to requirements and objectives of the general plan, specific plans, or any parts thereof as adopted by the town council, to the town zoning ordinance, to other ordinances and regulations of the town and to the Arizona Revised Statutes, as amended.

B. Unsuitable Land. Land which, in the opinion of the commission, based on the written recommendation of the town clerk, is unsuitable for the proposed use by reason of adverse topography, adverse soils, subsidence of the earth surface, high water table, periodic flooding, lack of water or other natural or manmade hazards to life or property shall not be subdivided. However, the commission may approve subdivision of such land upon receipt of evidence from the developer’s engineer and recommendation of the public works department, that the construction of specific improvements can be expected to render the land usable, in which case, construction upon such land shall be prohibited until the specified improvements have been acceptably planned and construction has been guaranteed.

C. Layout. Streets and easements shall be so arranged in relation to existing topography as to produce desirable lots of maximum utility, a safe and convenient street and pedestrian system and gradients to facilitate adequate drainage.

D. Subdivision and Street Names. Subdivision names and new street names shall not duplicate or be closely similar to any existing street name in zip code 85616 except that street names shall be consistent with the natural alignment and extension of existing named streets. (Ord. 06-07 § 1, 2006; prior code § 13-1-2)

17.05.030 Reservation of public land.

When a tract contains all or any part of the site of a park, recreational facility, school site, fire station or other public site as shown in the general plan or a specified plan, such site shall either be dedicated to the public or reserved for acquisition by the public subject to the following conditions:

- A. The requirement may only be made upon preliminary plats filed at least 30 days after adoption of the general plan or specific plan affecting the land area to be reserved.
- B. The required reservations are in accordance with defined principles and standards adopted by the town council.
- C. The land area reserved shall be of such size and shape as to permit the remainder of the land area of the subdivision within which the reservation is located to develop in an orderly and efficient manner.
- D. The land area reserved shall be in such multiple of streets and parcels as to permit an efficient division of the reserved land in the event that it is not acquired within the prescribed period.
- E. Unless otherwise agreed in writing, the public agency for whose benefit an area has been reserved shall have a period of one year after recordation of final subdivision plat to enter into an agreement to acquire such reserved land area. The purchase price shall be the fair market value thereof at the time of filing of the preliminary subdivision plat plus the taxes against such reserved area from the date of the reservation, and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.
- F. If the public agency for whose benefit an area has been reserved does not exercise the reservation agreement set forth in subsection E of this section within such one-year period or such extended period as may be mutually agreed upon by such public agency and the subdivider, the reservation of such area shall terminate. (Ord. 06-07 § 1, 2006; prior code § 13-1-3)

17.05.040 Requirements.

- A. The subdivider shall be responsible for having a registered engineer or registered land surveyor prepare the necessary subdivision plats for filing.
- B. Approval of Subdivision Required. Until a plat of a subdivision has been approved in accordance with these regulations no person proposing a subdivision within the corporate limits of the town shall subdivide or file a record of survey, map or plat for record or sell any part of said subdivision.
- C. The plat of a subdivision outside and within three miles of the corporate limits which conforms to these regulations shall be approved and so recommended for approval to the board of supervisors of Cochise County. Any plat that does not conform to these regulations or which is approved subject to changes shall be so reported

to the board of supervisors with the reasons therefor.

D. Fee for plat review shall be as set by resolution of the mayor and council. (Ord. 06-07 § 1, 2006; prior code § 13-1-4)

17.05.050 Issuance of building permits.

The town building official shall not issue building permits until all provisions of Section [17.35.090](#) have been accepted by the town council. (Ord. 06-07 § 1, 2006; prior code § 13-1-12)

17.05.060 Waiver.

The council may, for good cause, waive any requirements of this title by two-thirds majority vote. (Ord. 06-07 § 1, 2006; prior code § 13-1-13)

Chapter 17.10 PLATS

Sections:

[17.10.010 Procedure for approval of preliminary plat.](#)

[17.10.020 Items required on preliminary plat.](#)

[17.10.030 Procedure for approval of final plat.](#)

17.10.010 Procedure for approval of preliminary plat.

A. A nonrefundable preliminary plat filing fee to compensate the town for the costs of examining and processing the subdivision plat and subsequent field investigations. The required fee for subdivision plats shall be approved by resolution of the town council.

B. Three copies of the detailed water, sewer and gas utility plans shall be submitted to the building official for review and approval prior to submission of the preliminary plat as hereafter provided. All utility plans shall be approved by the utility department and the fire department, along with every other affected department as determined by the town clerk, and such plans approved by each department prior to commission consideration of the preliminary plat.

C. Eight copies of the preliminary plat and supplementary material specified shall be submitted to the commission with written application for conditional approval at least 14 days prior to the meeting at which it is to be considered.

D. Following a review of the preliminary plat and other material submitted, the commission shall, within 45 days, act thereon as submitted, or modified, and if approved the commission shall express its approval as conditional and state the conditions of such approval, if any, or if disapproved shall express its reasons for disapproval.

E. Action of the commission shall be forwarded to the developer and the town council in writing. Conditional approval of the preliminary plat shall not constitute final approval.

F. The following items shall be shown on the preliminary plat or submitted as a separate information item along with the preliminary plat.

G. The town council shall, within 60 days of receipt of the recommendation of the commission, act thereon to approve, modify or reject the preliminary plat. If the council rejects it, written reasons for its disapproval shall be given. If the council approves it, the approval of the town shall be noted thereon by the mayor and the clerk.

H. The preliminary plat approval by the council, with the completion of the required signatures, constitutes authorization for the subdivider to proceed with preparation and submittal of the final plat and engineering improvement plans and specifications.

I. No person proposing a subdivision within the corporate limits of the town or within three miles thereof shall subdivide or file a record of survey, map or plat for record, or sell any part of said subdivision or proceed with any grading, construction or other work on the same, until a preliminary plat of the subdivision shall have been approved by the council. (Ord. 06-07 § 1, 2006; prior code § 13-1-5-1)

17.10.020 Items required on preliminary plat.

The following shall be required on any preliminary plat:

- A. Name of proposed subdivision, existing zoning, zoning required.
- B. Location of subdivision.
- C. Names and addresses of subdivider.
- D. Names and addresses of owners of adjoining land to the proposed subdivision.
- E. Information sufficient to locate accurately the property shown on the plan, with reference to survey markers or monuments.
- F. Contour map at one-foot intervals.
- G. The boundary lines of the property to be subdivided.
- H. The location, width and other dimensions of all existing or platted streets and other important features, such as watercourses, exceptional topography and buildings within the property and within 200 feet of the property to be subdivided.
- I. Existing sanitary sewers, storm drains, water supply mains and bridges within the property, or within 200 feet thereof.
- J. The location, width and other dimensions of proposed streets, alleys, easements, parks and other open spaces, with proper labeling of spaces to be dedicated to the public.
- K. North point, scale and date.
- L. Location and size of water and sewer lines, approved route, slope of sewer line, connection location to existing lines and any off-site augmentation work required.
- M. A grading and drainage plan submittal which shall include a hydrologic report prepared by a qualified Arizona-licensed engineer, if said report is required by the town engineer or the town clerk. (Ord. 06-07 § 1, 2006; prior code § 13-1-5-2)

17.10.030 Procedure for approval of final plat.

- A. A nonrefundable final plat filing fee to compensate the town for the costs of examining and processing the subdivision plat and subsequent field investigations. The required fee for subdivision plats shall be approved by resolution of the town council.
- B. The final plat shall conform to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.
- C. Application for approval of the final plat shall be submitted in writing to the commission at least 10 days prior to the meeting at which it is to be considered.
- D. Two copies of the final plat and other exhibits required for approval shall be prepared as specified herein and shall be submitted to the commission within six months after approval of the preliminary plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the commission.
- E. Final plat shall be approved and signed by the commission and forwarded to the town council for approval prior to recordation. Approval of the final plat shall not constitute acceptance for construction of streets or utilities related to this development.
- F. The town shall be responsible for the recordation of all final plats approved by the legislative body and shall receive from the subdivider and transmit to the county recorder the recordation fee established by the county recorder (ARS Section 9-463.01).
- G. Changes to approved plat shall require the same procedures as outlined in Sections [17.10.010](#) and [17.10.020](#). (Ord. 06-07 § 1, 2006; prior code § 13-1-5-3)

Chapter 17.15 DRAINAGE PLANNING

Sections:

[17.15.010 General.](#)

[17.15.020 Drainage right-of-way.](#)

[17.15.030 Hydrologic reports.](#)

17.15.010 General.

Storm water shall be conveyed through a subdivision in a manner that will not damage development within the subdivision nor create an undue nuisance to the inhabitants thereof or adjacent properties. When improvements within a subdivision change the natural flow of storm drainage, they shall be designed in a manner that will not damage the land or change the flow characteristics of the natural drainage over the land upstream or downstream from the subdivision unless the subdivider provides the town with a hold-harmless agreement from the affected upstream or downstream property owners. (Ord. 06-07 § 1, 2006; prior code § 13-1-6(A))

17.15.020 Drainage right-of-way.

All concentrated storm drainage that cannot be conveyed in a public street right-of-way shall be conveyed in a dedicated drainage way or in a drainage easement. Dedicated drainage ways shall be vested in the public for public use and not included in any lot. Drainage easements that are not dedicated for public use but for construction and maintenance of drainage facilities shall be granted to the public, and they may be included in a lot but the use thereof shall be restricted to uses that will not interfere with maintenance of the natural flow of storm drainage over and/or under the easement. A drainage easement shall be provided to accommodate the flow that is expected to occur at least once every 100 years. A dedicated drainage way shall be provided to accommodate the flow that is expected to occur at least once every 25 years; provided, however, that this requirement may be waived by the commission when the resulting drainage way will be less than 10 feet in width and less than one foot in depth. All drainage easements shall be at least 15 feet in width. (Ord. 06-07 § 1, 2006; prior code § 13-1-6(B))

17.15.030 Hydrologic reports.

When required, will describe as a minimum: drainage points of concentration, calculated peak drainages, a composite basin runoff analysis, cross-sectional location and modes of flow conveyance, slopes, velocities and other information as necessary to complete the analysis. (Ord. 06-07 § 1, 2006; prior code § 13-1-6(C))

Chapter 17.20 STREET PLANNING

Sections:

[17.20.010 General layout criteria.](#)

[17.20.020 Intersection criteria.](#)

[17.20.030 Arterial street criteria.](#)

[17.20.040 Collector street criteria.](#)

[17.20.050 Local street criteria.](#)

[17.20.060 Cul-de-sac turn-around criteria.](#)

[17.20.070 Alley criteria.](#)

17.20.010 General layout criteria.

A. Whenever the subdivision embraces any part of a street designated in the adopted general development plan or any adopted neighborhood or specific plan, such street shall be platted in conformity therewith; provided, however, that the developer may request, and the public works department and the commission may recommend and the council may approve minor deviations in alignment whenever it is found to be impractical to conform to the exact alignment shown on the general development plan or other plan because of adverse topography, drainage problems, existing development or traffic safety. Such minor deviations may be made without adversely affecting the public purpose to be served by the street; provided, however, that the distance between an arterial or collector and a parallel arterial or collector does not exceed 1,320 feet.

B. Street layouts shall provide for the continuation of existing and proposed arterial and collector streets into adjacent areas and such other streets as the commission may designate. Streets which the commission should designate include, but are not limited to, collector and local streets, are required to provide future connection with adjoining unplatted lands. In general, these extensions should not be farther apart than the 1,320-foot maximum permitted block length.

C. Half streets shall be discouraged except when necessary to provide right-of-way required by the general development plan to complete a street pattern already begun or to ensure reasonable development of the adjoining unplatted parcel. Where a half street exists abutting a tract, the remaining half street shall be platted within the tract. Where a half street furnishes the sole access to a lot, the subdivider shall plat and develop a street of sufficient width to accommodate two-way traffic. Dead-end streets shall not be approved except where specifically designated by the commission as necessary for connection to adjacent unplatted lands. In any case a dead-end street serving more than four lots shall provide by easement a temporary cul-de-sac turnaround

conforming to the provisions herein. Dead-end alleys shall be prohibited.

D. Street access to a subdivision shall be provided as required by the commission. In general, the subdivision shall have at least two street accesses serving each forty acres or smaller tract, unless the subdivider can show to the satisfaction of the commission that the number of lots in the subdivision makes this requirement an unjustified burden. Where access must be provided across land not owned by the subdivider, the subdivider shall provide at least 60 feet of right-of-way.

E. All streets, alleys, sidewalks, paving, curbs, driveways and drainage shall be installed by the subdivider and shall meet the minimum standards and requirements of the Federal Housing Administration and the standards in Section [15.05.050](#), as the same may be amended.

F. When a residential subdivision abuts the right-of-way of a commercial or industrial land use, the commission may recommend location of a street approximately parallel to such right-of-way or use at a distance suitable for appropriate use of the intervening land, such distance being determined with due regard for approach ways, drainage, bridges or future grade separations.

G. Crosswalks are not considered a satisfactory substitute for a directional street layout and shall generally be avoided; however, where essential for circulation and access to schools, playgrounds and other community facilities, crosswalks 16 feet wide may be required by the commission. Such walks may be used for utility installations.

H. Unless otherwise noted, all width measurements are to property lines and all length measurements are along the centerline of the right-of-way and to the centerline of intersecting streets. (Ord. 06-07 § 1, 2006; prior code § 13-1-7(A))

17.20.020 Intersection criteria.

A. Streets intersecting an arterial or collector street shall do so at a 90-degree angle. Local streets shall typically intersect at right angles but in no case less than 75 degrees.

B. Local streets intersecting a collector street or arterial street shall have a tangent section of centerline at least 150 feet in length measured from the right-of-way line of the major street, except that no such tangent is required when the local street curb has a centerline radius greater than 400 feet.

C. Street jogs with centerline offsets less than 125 feet shall be avoided except where waived by the commission based on the recommendation of the town clerk.

D. Street intersections with more than four legs and Y-type intersections with legs, meeting in acute angles, shall be avoided. (Ord. 06-07 § 1, 2006; prior code § 13-1-7(B))

17.20.030 Arterial street criteria.

A. Arterials are designed for maximum utilization by through traffic and minimal access from adjacent property. Major arterials are intended to carry high-volume, high-speed traffic with restricted access to property and minimal intersecting traffic. Access directly onto an arterial from residential property shall be prohibited by the construction of a frontage street or a one-foot no-access easement with a vertical curb. Access directly onto a major arterial from any commercial or industrial property shall be prohibited by the construction of a frontage street. Access to a major arterial shall be restricted to one access every 660 feet. Arterials are located at approximately one-mile intervals as designated on the general development plan. The requirement for a frontage street or the prohibition of access to an arterial street may be waived by the council upon request of the subdivider and recommendation by the commission providing the subdivider can show that existing development prohibits the reasonable development of an adequate frontage street and that the proposed alternate plan for access will preserve the traffic function of the arterial street and protect residential properties from the nuisance and hazard of high-volume noisy traffic.

B. Right-of-way for major arterials shall be 110 feet. Right-of-way for minor arterials shall be 80 feet. Corners shall be rounded with a 25-foot-radius curve.

C. Horizontal curves shall have a 600-foot minimum radius.

D. The length of tangent between reversed curves shall be 100 feet. (Ord. 06-07 § 1, 2006; prior code § 13-1-7(C))

17.20.040 Collector street criteria.

A. Collectors are designed for utilization by through traffic and limited direct access from adjacent property. Access directly onto a major collector from residential property shall be discouraged. Major collectors are located at approximately one-half-mile intervals as designated on the general development plan. Minor collectors are located at approximately one-quarter-mile intervals. In commercial areas, all collector streets shall be designed and constructed to the standards established for major collectors.

B. Right-of-way for major collectors shall be 80 feet. Right-of-way for minor collectors shall be 60 feet. Corners shall be rounded with a 20-foot-radius curve.

C. Horizontal curves shall have 400-foot radius.

D. Length of tangent between reverse curves shall be 100 feet. (Ord. 06-07 § 1, 2006; prior code § 13-1-7(D))

17.20.050 Local street criteria.

A. Local streets are designed to discourage their use by through traffic and to provide access to adjacent property. Local streets in commercial areas shall be designed to conform to the criteria for minor collector streets. Major local streets shall generally be provided; however, minor local streets may be used where the street serves 28 dwelling units or fewer.

B. Right-of-way for major local streets shall be 60 feet. Right-of-way for minor local streets shall be 50 feet. Corners shall be rounded with a 10-foot-radius curve.

C. Horizontal curves shall have a 200-foot minimum radius where tangent centerlines deflect from each other more than 10 degrees and less than 75 degrees. Horizontal curves shall have a 50-foot minimum radius where deflection between tangents is 75 degrees or larger.

D. Length of tangent between reversed curves shall be 100 feet. (Ord. 06-07 § 1, 2006; prior code § 13-1-7(E))

17.20.060 Cul-de-sac turn-around criteria.

A. Unless otherwise authorized or approved by the mayor and council, cul-de-sac turn-arounds may be used at the end of minor local-type streets providing the length of the minor local street does not exceed 660 feet.

B. Right-of-way for a cul-de-sac in a residential area shall be a 100-foot-diameter circle. Right-of-way for a cul-de-sac in a commercial area shall be a 130-foot-diameter circle. Corners shall be rounded with a 25-foot-radius curve. (Ord. 06-07 § 1, 2006; prior code § 13-1-7(F))

17.20.070 Alley criteria.

A. Alleys may be developed at the option of the subdivider. When alleys are platted, the alley alignment and arrangement shall provide optimum convenience for truck service circulation and to avoid alley openings opposite fronts of residential lots. Alleys shall be required at the rear of multiple family residential, commercial or industrial developments except where, in the opinion of the commission, other provision is made for adequate permanent access for purposes of fire protection, parking and loading.

B. Right-of-way for alleys shall be 20 feet. Corners shall be cut off to form a 10-foot-by-10-foot triangle.

C. Horizontal curves shall have a 40-foot minimum radius. (Ord. 06-07 § 1, 2006; prior code § 13-1-7(G))

Chapter 17.25 EASEMENT PLANNING

Sections:

[17.25.010 Utility easements.](#)

[17.25.020 Curvilinear alignments.](#)

[17.25.030 Drainage.](#)

[17.25.040 No-access easements.](#)

17.25.010 Utility easements.

The subdivider shall provide private utility easements as required by the serving utilities and is responsible for coordinating such with the utilities concerned. A separate utility easement of appropriate width acceptable to the utilities clerk shall be provided for town utilities, and joint trenches will not be allowed. (Ord. 06-07 § 1, 2006; prior code § 13-1-8(A))

17.25.020 Curvilinear alignments.

For lots facing on curvilinear streets, utility easements or alleys shall usually consist of a series of straight lines with points of deflection not less than 120 feet apart; said points of deflection always occurring at the junction of side and rear lot lines on the side of the exterior angle. However, curvilinear easements or alleys may be employed providing that the minimum radii of centerlines are not less than 800 feet. (Ord. 06-07 § 1, 2006; prior code § 13-1-8(B))

17.25.030 Drainage.

Dedicated drainage ways or drainage easements shall be provided for surface drainage courses abutting or crossing the tract in accordance with Chapter [17.15](#), and shall be of a width sufficient to permit widening, deepening, relocating or protecting such drainage course as may be required by the commission based on recommendation of the public works department. (Ord. 06-07 § 1, 2006; prior code § 13-1-8(C))

17.25.040 No-access easements.

Lots arranged to back to railroad rights-of-way or commercial or industrial districts or arterial streets as provided in Chapter [17.20](#) shall have a recorded no-access private easement one foot wide along the rear lot line. (Ord. 06-07 § 1, 2006; prior code § 13-1-8(D))

Chapter 17.30 LOT PLANNING

Sections:

[17.30.010 Code compliance.](#)

[17.30.020 Dimensions.](#)

[17.30.030 Side lot lines.](#)

[17.30.040 Access.](#)

[17.30.050 Double frontage lots.](#)

17.30.010 Code compliance.

Lot width, depth and area shall comply with the minimum requirements of the zoning ordinance; however, where drainage problems exist or prevail, the commission may require special lot width, depth and/or area exceeding requirements of the zoning district. Land within a public street, alley or drainage way; land within easement for major power transmission lines or major pipelines; and such other land considered by the commission to be unusable shall not be considered a part of the usable lot area. Utility easements for distribution or service purposes and drainage easements may be considered a part of the usable lot area. (Ord. 06-07 § 1, 2006; prior code § 13-1-9(A))

17.30.020 Dimensions.

The depth to width ratio of the usable area of lots shall generally be not greater than three to one. (Ord. 06-07 § 1, 2006; prior code § 13-1-9(B))

17.30.030 Side lot lines.

Side lot lines shall be substantially at right angles or radial to street lines except where other treatment can be justified. (Ord. 06-07 § 1, 2006; prior code § 13-1-9(C))

17.30.040 Access.

Every lot shall abut a public street furnishing satisfactory access to another existing public street; provided, however, that a lot in a commercial area may be considered as having satisfactory access if such lot abuts a joint use private drive providing public access to the lot from a public street. (Ord. 06-07 § 1, 2006; prior code § 13-1-9(D))

17.30.050 Double frontage lots.

Single-family residential lots extending through the block and having frontage onto nonintersecting streets shall be prohibited as may be required herein. (Ord. 06-07 § 1, 2006; prior code § 13-1-9(E))

Chapter 17.35 IMPROVEMENTS

Sections:

[17.35.010 Purpose.](#)

[17.35.020 Responsibility for improvements.](#)

[17.35.030 Drainage improvement standards – Design and construction.](#)

[17.35.040 Street improvement standards.](#)

[17.35.050 Utility improvement standards.](#)

[17.35.060 Lot improvement standards.](#)

[17.35.070 Submittal, review and approval of engineering plan.](#)

[17.35.080 Improvements security.](#)

[17.35.090 Final inspection and acceptance of improvements.](#)

17.35.010 Purpose.

It is the purpose of this chapter to define the responsibility of the subdivider and town in the planning, construction and financing of public improvements, to establish in outline the minimum acceptable standards and required public improvements for subdivisions and to establish procedures for review and approval of engineering plans. (Ord. 06-07 § 1, 2006; prior code § 13-1-10-1)

17.35.020 Responsibility for improvements.

A. Responsibility of Subdivider. It is the responsibility of the subdivider to finance the planning, design and construction of the streets and alleys, curbs and gutters, sidewalks, crosswalks, street name signs, drainage facilities, sewage disposal facilities, monuments, street lights, fire hydrants, water facilities and all other public and semipublic improvements required by the council, this chapter to standards established herein.

B. Engineering Plans Required.

1. The subdivider shall be responsible for having a registered engineer prepare a complete set of engineering plans, satisfactory to the public works department, for construction of required improvements. Such plans shall be based on the approved preliminary plat and be prepared in conjunction with the final plat.
2. All required improvements shall be designed and constructed in accordance with the latest revision of

the Uniform Standard Specifications for Public Works Construction as compiled by the Maricopa Association of Governments, and such other standards as may be adopted by the town council.

C. Inspection and Testing of Improvements.

1. All improvements in the public right-of-way shall be constructed under inspection and approval of the public works department. Construction shall not be commenced until a permit has been issued for such construction and if work has been discontinued for any reason, it shall not be resumed until after notifying the public works department in advance.

2. The subdivider shall be responsible for having a person conduct the testing of all materials used in the construction of public improvements who is authorized under Title 32 of the Arizona Revised Statutes to perform materials testing. (Ord. 06-07 § 1, 2006; prior code § 13-1-10-2)

17.35.030 Drainage improvement standards – Design and construction.

A. The design and construction of drainage facilities shall be in accordance with approved engineering procedures and shall not conflict with the provisions of the state statutes.

B. All buildings shall be located so they have all-weather access. All-weather access is defined as not having to traverse any storm drainage that has a depth greater than seven-tenths feet during the storm that is expected to occur at least once every 100 years. (Ord. 06-07 § 1, 2006; prior code § 13-1-10-3)

17.35.040 Street improvement standards.

A. General. Measurements are to the back-of-curb unless otherwise noted.

B. Arterial Street Design.

1. The paved width of an arterial shall be 68 feet. Frontage streets shall be 22 feet and shall generally be located to create a 12-foot unpaved island between the arterial and frontage street and an eight-foot pedestrian way between the frontage street curb-gutter and the property line. Street corners shall be rounded with a 25-foot-radius curve.

2. Vertical curves shall have a 300-foot minimum length but not less than 50 feet for each algebraic difference in grade.

3. Street grades shall be a maximum of five percent and a minimum of five-tenths percent.

4. Sight distance shall be 400 feet.

5. Design speeds shall be 40 miles per hour.

C. Collector Street Design.

1. Paved street width for major collectors shall be 48 feet. Paved width for minor collectors shall be 40 feet. Corners shall be rounded with a 25-foot-radius curve.
2. Vertical curves shall have a 200-foot minimum length.
3. Street grades shall be a maximum of seven percent and a minimum of five-tenths percent.
4. Sight distance shall be 200 feet.
5. Design speed shall be 30 miles per hour.

D. Local Street Design.

1. Paved width of major local streets shall be forty feet. Paved width for minor local streets shall be 32 feet. Corners shall be rounded with a 25-foot-radius curve.
2. Vertical curves shall have a 100-foot minimum length. Vertical curves are not required where the algebraic difference in grade is one percent or less.
3. Street grades shall be a maximum of 10 percent and a minimum of five-tenths percent.
4. Sight distance shall be 150 feet.
5. Design speed shall be 25 miles per hour.

E. Cul-de-Sac Design.

1. Paved width of a cul-de-sac in a residential area shall be a 90-foot-diameter circle.

Paved widths for a cul-de-sac in a commercial area shall be a 110-foot-diameter circle. Corners shall be rounded with a 25-foot-radius curve.

2. Curve grades shall be a maximum of five percent and a minimum of five-tenths percent.

F. Alley Design.

1. Street width of alleys shall be 20 feet in commercial areas and 16 feet in residential areas.
2. Alley grades shall be a maximum of 10 percent and a minimum of five-tenths percent.

G. Street and Alley Construction.

1. All streets shall be graded and paved with asphaltic concrete or Portland cement concrete to standards approved by the public works department. Streets within, adjacent to, or serving the subdivision shall be constructed to the full street width indicated in this section unless otherwise noted hereinbelow.

a. Streets and alleys adjacent to the subdivision need only to be improved for the half width adjacent to the subdivision providing the half width is sufficient for two-way traffic (22 feet) in the case of a street and for one-way traffic (10 feet) in case of an alley.

b. Where a frontage street is required and constructed by the subdivider, the construction of the major arterial adjacent to the frontage street is the responsibility of the town.

c. The subdivider is not required to pave more than 20 feet of pavement width on each side of the street, except at intersections, when the required street width is greater than 44 feet. When traffic demands require additional width, the town is responsible, subject to funding availability, for paving the center island created whenever the subdivider elects to pave only the 20-foot minimum requirement.

d. Where there are existing streets adjacent to the subdivision, proposed streets shall be improved to the intercepting paving line of such existing streets.

e. Where a minimum width 28-foot paved access road is allowed, it shall be designed and constructed so that it can easily be widened to the full width street without reconstructing the center 28 feet. Connections to existing and proposed streets shall be designed to safely accommodate traffic including any traffic control devices required by the public works department.

H. Intersection Design and Construction.

1. Intersections shall be designed and constructed in accordance with the improvement standards for streets.

2. The approach to an intersection shall have a relatively level area with a grade of not more than two percent for a distance of 25 feet measured from the nearest right-of-way line of the intersecting street.

3. All intersections shall have street name signs installed by the town at the subdivider's expense, located and constructed to standards approved by the public works department.

I. Curb-Gutter Design and Construction.

1. Unless otherwise agreed by the mayor and council, all streets shall have concrete curbs and gutters along the pavement edge constructed to standards approved by the public works department.

2. The provisions of subsection (I)(1) of this section shall not apply in residential subdivisions where the actual density is less than one residence per acre in the developed area.

J. Sidewalk Design and Construction.

1. Sidewalks shall be located behind the back-of-curb; providing, however, that lighting standards, utility poles, traffic control devices, fire hydrants, and mailboxes as applicable, can be located behind the sidewalk. In cases where such items cannot be located behind the sidewalk or in alleys, sidewalks may be located five feet behind the back-of-curb. In all cases not otherwise governed by the provisions of the Manual of Uniform Traffic Control Devices, a minimum clearance of two feet shall be maintained between the face-of-curb and any obstruction. In cases of demonstrated necessity or existing unusual conditions, the public works department may approve a reduction of minimum clearance to the face-of-curb.

2. All streets shall have Portland cement concrete sidewalks behind the curb-gutter where curb-gutter is required, constructed to standards approved by the public works department. Sidewalks shall be four inches thick and four feet wide in residential areas and five feet wide in commercial areas. All crosswalks shown on the subdivision plat shall have a Portland cement concrete sidewalk down the center.

Sidewalks shall be four inches thick and a minimum four feet wide.

3. Sidewalks shall not be required in residential subdivisions where the smallest actual lot size is greater than 14,520 square feet or in those instances where the council determines the nature of the subdivision, or a portion thereof, does not require sidewalks.

K. Street Monument Construction. Permanent monuments consisting of a brass cap, set in concrete, shall be installed to designate street centerlines and subdivision boundary lines at all angle points and points of curvature and at all street intersections. Concrete bases shall not be less than six inches in diameter and 24 inches deep with at least one vertical steel reinforcing bar of minimum one-half inch diameter placed directly beneath the brass cap and extending the full length of the concrete. After all improvements have been installed, the subdivider shall be responsible for having a registered land surveyor or engineer check the location of monuments and certify as to their accuracy prior to acceptance by the town for maintenance. (Ord. 06-07 § 1, 2006; prior code § 13-1-10-4)

17.35.050 Utility improvement standards.

A. General.

1. Utilities, excepting municipal storm drains and sanitary sewers, shall not be located beneath the street pavement other than necessary crossings, which shall be made as close to perpendicular as possible. In cases of demonstrated necessity and upon presentation of technically adequate plan ensuring proper installation and maintainability, the public works department may approve location beneath the street

pavement of major primary transmission lines of electrical, water, sewer, gas or communications. Any utility installation that may be approved for placement beneath the street pavement shall be completed prior to actual paving of said streets.

2. Reference is made to Section [17.35.040\(J\)\(1\)](#).

B. Sewerage Disposal Design and Construction. A public or community sanitary sewage system shall be installed and shall be constructed to plans, profiles and specifications approved by the public works department, and in accordance with Arizona Department of Environmental Quality regulations.

C. Water Service Design and Construction. Fire hydrants and water service to each lot shall be installed on all streets in the subdivisions according to the standard set forth in Section 7-5-7.

D. Electrical Service Design and Construction.

1. Street Lights. When required for overhead lighting by the council, street lights on metal standards shall be installed on all streets within the subdivision and on streets developed in conjunction with the subdivision. The subdivider shall be responsible for coordinating street lighting design and installation with the Sulphur Springs Valley Electric Cooperative and shall cause the street lighting design plan to be submitted for approval of the town concurrently with other required improvement plans. Street lighting design practices shall be in conformance with the current edition of the Illuminating Engineering Society Lighting Handbook, and calculated luminosity shall meet the following criteria for average horizontal foot candles (maintained) light-level range, for each street classification:

Street Classification	Light-Level Range* (Horizontal Foot-Candles – Maintained)
Arterial Type	
Major	1.20 – 1.60
Minor	0.90 – 1.20
Collector Type	
Commercial	0.70 – 0.90
Residential	0.60 – 0.90
Local Type	
Commercial	0.40 – 0.60
Residential	0.20 – 0.60

Cul-de-Sac	
Commercial	0.30 – 0.60
Residential	0.20 – 0.40

* Horizontal foot-candle maintained values are based upon average pavement reflectance of approximately 10 percent. For reflectance less than 10 percent, increase value 50 percent. For reflectance more than 10 percent, decrease value by 25 percent.

Additionally, the following criteria shall be applied:

- a. Lights shall be placed at all intersections.
 - b. Mid-block lights should be located at lot corners.
 - c. Separation between standards should be no less than three nor more than six lots apart.
2. Street lights shall be installed on metal or concrete standards. (Ord. 06-07 § 1, 2006; prior code § 13-1-10-5)

17.35.060 Lot improvement standards.

A. Lot Design and Construction.

- 1. All lots shall be graded to drain toward a street or drainage easement and the finished floor elevation of any building shall be at least one foot above the elevation of the water surface that is created during a storm that is expected to occur at least once every 100 years.
- 2. Corner lots shall be graded such that they do not create a traffic hazard by limiting visibility.

B. Lot Monument Construction. Iron or steel bars or iron pipes at least 15 inches long and one-half inch in diameter shall be set at all corners, angle points of curvature for each lot and block within a subdivision within one year of recordation of the final plat. Identifying data shall be affixed to each point set in accordance with current rules and by-laws of the State Board of Technical Registration. (Ord. 06-07 § 1, 2006; prior code § 13-1-10-6)

17.35.070 Submittal, review and approval of engineering plan.

Plans submitted in accordance with the provisions of Section [17.35.020\(B\)\(1\)](#) shall be reviewed and approved by the public works department. In addition, a set of water improvement plans shall be supplied to the fire chief, who in turn will review the plans and make his written recommendations to the public works department. The improvement plan originals shall be stamped by the public works department as “approved for construction” and a certificate of approval filed with the town clerk prior to recordation of the final plat. Two sets of the final,

approved improvement plans shall be supplied to the public works department prior to commencing construction. (Ord. 06-07 § 1, 2006; prior code § 13-1-10-7)

17.35.080 Improvements security.

Prior to approval of the final plat by the council, the subdivider shall provide security by either:

- A. Posting of a performance bond issued by a qualified surety;
- B. Establishing a cash trust, said funds to be deposited with the town to the credit of the subdivider;
- C. Depositing with the town a certificate of deposit issued by a banking institution authorized to issue same;
- D. Filing with the town an executed contract of guaranty between financial institution authorized to enter into such contracts;
- E. Executing a third-party trust and assurance agreement whereby an Arizona-licensed title or trust company holding title to the lands proposed to be subdivided agrees to act as a trustee who shall not convey title to any of said lands without first obtaining a written release from the town council, or its designee, except that the trustee may convey title in conjunction with a bulk sale or for the sole purpose of encumbering lands immediately re-conveyed to the trust and said assurance agreement shall be subject to acceptance by the town council and approval of the town attorney.

The amount of said security is to be based upon the cost estimate prepared by a registered professional civil engineer in an amount to cover the completed installation of the improvements and requires approval by the public works department. A completion date for the improvements shall be declared by the subdivider and the security shall provide for its forfeiture to the town in the event that said improvements have not been completed or not accepted by the town by the declared completion date due to the default of the subdivider. Where applicable, a concurrent agreement may be executed between the town and the subdivider providing for incremental improvements in planned unit developments; provided, however, that each approved increment shall commensurately conform to the security requirements herein above specified. The council may require of the subdivider such further assurance of the completion of improvements as they may deem necessary to the interest of the public. (Ord. 06-07 § 1, 2006; prior code § 13-1-10-8)

17.35.090 Final inspection and acceptance of improvements.

Upon due notice from the subdivider of presumptive completion of all improvements as called for on the approved improvement plans and required under the provisions of this chapter, the public works department will make an inspection. If all construction is found to be completed to his satisfaction, then that inspection shall constitute the final inspection and the public works department will recommend final acceptance of the public improvements (including street, sewer and drainage improvements) to the town council upon receipt of the following items:

A. Final Plans. Final plans drawn in India ink, or a reproducible copy thereof, showing all street, drainage and sewer improvements constructed, and copies of the final plans, showing all electrical, lighting, gas, telephone, cable television and water improvements constructed within public rights-of-way or public easements for inclusion in the town's permanent files.

Final plans shall show the approved design conditions and reflect any field changes approved by the public works department, and the developer's engineer shall certify that the final plans represent as nearly as possible the actual field conditions as constructed. Reproducible copies shall be defined as a copy prepared using an archival photographic image process conforming to standards established by the American National Standards Institute on a polyester material four thousandths of an inch thick with a matte finish. Additionally, the town may request and the developer shall furnish all final plans on compact disc (CD) in the AutoCAD computer format, and each CD shall be labeled with the name of the subdivision and date submitted.

B. Affidavit Regarding Settlement of Claim. The subdivider shall certify that all bills for labor and materials incorporated in the work have been paid and agree to indemnify and save harmless the town against any and all liens, claims of liens, suits, actions, damages, charges and expenses whatsoever, which the town may suffer arising out of the failure of the subdivider to pay for all labor performed and materials furnished in the construction of the required improvements.

C. Guarantee. The subdivider and contractor shall guarantee all work against defective workmanship or materials for a period of one year from the date of its final acceptance by the mayor and town council. Upon final acceptance of the public improvements by the mayor and town council, the public works department will notify the subdivider in writing of this acceptance as of the date of approval by the council. (Ord. 06-07 § 1, 2006; prior code § 13-1-10-9)

Chapter 17.40 VARIANCES

Sections:

[17.40.010 Hardship.](#)

[17.40.020 Large scale development.](#)

[17.40.030 Conditions.](#)

17.40.010 Hardship.

The developer or subdivider may upon written application to the planning and zoning commission request a variance from certain regulations of this chapter. Where the planning and zoning commission finds that hardship may result from strict compliance with these regulations, the commission may recommend to the town council to vary the regulations; provided, that such variations will not have the effect of nullifying the intent and purpose of the general development plan or these regulations. (Ord. 06-07 § 1, 2006; prior code § 13-1-11(A))

17.40.020 Large scale development.

The standards and requirements of these regulations may be modified by the commission in the case of a plan and program for a new town, a complete community or a neighborhood unit, which in the judgment of the commission provides adequate public spaces and improvements for circulation, recreation, light, air, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan. (Ord. 06-07 § 1, 2006; prior code § 13-1-11(B))

17.40.030 Conditions.

In granting variances or modifications the commission or town council may require such conditions as will, in its judgment, secure substantially the objectives of the standards of requirements so varied and modified. (Ord. 06-07 § 1, 2006; prior code § 13-1-11(C))

**Title 18
ZONING**

Chapters:

[18.05 General Provisions](#)

[18.10 Definitions](#)

[18.15 Regulations Generally](#)

[18.20 Conditional Uses](#)

[18.25 Site Plan Required](#)

[18.30 Establishment of Zoning Districts](#)

[18.35 R-1 Residential Districts](#)

[18.40 R-2 Residential Districts](#)

[18.45 R-3 Residential Districts](#)

[18.50 R-4 Residential Districts](#)

[18.55 VLDR – Very Low Density Residential](#)

[18.60 LDR – Low Density Residential](#)

[18.65 MDR – Medium Density Residential](#)

[18.70 HDR – High Density Residential](#)

[18.75 B/C – General Business/Commercial District](#)

[18.80 C-2 – Light Industry District](#)

[18.85 C-3 – Heavy Industrial and Mining Zone](#)

[18.90 M – Municipal Use](#)

[18.95 P – Parks](#)

[18.100 Supplemental Regulations](#)

[18.105 Off-Street Parking and Loading Regulations](#)

[18.110 Sign Regulations](#)

[18.115 Manufactured Home Parks](#)

[18.120 Recreational Vehicle Parks](#)

[18.125 Outdoor Lighting Regulations](#)

[18.130 Nonconforming Use](#)

[18.135 Amendments](#)

[18.140 Administration and Enforcement](#)

[18.145 Board of Adjustment](#)

[18.150 Fees](#)

[18.155 Violations and Penalties](#)

Prior legislation: Ords. 48, 55, 61, 63, 70, 95, 105, 84-09, 84-13, 85-02, 86-02, 89-01, 90-02, 95-007, 97-008, 99-002, 00-005, 01-001, 01-006, 01-010, 01-015, 02-002, 03-002, 03-011, 04-005, 04-008 and 06-04.

Chapter 18.05 GENERAL PROVISIONS

Sections:

[18.05.010 Title.](#)

[18.05.020 Purpose.](#)

[18.05.030 Intent.](#)

[18.05.040 Severability clause.](#)

[18.05.050 Repeal of conflicting ordinances.](#)

18.05.010 Title.

These regulations shall be known and cited as the “Huachuca City zoning regulations,” and shall be referred to herein as “these regulations.” (Ord. 06-10, 2006; prior code § 17-1-1)

18.05.020 Purpose.

The purpose of these regulations is to secure adequate light and air, to prevent the overcrowding of land and undue concentration of population, to secure land and undue concentration of population, to secure safety from fire, panic and other dangers, to lessen or avoid congestion in the streets, to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other safety, morals, convenience and general welfare of the citizens of the town of Huachuca City, Arizona. (Ord. 06-10, 2006; prior code § 17-1-2)

18.05.030 Intent.

It is the intent of these regulations not to interfere with, abrogate, or annul any easement, covenant, or other agreement between parties; provided, however, that where these regulations impose a greater restriction upon the use of buildings, structures or land, the provisions of these regulations shall prevail. (Ord. 06-10, 2006; prior code § 17-1-3)

18.05.040 Severability clause.

Should a section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 06-10, 2006; prior code § 17-31)

18.05.050 Repeal of conflicting ordinances.

All ordinances or part of ordinances and all resolutions in conflict with these zoning regulations, or inconsistent with the provisions of these regulations, are hereby repealed. (Ord. 06-10, 2006; prior code § 17-32)

Chapter 18.10 DEFINITIONS

Sections:

[18.10.010 Definitions.](#)

18.10.010 Definitions.

The word “person” includes a firm, association, organizations, partnership, trust, company, or corporation as well as an individual.

The word “shall” is mandatory and the word “may” is permissive.

The word “lot” includes the word “plot” or “parcel.”

The word “building” includes the word “structure.”

The words “used” and “occupied” include the words “intended,” “designed,” and “arranged to be used or occupied.”

When not inconsistent with the context, the present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular.

All words and terms shall be interpreted according to their common usage unless otherwise defined.

“Accessory building” means a detached building on the same lot with, and of a nature customarily incidental and subordinate to, the principal building. An accessory building attached to the main building shall be considered to be a part of the main building and shall maintain any yards required for a main building.

“Accessory use” means a use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

“Accessory vehicle” includes any trailer (see definition in this section), fifth wheel or watercraft.

“Acre” means an area comprising 43,560 square feet.

“Alley” means a way dedicated and open to the public which affords a secondary means of access to the back or side properties otherwise abutting on a street.

“Amendment” means a change in the wording context, or substance of these regulations, an addition or deletion, or a change in the zoning district boundaries or classifications upon the official zoning map, which imposes any regulation not heretofore imposed or removes or modifies any such regulation theretofore imposed.

“Automobile graveyard” means any establishment or place of business maintained, used or operated for storing, keeping, buying or selling wrecked, abandoned, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

“Buildable area” means that net portion of the lot remaining after deducting all required yards from the gross area of a lot.

“Building” means a structure having a roof supported by columns or walls for housing, shelter or enclosure of persons, animals, chattels or property of any kind.

“Building height” means the vertical distance from the grade to the highest point of structure.

“Carport” means an accessory building or portion of a principal building with two or more open sides designated or used for the parking of motor vehicles. Enclosed storage facilities may be provided as part of a carport.

“Commission” means the planning and zoning commission.

“Common area” means an area designated to serve two or more dwelling units or separate uses with convenient access to the area.

“Conditional use” means a use that may locate in certain zoning districts provided it will not be detrimental to the public good nor impair the integrity and character of the zoned district, and will be suitable to the community at large.

“Council” means the elected governing body of town of Huachuca City.

“Dwelling” means any building or portion thereof, which is designed or used exclusively for residential purposes.

“Dwelling, multiple-family” means a residence designed for occupancy by two or more households, with separate housekeeping and cooking facilities for each.

“Dwelling, single-family” means a detached residence designed for occupancy by one household only. This shall include manufactured homes when placed on a permanent foundation, converted to real property, and taxed as a site-built dwelling as provided by law.

“Dwelling unit” means one or more rooms designed for occupancy by one household for living purposes and having its own cooking and sanitary facilities.

“Factory-built housing” means a factory-built structure designed for long-term residential use.

For the purposes of these regulations, factory-built housing consists of three types: modular homes, mobile homes, and manufactured homes.

“Factory-built structure” means any structure that is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site.

“Fence” means a structure built to separate two parcels of land or to separate a parcel of land into different use areas.

“Floor area” means the sum of the gross horizontal areas of every floor, of all buildings on the lot measured from the exterior walls or from the centerline of walls separating the buildings, including basement floor area, elevator shaft and stairwells at each floor, floor space used for mechanical equipment, penthouse, attic space whether or not a floor has been actually laid and having headroom of seven feet or more, interior balconies and mezzanines, and roofed porches, but not including any space devoted to parking, or to loading and unloading.

“Garage” means an accessory building or portion of the principal building designed or used for the shelter or storage of self-propelled vehicles owned or operated by the occupants of the principal building.

“Grade, natural” means the average elevation of the finished ground surface adjacent to the exterior walls of a building.

“Guest house” means an attached or detached accessory building used as a temporary dwelling for guests of the occupants of the main building, and which is never rented or offered for rent. A guest house providing cooking facilities shall be considered a dwelling unit.

“Home occupation” means an activity carried on by the occupant of a dwelling as a secondary use, including professional and semi-professional offices when conducted and entered from within the dwelling, in which there is no outside display or storage of stock-in-trade upon the premises, not more than one nonresident of the premises is employed and not more than one-fourth of the floor area of one story of the principal building, or a detached home workshop of not more than 200 square feet in area, is used for such home occupation; and provided, that the residential character of the dwelling is not changed by said use and that such occupation does not cause any sustained changes by said use and that such occupation does not cause any sustained or unpleasant or unusual noises, vibrations, noxious fumes, odors, or cause any parking or traffic congestion in the immediate neighborhood.

“Hotel/motel” means a building, or group of buildings, used primarily for accommodation of transient guests in rooms or suites.

“Household” means an individual or two or more persons related by blood, marriage or adoption and usual servants living together as a single housekeeping unit in a dwelling unit or a group of not more than five persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

“Junk” means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked,

dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

“Junkyard” means any establishment or place of business maintained, used, or operated for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard, and including garbage dumps and sanitary landfills.

“Landscaping” means the application or use of some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. In addition, the combination may include rocks, and such structural features as fountains, pools, art works, screens, walls, fences, or benches.

“Lot” means a legally created parcel of land under one ownership of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required by these regulations.

“Lot, corner” means a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an interior angle of less than 135 degrees.

“Lot coverage” means the percentage of the area of a lot which is occupied by all buildings or other covered structures.

“Lot depth” means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

“Lot, interior” means a lot other than a corner lot with only one frontage on a street other than an alley.

“Lot line, front” means the boundary of a lot which separates the lot from the street. For the purpose of determining yard requirements on corner and through lots, all lot lines separating the lot from streets shall be considered front lot lines.

“Lot line, rear” means the boundary of a lot which is most distant from, and is, or is most nearly, parallel to the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than 10 feet.

“Lot line, side” means the boundary of a lot which is not a front line or a rear lot line.

“Lot lines” means the lines bounding a lot.

“Lot of record” means a lot which is a part of a subdivision, the plat of which has been recorded in the office of

the Cochise County recorder; or a lot, parcel or tract of land described by metes and bounds, the deed of which has been recorded in the office of the Cochise County recorder.

“Lot width” means the distance between side lot lines measured across the rear of the required front yard parallel to the street or street chord.

“Lot, zoning” means a single parcel of land, or one or more lots of record, designated by its owner as a tract to be used, developed, or built upon as a unit, under single ownership or control, meeting all of the requirements set forth in these regulations.

“Manufactured home” means a factory-built structure that is manufactured or constructed under the authority of 42 United States Code Section 5401 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home, except as hereinafter provided.

“Medical marijuana” means all parts of the genus *Cannabis*, whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the patient’s debilitating medical condition.

“Medical marijuana cultivation” means the process by which a person grows a marijuana plant. A facility shall mean a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary.

“Medical marijuana dispensary” means a nonprofit entity defined in ARS Section 36-2801(11) that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients that is duly registered and certified pursuant to ARS Section 38-2804.

“Medical marijuana dispensary off-site cultivation location” means the one additional location if any duly identified pursuant to ARS Section 36-2806(E) during the process of registering a nonprofit medical marijuana dispensary where marijuana will be cultivated for sale at a nonprofit medical marijuana dispensary duly registered and certified pursuant to ARS Section 36-2804 and complies with all regulations.

“Medical marijuana qualifying patient” means a person who has been diagnosed by a physician as having a debilitating medical condition as defined in ARS Section 36-2801.13.

“Mobile home” means a transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. In many cases, mobile homes were built to a voluntary industry standard of the American National Standards Institute (ANSI) A119.1 Standards for Mobile Homes.

“Mobile home park” means a parcel of land under single ownership on which two or more mobile homes are occupied as residences, regardless of whether or not a charge is made for such accommodations.

“Mobile home space” means a plot of ground within a mobile home park designed for the accommodation of one mobile home or recreational vehicle together with its accessory structures.

“Mobile home subdivision” means a subdivision designed and intended for sale, lots, for residential occupancy in mobile homes.

“Modular home” means factory-built housing certified as meeting the local or state building code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

“Nonconforming building” means a building, structure, or portion thereof, which does not conform to the requirements of these regulations applicable to the zoning districts in which such building is situated, but which legally existed prior to the effective date of these regulations.

“Nonconforming lot” means a lot of record or parcel of land having less area, frontage or dimensions than required by these regulations for the zoning district in which it is located, but which was lawfully established and recorded prior to the effective date of these regulations.

“Nonconforming use” means a use of a building or parcel of land which does not conform to the requirements of these regulations but which lawfully existed prior to the effective date of these regulations.

“Nursery school” means a public or private school or kindergarten providing day care and/or education to five or more children six years old or under.

“Parking garage” means an enclosed building used for parking, storage, or rental of motor vehicles.

“Permitted use” means a use specifically permitted or a use analogous to those specifically permitted.

“Planned area development” means a planned development consisting of lands either under single or multiple owners acting in concert to develop multiple uses on contiguous parcels of land consisting of not less than 20 acres of developable area, regardless of the zoning districts, with the end product being a better quality mixed use development of residential, recreational and/or business uses that can not otherwise be achieved reasonably with the lot size, setback, building height and related requirements set forth in other provisions of the zoning regulations.

“Prohibited use” means a use not specifically permitted or a use analogous to those not specifically permitted.

“Recreational vehicle” means a movable or portable dwelling unit 40 feet or less in length and eight feet or less in

width, built on a chassis, designed primarily for temporary living quarters for recreational or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

“Self-service station” means a space, building or part thereof, arranged or designed to be used for retail sales or supply of motor fuels.

“Setback” means the shortest distance between the property line and the foundation, wall or main frame of a building or structure.

“Sign” means any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but excluding any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization, any official traffic control device, and any notice posted according to law; the display of any letter, numeral, figure, emblem, picture, outline, beacon, or spectacular, either in whole, in part, or in combination, whereby such display is made on, attached to, or is a part of a structure erected for the purpose, or is on, attached to, or a part of any other structure, surface or thing, including but not limited to the ground or any rock, tree or other natural object, which display is visible beyond the boundaries of the lot or parcel in or over which it is located.

“Sign, accessory” means a basic category of signs which direct attention to a business, profession or activity conducted on the premises on which the sign is located, including:

1. “Bulletin board” means a wall or ground sign announcing activities of a permitted educational, governmental or religious institution or recreation area.
2. “Contractors’ sign” means a temporary wall or ground sign designating the name of persons or firms engaged in construction or repair on the premises.
3. “Developers’ sign” means a temporary wall or ground sign designating the use which will occupy the premises at some future date.
4. “Home occupation sign” means a wall sign identifying a permitted home occupation on the premises.
5. “Identification sign” means a wall, ground or roof sign identifying a permitted principal use, but which bears no advertising or message other than the name, year established, street number and kind of business or activity conducted on the premises.
6. “Name plate sign” means a wall or ground sign identifying the name and address of the occupant of the premises.
7. “Real estate sign” means a temporary wall or ground sign advertising the premises for lease, rent or sale.

8. "Subdivision development sign" means a temporary wall or ground sign advertising the sale of properties in a subdivision.

9. "Temporary sign" means a sign that is displayed no longer than one year. (An extension to the one-year limit may be granted by the planning and zoning commission.)

10. "Utility sign" means a wall or ground sign marking the entrance or exit to the parking lot or other permitted accessory use.

"Sign, freestanding" means a sign supported by uprights or braces placed upon or in the ground, and not attached to any building.

"Sign, nonaccessory" means a basic category of signs which direct attention to a business, commodity, service, entertainment, or other activity or thing, not exclusively related to the premises on which the sign is located; including directional signs as hereinafter defined:

1. "Directional sign" means a sign directing or informing the public as to the location of publicly owned facilities, historical or scenic points of interest, educational, charitable or religious institutions, hospitals or sanitariums, and major business districts.

"Sign, projecting" means a sign which is attached to a building or structure and extends beyond the wall of the building or line of the structure more than 12 inches.

"Sign, roof" means a sign which extends above and is supported by the roof of a building.

"Sign, wall" means a flat sign placed against or attached to an exterior front, side or rear wall of a building, including signs placed parallel to and extending not more than 12 inches horizontally out from the wall of a building.

"Story" means that portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between such floor and the ceiling above. A basement shall be considered a story if its ceiling is more than five feet above the average established grade of its perimeter, or if it is used for business purposes by other than janitors or domestic servants in the same building.

"Street" means a way dedicated to the public, which affords that principal means of access to abutting property.

"Street line" means the dividing line between a lot, tract or parcel of land and a contiguous street, the right-of-way line of a street.

"Structural alteration" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls, or which expands

the height of area thereof.

“Structure” means any thing constructed or erected with fixed location on the ground, or attached to something having a fixed location on the ground, including, but not limited to, buildings, towers, swimming pools, walls, fences and billboards.

“Structure, temporary” means anything constructed or erected which is readily movable and intended to be used, or used for a period of time not to exceed 90 consecutive days. Such temporary structure shall be subject to all applicable requirements of these regulations for the zoning district in which it is located.

“Trailer” means any recreational vehicle, box truck or automobile trailer, trailer coach, box trailer, house trailer or structure designed and constructed in such manner as to permit occupancy as sleeping quarters for one or more persons and so designed that it is or may be mounted on wheels and used as a conveyance on highways or streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

“Trailer in transit” means any trailer actually being transported from a point of origin outside of the town to a point of destination outside of the town, but which is parked temporarily for a period not to exceed 30 days on any tract of land in a residential zone within the town while the occupants of such trailer are bona fide guests of residents of the town.

“Trailer park” means any trailer court, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer and upon which any trailer is parked, excepting automobile, mobile home or trailer sales lots on which unoccupied trailers are parked for the purposes of inspection and sale.

“Use” means the purpose, for which land or building is occupied or maintained, arranged, designed or intended.

“Use permitted upon application” means a use specifically permitted upon application to and with written approval of the zoning commission.

“Use, principal” means the main use of land or a building as distinguished from an accessory use.

“Variance” means a relaxation or waiver of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

“Wall” means any barrier, separate structure, for screening purposes forming a physical barrier, which is so constructed that 100 percent of the vertical surface shall be closed solid, except for approved gates or other access ways.

“Yard” means space open, unoccupied and unobstructed by any structure or portion of a structure from two and one-half feet above the general level of the graded lot upward; provided, however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein.

“Yard, front” means a yard on the same lot with principal building extending across the full width of the lot between the front lot line and the nearest front wall line of the principal building. Any attached carport, porch, or structure, or part thereof, shall be considered as part of the principal building.

“Yard, rear” means a yard on the same lot with a principal building extending across the full width of the lot between the rear lot line and the nearest rear wall line of the principal building. Any attached carport, porch, or structure, or part thereof, shall be considered as a part of the principal building.

“Yard, required” means the minimum open space unoccupied and unobstructed as specified by these regulations for front, rear and side yards, as distinguished from any yard area in excess of the minimum required.

“Yard, side” means a yard on the same lot with a principal building extending from the front yard to the rear yard between the side lot line and the nearest side wall line of the principal building. Any attached carport, porch, or structure, or part thereof, shall be considered as a part of the principal building.

“Zoning district” means any portion of the incorporated area of the town of Huachuca City in which the same zoning regulations apply. (Ord. 19-01 § 1, 2019; Ord. 16-16 § 1, 2016; Ord. 10-06 § 1-A, 2010; Ord. 06-10, 2006; prior code § 17-2-1)

Chapter 18.15 REGULATIONS GENERALLY

Sections:

[18.15.010 Conformance mandatory.](#)

[18.15.020 Minimum requirements.](#)

[18.15.030 Private agreements.](#)

[18.15.040 Permitted uses.](#)

[18.15.050 Exceptions for lots of record.](#)

18.15.010 Conformance mandatory.

Except as otherwise provided by these zoning regulations, no building shall hereafter be used, erected, constructed, reconstructed, moved or altered, nor shall any land be used, except in conformity with these regulations for the zoning district in which the land or building is located. (Ord. 06-10, 2006; prior code § 17-3-1)

18.15.020 Minimum requirements.

The provisions of these zoning regulations are minimum requirements. Where these regulations impose a greater restriction than is imposed or required by other provisions of law, the provisions of these zoning regulations shall control. (Ord. 06-10, 2006; prior code § 17-3-2)

18.15.030 Private agreements.

The provisions of these zoning regulations shall apply independently of any easement, covenant or other agreement between private parties. (Ord. 06-10, 2006; prior code § 17-3-3)

18.15.040 Permitted uses.

Uses designated as permitted by any zoning district regulation shall be permitted upon approval of the building official. No such approval shall be granted except upon compliance with all of the regulations specified for the zoning district in which the use is sought to be maintained. (Ord. 06-10, 2006; prior code § 17-3-4)

18.15.050 Exceptions for lots of record.

For any lot or parcel of record of less width or area than required by the use regulations of that zoning district in which it is located where such lot is shown upon tentative subdivision plat duly approved by the commission or is shown upon a final subdivision plat recorded or where such lot or parcel for which a bona fide deed or contract of sale is in full force and effect at the time these zoning regulations become effective and said deed or contract of sale is of record in the office of the Cochise County recorder, then said lot or parcel of record may be used for any permitted use or use permitted on appeal in that zoning district provided all use regulations are complied with. (Ord. 06-10, 2006; prior code § 17-3-5)

Chapter 18.20 CONDITIONAL USES

Sections:

[18.20.010 Purpose.](#)

[18.20.020 Conditional uses.](#)

[18.20.030 Authority and approval.](#)

[18.20.040 Location criteria.](#)

[18.20.050 Application for conditional use.](#)

[18.20.060 Review procedures.](#)

[18.20.070 Revocation of a conditional use permit.](#)

[18.20.080 Automatic termination of a conditional use.](#)

18.20.010 Purpose.

Each district in the town contains designated permitted uses available as a matter of right. In addition to the designated uses in each district, there are conditional uses, neither permitted as a right nor prohibited by law, which may be compatible within the district. These are privileges, which must be applied for and approved by the town.

It is the intent of this chapter to provide a set of procedures and standards for conditional uses of land or structures which, because of their unique characteristics relative to features of the location, design, size, operations, circulation and public interest or service, require special consideration in relation to the welfare of adjacent properties and the community as a whole. It is the purpose of the regulations and standards set forth below to:

- A. Allow practical latitude for utilization of land and structures and maintain adequate provisions for the protection of the health, safety, convenience and general welfare of the community and adjacent properties;
- B. Provide procedures for periodic review of conditional use permits to provide for further conditions to assure more appropriate conformity of such uses to the public welfare; and
- C. Promote the goals of the general development plan with consideration to the aesthetic integrity of the area. (Ord. 06-10, 2006; prior code § 17-4-1)

18.20.020 Conditional uses.

Conditional uses which may be permitted in certain districts subject to the standards detailed herein include:

- A. Utility structures, including but not limited to substations, telephone switching stations, electrical generation facilities and other facilities required for the transmission of power or communications.
- B. Sewage facilities, including but not limited to pump stations, or sewage or storm water treatment plants.
- C. Water systems, including, but not limited to treatment plants, storage reservoirs, pump stations or other major facilities associated with the supply or distribution of water.
- D. Solid waste transfer stations and solid waste landfills.
- E. Recycling centers.
- F. Emergency service facilities or other public service facilities needing locations in the area to permit effective service within the area.
- G. Private clubs, fraternities, sororities and lodges.
- H. Elementary and high schools.
- I. Institutional buildings such as hospitals, colleges and churches.
- J. Day care group homes in residential districts.
- K. Sending or receiving towers for radio, television or communications.
- L. Bed and breakfast facilities for short stays with meal service restricted to registered guests only. (Ord. 06-10, 2006; prior code § 17-4-2)

18.20.030 Authority and approval.

The planning and zoning commission may approve, approve with conditions, or deny the application for a conditional use permit. In permitting a new conditional use or the alteration of an existing conditional use, the planning and zoning commission may impose, in addition to those standards and requirements specified by the zoning regulations, additional conditions which it finds necessary to avoid detrimental impacts and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- A. Limiting the manner in which the use is conducted, including restricting the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- B. Establishing special yard, open space, parking requirements, lot area or other dimensional requirements.

- C. Designating the height, size, appearance or location of a building or other structure or use.
- D. Designating the size, number and location of vehicle access points.
- E. Designating the size, location, screening, drainage, surfacing or other improvements of a parking area or loading area.
- F. Limiting or otherwise designating the size, location, and height of signs.
- G. Limiting the intensity of outdoor lighting and require its shielding.
- H. Requiring screening, landscaping or other facilities to protect adjacent or nearby property and designate standards for its installation and maintenance.
- I. Designating the size, height, and location of screening and materials for a fence.
- J. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or another significant natural resource. (Ord. 06-10, 2006; prior code § 17-4-3)

18.20.040 Location criteria.

A. The provisions of this section are designed to provide siting criteria and guidelines for the imposition of additional conditions not specifically provided for herein, to the end that such uses will:

1. Be consistent with the intent and purpose of the district in which it is proposed to locate such use;
2. Meet the requirements of the general development plan with regard to providing benefit to the general welfare of the public;
3. Fill a probable need of the public, which can best be met by a conditional use at this time and in this place.

B. Conditional uses shall be located subject to the following specific standards:

1. Buffering, screening or other means shall be used where necessary to protect the privacy and safety of neighboring properties.
2. Solid waste landfills, transfer stations, natural gas storage, sewage treatment plants and electrical generating facilities shall not be in or adjacent to established residential areas.
3. Solid waste landfills, transfer stations, natural gas storage, sewage treatment plants and electrical generating facilities will not be provided access from residential streets. Recycling centers, water

reservoirs, telephone communication and switching facilities shall not provide access from residential streets.

4. The site layout conforms to the established street and circulation pattern and the general development plan.

5. Noise levels and lights from the facility will not interfere with adjacent land uses, or in any way create a nuisance. (Ord. 06-10, 2006; prior code § 17-4-4)

18.20.050 Application for conditional use.

A. A request for a conditional use, modification of an existing conditional use permit, or a review of an existing conditional use permit shall be initiated by the property owner or his authorized agent by filing an application with the building official which application shall include:

1. Full information regarding the proposed locations, area, height, and placement of such use, and shall be accompanied by a site plan.

2. A vicinity ownership map drawn to scale showing all parcels in the vicinity adjacent to and surrounding the property proposed for conditional use within 300 feet of the exterior boundaries of the property.

3. A typed or printed list containing the names and mailing addresses of the owners of parcels within 300 feet of the boundaries as indicated in subsection (A)(2) of this section and identified by the same number as on the vicinity ownership map. Correct zip codes must be shown for each address.

B. An application filed pursuant to this section shall be accompanied by the required fee. Such fee shall be determined according to a fee schedule established by the town council.

C. The building official shall review each application for technical compliance with established application requirements. The application shall be formally accepted for approval processing or rejected within five working days. (Ord. 06-10, 2006; prior code § 17-4-5)

18.20.060 Review procedures.

A. All applications for conditional use permits shall be considered by the planning and zoning commission at a public hearing.

B. The public hearing notice shall contain:

1. The location and description of the proposed conditional use; and

2. The time and place of the public hearing at which comments on the proposed use may be presented.

C. The planning and zoning commission shall review each application to ensure compliance with the criteria and requirements set forth in this title. (Ord. 06-10, 2006; prior code § 17-4-6)

18.20.070 Revocation of a conditional use permit.

A. Any previously granted conditional use permit may be revoked by the planning and zoning commission, after a hearing conducted in the manner required for approval of the original conditional use permit, upon any one of the following grounds:

1. Failure to comply with the conditions of approval.
2. Discontinuance of the use for a period in excess of one year.
3. A change in the general development plan or requirements of the district within which the use is located that have the effect of no longer allowing a new conditional use permit application to be considered in such district.

B. Revocations shall have the effect of making the previously granted conditional use permit void until a new application is submitted. (Ord. 06-10, 2006; prior code § 17-4-7)

18.20.080 Automatic termination of a conditional use.

Unless otherwise approved, a conditional use permit shall automatically become null and void one year after the effective date upon which it was granted unless utilization was started. (Ord. 06-10, 2006; prior code § 17-4-8)

Chapter 18.25 SITE PLAN REQUIRED

Sections:

[18.25.010 General.](#)

[18.25.020 Exemptions.](#)

[18.25.030 Site plan requirements.](#)

[18.25.040 Development schedule.](#)

[18.25.050 Significance of approval.](#)

18.25.010 General.

Except as exempted in this chapter, a site plan approved by the planning and zoning commission or the building official shall be considered the primary condition for the establishment of any building, structure to be constructed on a development site in any zoning district, or use undertaken, constructed or planned in any zoning district. A use permit shall be required for all uses which are not exempted by the provisions of this chapter whether or not any construction is involved. When due to a change of plans or circumstances it becomes necessary to revise an approved site plan, a new site plan shall be submitted for review and approval by the planning and zoning commission or the building official.

The building official shall be authorized to review and approve site plans submitted in conjunction with the establishment of any building, structure or use involving improvements having a square footage of 250 feet or less. (Ord. 06-10, 2006; prior code § 17-5-1)

18.25.020 Exemptions.

Development meeting the following criteria shall be exempt from the requirement to submit a development site plan detailed elsewhere in this chapter:

A. Single-family residences and accessory buildings constructed in an approved subdivision in an R-1, R-2, R-3, VLDR, LDR, MDR or HDR zoning district. These developments shall be handled with a site plan submitted to the building official in conjunction with the building permit application.

B. Mobile home residences and accessory buildings placed on lots in established mobile home parks or approved subdivisions in R-3 zoning districts. These developments shall be handled with a site plan submitted to the building official in conjunction with the building permit application.

C. Multi-family residences consisting of less than five units per lot. These developments shall be handled with a site plan submitted to the building official in conjunction with the building permit application. (Ord. 06-10, 2006; prior code § 17-5-1)

18.25.030 Site plan requirements.

Eight 24-by-36-inch copies of the scaled site plan folded to 8.5-by-11-inch size shall be submitted for review and approval by the commission. Three additional sets shall be submitted for final approval. Proof of ownership and proof of agency shall consist of a copy of a title report issued not more than 30 days prior to the date of submittal by a title company authorized to conduct business in the state of Arizona. If the land is owned by a corporation, proof of agency shall consist of a corporate resolution designating the individual to act as agent. The corporate resolution must be certified by the secretary of the corporation, and authenticated by the corporate seal, or acknowledged in the form prescribed by ARS Section 33-506.2.

If the land is owned by a partnership, proof of agency shall consist of a written document designating an individual to act as agent. The document must be certified and acknowledged in the form prescribed by ARS Section 33-506.1.

Such site plan shall include the following information upon the appropriate number of plan sheets:

A. Location sketch showing dimensions, shape, area, and precise legal description of the development site, and its relationship to the surrounding zoning district(s), at any appropriate scale.

B. Existing Conditions Data.

1. Location, sizes, and shape of all existing buildings and structures.
2. Location, width, and alignment of all existing abutting and on-site streets, alleys, and easements and other public or private rights-of-way or reservations.
3. Location of all existing abutting and on-site improvements such as pavement, sidewalks, curbs and curb cuts, gutters, storm and/or sanitary sewer facilities, drainage structures, water lines (including size), and fire hydrants (within 500 feet of the site).
4. Existing hydrologic data, to include all pertinent elevations and inflow and outflow courses and locations, reflected on a one-foot contour internal overlay of the development.

C. Proposed Conditions Data.

1. Location, size and shape of all buildings and structures, including any existing buildings and structures to be retained and/or renovated.
2. Location, width, and alignment of abutting and on-site streets, alleys, easements, and other public or private rights-of-way or reservations proposed for construction and/or dedication.

3. Location of all proposed abutting and on-site improvements such as parking lots, pavement, trash collection areas, sidewalks, curbs and curb cuts, gutters, storm and/or sanitary sewer facilities (including termini at on-site and/or off-site connections), drainage structures, water lines (including size), and fire hydrants.
4. Drainage plan for the development site referenced to the existing hydrologic data overlay and reflecting the ultimate flow conditions imposed by full development on the site. All pertinent elevations and grades of buildings, structures, and improvements, and inflow, on-site, and out-flow courses and locations, to include assumed flow quantities and calculations, shall be reflected. (Ord. 06-10, 2006; prior code § 17-5-2)

18.25.040 Development schedule.

An application for establishment and maintenance of any building, structure or use constructed or to be constructed on the development site shall be accompanied by a development schedule, indicating, to the best of the applicant's knowledge, the appropriate date on which construction of the project will begin, progressive stages of development, if any, anticipated rate of development, and completion date. (Ord. 06-10, 2006; prior code § 17-5-3)

18.25.050 Significance of approval.

Final site plan approval of a commercial development is valid for one year from date of approval and may be extended one time for six months from the expiration date of original approval by the commission upon written request from the developer, 30 days prior to expiration of original approval. (Ord. 06-10, 2006; prior code § 17-5-4)

**Chapter 18.30
ESTABLISHMENT OF ZONING DISTRICTS**

Sections:

[18.30.010 Classification of zoning districts.](#)

[18.30.020 Conformity required to district regulations.](#)

[18.30.030 Statutory exemptions.](#)

[18.30.040 Classification of annexed areas.](#)

[18.30.050 Classification of vacated streets.](#)

[18.30.060 Official zoning map.](#)

18.30.010 Classification of zoning districts.

The town of Huachuca City is divided into zoning districts enumerated as follows:

R-1	Single-family residence
R-2	Two-family residence
R-3	Multi-family residence
R-4	Multi-family residence
VLDR	Single-family residence
LDR	Single-family residence
MDR	Single-family residence
HDR	Single-family residence
B/C	General business/commercial
C-2	Light industry
C-3	Heavy industry
M	Municipal use
P	Parks and recreational areas

(Ord. 06-10, 2006; prior code § 17-6-1)

18.30.020 Conformity required to district regulations.

The regulations set forth in these regulations for each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

Except as provided elsewhere in these regulations, no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations hereinafter specified for the district in which it is located.

No yard or lot existing at the effective date of these regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of these regulations shall meet at least the minimum requirements herein established. (Ord. 06-10, 2006; prior code § 17-6-2)

18.30.030 Statutory exemptions.

Nothing contained in these regulations shall be construed as:

A. Affecting existing uses of property or the right to its continued use or the reasonable repair or alteration thereof for the purpose for which used prior to the effective date of these regulations.

B. Preventing, restricting or otherwise regulating the use or occupation of land or improvements for railroad, mining or metallurgical purpose, as herein defined, if the tract concerned is not less than two contiguous acres. (Ord. 06-10, 2006; prior code § 17-6-3)

18.30.040 Classification of annexed areas.

All territory which may hereafter be annexed to the town of Huachuca City shall be automatically zoned, unless it can be determined that another town zoning classification would more appropriately match the previously existing county zoning in regards to intensity of use. (Ord. 06-10, 2006; prior code § 17-6-4)

18.30.050 Classification of vacated streets.

Whenever a public street or other public right-of-way is vacated by official action of the council, the zoning districts adjoining each side of such street, alley, or right-of-way shall automatically be extended to the centerline thereof, and all land area thus vacated shall then and henceforth be subject to all regulations of the extended districts. (Ord. 06-10, 2006; prior code § 17-6-5)

18.30.060 Official zoning map.

A. Establishment. The areas and boundaries of zoning districts are hereby established as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of these regulations.

B. Identification. The official zoning map shall be identified by the signature of the mayor attested by the town clerk, and bear the seal of the town. Regardless of the existence of purported copies of the official zoning map which may, from time to time, be made or published, the official zoning map located under the jurisdiction of the

town clerk shall be the final authority as to the current zoning status of land areas, buildings, and other structures in the town.

C. Changes. If, in accordance with the provisions of these regulations, changes are made in district boundaries or in other matters portrayed on the official zoning map, such changes shall be made on said map promptly after the amendment has been approved by the council, together with an entry signed by the town clerk certifying to the accuracy and date. No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the provisions of these regulations. Any unauthorized changes of whatever kind by any person or persons shall be considered a violation of these regulations and punishable as hereinafter provided.

D. Replacement. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature of number of changes and additions, the council may, by resolution, adopt a new official zoning map which shall supersede the prior map. The new official zoning map may correct drafting or other error or omissions in the prior map, but no such corrections shall have the effect of amending the original zoning regulations or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor attested by the town clerk, and bear the seal of the town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Regulations of the Town of Huachuca City, Arizona."

E. Interpretation. Where, due to scale, lack of detail or illegibility of the official zoning map, there is an uncertainty, contradiction, or conflict as to the intended location of any district boundary shown thereon, the exact location of such boundary shall be determined by the board of adjustments. The board of adjustments, in reaching its determination, shall apply the following standards:

1. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the centerlines of streets, alleys or rights-of-way, unless otherwise fixed by dimensions shown on the official zoning map.
2. In subdivided property, or where a zoning district boundary divides a lot, the exact location of such boundary, unless same is indicated by dimensions shown on the official zoning map, shall be determined by use of the map scale shown thereon.
3. If, after application of foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary, the board of adjustments shall determine and fix the location of said line in accordance with the purpose and intent of these regulations. (Ord. 06-10, 2006; prior code § 17-6-6)

Chapter 18.35
R-1 RESIDENTIAL DISTRICTS

Sections:

[18.35.010 Intent.](#)

[18.35.020 Permitted principal uses.](#)

[18.35.030 Permitted conditional uses.](#)

[18.35.035 Trailers/accessory vehicles.](#)

[18.35.040 Use regulations.](#)

[18.35.050 Requirements.](#)

[18.35.060 Detached accessory buildings.](#)

18.35.010 Intent.

These districts comprise single-family residential areas and certain open land areas where such development is desirable and appears likely to occur. Regulations are designed to stabilize and protect the single-family character of the districts, to promote and encourage creation of a desirable environment for family life where most families include children, and to prohibit all incompatible activities. Principal uses are therefore restricted to single-family dwellings on individual lots. Certain essential and complementary uses are also permitted under conditions and standards which ensure protection of the character of the districts. (Ord. 06-10, 2006; prior code § 17-7-1)

18.35.020 Permitted principal uses.

One single-family residence per lot; provided, that for purposes of this section, the length of the dwelling shall not be greater than three times the width, and the roofing and siding material must blend in with the immediate neighborhood, as determined by the building official.

Recreational uses such as public or private golf courses and related facilities and improvements to include: clubhouses, restaurants, locker rooms, pro shops, cart storage facilities, driving ranges, tennis courts, health clubs, spas, etc.; provided, that such related facilities are located on real property contiguous to the primary recreational attraction. (Ord. 06-10, 2006; prior code § 17-7-2)

18.35.030 Permitted conditional uses.

The following uses are permitted as principal uses, subject to the approval of application for a specific use by the building official. Said application shall include full information regarding the proposed location, area, height, bulk and placement of such uses, and shall, at the discretion of the building official, include submission of the proposed site plan:

- A. Residential structures employing energy-saving devices.
- B. Any use customarily incidental to a permitted principal use.
- C. Private garage or carport for storage of not more than three vehicles.
- D. Garden house, tool house, ramada, and swimming pool. (Ord. 16-16 § 2, 2016; Ord. 06-10, 2006; prior code § 17-7-3)

18.35.035 Trailers/accessory vehicles.

The provisions of this section are to establish additional guidelines regarding the parking and/or storage of trailers/accessory vehicles.

- A. It is unlawful for any person to park any trailer/accessory vehicle on any street, alley, highway or any other public place, or any tract of land owned by any person, occupied or unoccupied, in a residential zone; however, emergency or temporary stopping of any trailer is permitted on any street, alley or highway so as not to impede the safe flow of traffic, subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or laws for such street, alley or highway.
- B. The occupant of any tract of land upon which a trailer in transit is parked shall be required to register the trailer with the town clerk, and such registration shall contain the names and number of occupants, the year and make of the trailer, the number of the license plate attached to the trailer, the name of the issuing state and the length of time, not to exceed 30 days, during which the trailer will be parked upon the subject premises.
- C. Parking of two trailers/accessory vehicles is permitted on a property at any given time. The provisions for the parking of such vehicles are as follows:
 - 1. One vehicle can be located in a rear yard, so long as it is not provided permanent electrical power (maintenance connection is authorized), water supply, gas (natural or LP), or sanitary sewer and is not used for living purposes; and one vehicle can be located in a garage or carport, so long as it is not provided permanent electrical power (maintenance connection is authorized), water supply, gas (natural or LP), or sanitary sewer and is not used for living purposes.
 - 2. Any resident that wishes to park a trailer/accessory vehicle in a location other than their back yard, garage or carport must register the vehicle with the town clerk as to include the name, year and make of the trailer, the number of the license plate attached to the trailer, the name of the issuing state, proof of current registration and pay a registration fee due to the town of Huachuca City as outlined in this title. All residents are limited to a single registered trailer/accessory vehicle and it must adhere to the following provisions:

- a. The subject is stored in good, working condition.
- b. The subject is not provided electrical power (maintenance connection is authorized), water supply, gas (natural or LP) or sanitary sewer and is not used for living purposes.
- c. The subject is located in a side yard, side portion of the front yard or driveway.
- d. The subject is located on a hard surface such as concrete, asphalt, pavers or decomposed granite.
- e. The subject is not located in a front yard, directly in front of the residence.
- f. The subject must have no less than a two-foot setback from the closest side property line and is subject to the city's seven-foot utility setback (excluding hitch), when parked on the owner's property.
- g. Agree to periodic inspections by the police department and/or building official to ensure the subject remains compliant with the provisions above.

3. When a trailer is being used to transport another vehicle, it will be considered a single accessory vehicle.

D. Failure to comply with these provisions will be assessed fees and subject to legal proceedings as outlined within this title. (Ord. 16-16 § 3, 2016)

18.35.040 Use regulations.

Manufactured homes and mobile homes are not allowed to be installed within this zone. Any manufactured home or mobile home existing within this zone at the time of enactment of this provision is permitted to remain, provided it is occupied as a residence and in good repair. (Ord. 2019-02 § 1, 2019; Ord. 06-10, 2006; prior code § 17-7-4)

18.35.050 Requirements.

- A. Maximum building height: two stories or 30 feet.
- B. Minimum lot area: 7,500 square feet.
- C. Minimum lot width: 75 feet.
- D. Minimum front yard: 25 feet.
- E. Maximum coverage of lot for all buildings: 30 percent of total lot area.
- F. Main Buildings.

1. Minimum side yards: seven feet each.

2. Minimum rear yards: 20 feet each.

G. Maximum fence height: four feet in front yard, six feet from the front of the house in the rear of the lot. See Section 18.100.100, Fences. (Ord. 06-10, 2006; prior code § 17-7-5)

18.35.060 Detached accessory buildings.

A. Minimum distance to side lot lines:

1. None if in rear 20 feet of lot.

2. Same side yards as required for main buildings if not in rear 20 feet of lot.

B. Minimum distance to rear lot line: four feet if doors open on alley, none if no doors. (Ord. 06-10, 2006; prior code § 17-7-6)

Chapter 18.40
R-2 RESIDENTIAL DISTRICTS

Sections:

[18.40.010 Uses and structures.](#)

[18.40.020 Use regulations.](#)

[18.40.030 Site plan approval.](#)

[18.40.040 Requirements.](#)

[18.40.050 Detached accessory buildings.](#)

18.40.010 Uses and structures.

Within any Class R-2 residential district, no buildings, structures or premises shall be used, and no building or structure shall be erected, which shall be used except as permitted in this section, or for any other than the following specified purposes and uses:

- A. All buildings or structures and all uses permitted in Class R-1 residential districts.
- B. Two-family residences.
- C. Public utility buildings, water-pumping plants and storage tanks, and electric substations serving district residents, but excluding repair or storage facilities in connection therewith. (Ord. 06-10, 2006; prior code § 17-8-1)

18.40.020 Use regulations.

Manufactured homes and mobile homes are not allowed to be installed within this zone. Any manufactured home or mobile home existing within this zone at the time of enactment of this provision is permitted to remain, provided it is occupied as a residence and in good repair. (Ord. 2019-02 § 2, 2019; Ord. 06-10, 2006; prior code § 17-8-2)

18.40.030 Site plan approval.

Site plan approval shall be obtained prior to any issuance of a building or use permit in R-2 residential district. (Ord. 06-10, 2006; prior code § 17-8-3)

18.40.040 Requirements.

- A. Maximum building height: two stories or 30 feet.
- B. Minimum lot width: 50 feet.

- C. Minimum lot area per dwelling unit: 3,000 square feet.
- D. Minimum front yard: 25 feet.
- E. Maximum coverage of lot for all buildings: 40 percent of total lot area.
- F. Main Buildings.
 - 1. Minimum side yards: seven feet each.
 - 2. Minimum rear yards: 20 feet.
- G. Fences. See Section [18.100.100](#), Fences. (Ord. 06-10, 2006; prior code § 17-7-2)

18.40.050 Detached accessory buildings.

Same yards required as R-1 zone. (Ord. 06-10, 2006; prior code § 17-8-4)

Chapter 18.45
R-3 RESIDENTIAL DISTRICTS

Sections:

[18.45.010 Uses permitted.](#)

[18.45.020 Requirements.](#)

[18.45.030 Detached accessory buildings.](#)

[18.45.040 Site plan approval.](#)

18.45.010 Uses permitted.

- A. Any use permitted in the R-1 and R-2 zones.
- B. Multiple dwellings which consist of three family units or more.
- C. Boarding or rooming house for any number of guests, but not for transients.
- D. Local alcoholism reception center.
- E. Hospital, clinic, dispensary or sanatorium for treatment of human beings only.
- F. By conditional use permit from the planning and zoning commission. (Ord. 2019-02 § 3, 2019; Ord. 06-10, 2006; prior code § 17-9-1)

18.45.020 Requirements.

- A. Maximum building height: two stories or 30 feet.
- B. Minimum lot area: 6,000 square feet.
- C. Minimum lot width: 45 feet.
- D. Minimum lot area per dwelling unit: 2,000 square feet.
- E. Minimum front yard: 25 feet.
- F. By conditional use permit from the planning and zoning commission.
- G. Main Buildings.
 - 1. Minimum side yards: seven feet each.

2. Minimum rear yard: 20 feet.

H. Fences. See Section [18.100.100](#). (Ord. 2019-02 3, 2019; Ord. 06-10, 2006; prior code § 17-9-2)

18.45.030 Detached accessory buildings.

Same yards required as R-1 zone. (Ord. 06-10, 2006; prior code § 17-9-3)

18.45.040 Site plan approval.

Site plan approval shall be obtained prior to any issuance of a building or use permit in R-3 residential district.
(Ord. 06-10, 2006; prior code § 17-9-4)

Chapter 18.50
R-4 RESIDENTIAL DISTRICTS

Sections:

[18.50.010 Uses permitted.](#)

[18.50.020 Requirements.](#)

[18.50.030 Detached accessory buildings.](#)

18.50.010 Uses permitted.

The following uses are permitted in a R-4 zone:

- A. Any use permitted in the R-2 and R-3 zones with the exception of the use permitted in Section [18.45.010](#)(E).
- B. Condominiums or high density apartments.
- C. Manufactured home park in accordance with regulations outlined in Chapter [18.115](#), Manufactured Home Parks.
- D. By conditional use permit from the planning and zoning commission. (Ord. 2019-02 § 4, 2019; Ord. 06-10, 2006; prior code § 17-10-1)

18.50.020 Requirements.

- A. Maximum building height: two stories or 30 feet.
- B. Minimum lot area: 5,000 square feet.
- C. Minimum lot width: 45 feet.
- D. Minimum lot area per dwelling unit: 1,000 square feet.
- E. Minimum front yard: 25 feet.
- F. Maximum coverage of lot for all buildings: 50 percent of total lot area.
- G. Main Buildings.
 - 1. Minimum side yards: seven feet each.
 - 2. Minimum rear yard: 20 feet.
- H. Fences. See Section [18.100.100](#). (Ord. 06-10, 2006; prior code § 17-10-2)

18.50.030 Detached accessory buildings.

Same yards required as R-1 zone. (Ord. 06-10, 2006; prior code § 17-10-3)

Chapter 18.55
VLDR – VERY LOW DENSITY RESIDENTIAL

Sections:

[18.55.010 Purpose.](#)

[18.55.020 Location.](#)

18.55.010 Purpose.

This designation is intended to provide for a very low density of residential, rural-styled development within the town. The target density of this designation is for one residence per 10 acres. This very low density residential designation is in deference to the wishes of Fort Huachuca. Military activities on the base, including the realignment of Libby Airfield and its future crash zone, may impact this portion of the town. The very low density designation is therefore in place to safeguard residents' health and property, and minimize impacts of adjacent use. (Ord. 06-10, 2006; prior code § 17-11-1)

18.55.020 Location.

One area, encompassing approximately 93 acres along the town's southern border with Fort Huachuca/Sierra Vista, is designated for very low density residential. (Ord. 06-10, 2006; prior code § 17-11-2)

Chapter 18.60
LDR – LOW DENSITY RESIDENTIAL

Sections:

[18.60.010 Purpose.](#)

[18.60.020 Location.](#)

18.60.010 Purpose.

This designation is intended to provide for orderly low-density residential single-family residential development. The target density for this designation is for up to four residences per acre. (Ord. 06-10, 2006; prior code § 17-12-1)

18.60.020 Location.

No areas within the town's municipal limits are designated for low density residential development. One area to the town's northeast, which is accessed by Mustang Road and bisected by the Babocomari River, has been designated low density residential. This designation is in line with the existing pattern of development and existing housing densities in this area, which should be maintained. (Ord. 06-10, 2006; prior code § 17-12-2)

Chapter 18.65
MDR – MEDIUM DENSITY RESIDENTIAL

Sections:

[18.65.010 Purpose.](#)

[18.65.020 Location.](#)

[18.65.030 Requirements.](#)

18.65.010 Purpose.

This designation is intended to provide for medium-density, single-family residential development in new areas and in accordance with the character of existing neighborhoods. The target density of the medium density designation is up to nine residences per acre. (Ord. 06-10, 2006; prior code § 17-13-1)

18.65.020 Location.

Several areas within the town have been identified as desirable for medium density development. In total, 448 acres have been given the designation, including significant portions of the undeveloped areas to the west of SR 90 and various sites of in-fill within existing residential neighborhoods. An area beyond the town's municipal limits, south of Hunt Road, has also been identified as desirable for this level of development. (Ord. 06-10, 2006; prior code § 17-13-2)

18.65.030 Requirements.

Minimum lot size: 4,350 square feet. (Ord. 08-04, 2008; Ord. 06-10, 2006; prior code § 17-13-4)

Chapter 18.70
HDR – HIGH DENSITY RESIDENTIAL

Sections:

[18.70.010 Purpose.](#)

[18.70.020 Location.](#)

18.70.010 Purpose.

This designation is intended to provide for high-density, single-family and multi-family residential development in new areas and in accordance with the character of existing neighborhoods. This designation is to include apartments and duplexes. The target density of this designation is for 10 or more residences per acre. (Ord. 06-10, 2006; prior code § 17-14-1)

18.70.020 Location.

There are three areas within, and one area adjacent to, the town designated for high-density development. Within the town the sites include: the area on Paloma Blanca Way (platted but not planned) west of SR 90, the area north of Grant Street adjacent to the town's boundary with Fort Huachuca and the area south of McCray Street southeast of Howard Street. (Ord. 06-10, 2006; prior code § 17-14-2)

Chapter 18.75
B/C – GENERAL BUSINESS/COMMERCIAL DISTRICT

Sections:

[18.75.010 Intent.](#)

[18.75.020 Permitted uses.](#)

[18.75.030 Adult oriented businesses.](#)

[18.75.040 Conditional uses permitted.](#)

[18.75.050 Permitted accessory buildings and uses.](#)

[18.75.060 Additional regulations.](#)

[18.75.070 Site plan approval.](#)

[18.75.080 Use regulations.](#)

[18.75.090 Requirements.](#)

[18.75.100 Medical marijuana dispensary.](#)

18.75.010 Intent.

The B/C general business district provides areas for the sale of commodities and performance of services and other activities. It also provides for commercial uses concerned with wholesaling or distribution activities in locations where there is adequate access to major streets or highways.

Uses and structures within any Class B/C business district: No buildings, structures or premises shall be used, and no buildings or structures shall be erected which shall be used, except as permitted in this chapter or for other than the following specified purposes and uses. (Ord. 06-10, 2006; prior code § 17-15-1)

18.75.020 Permitted uses.

The following uses shall be permitted in B/C general business districts:

Retail trade of any legal goods or services not otherwise prohibited in this code, including but not limited to:

- A. Convenience stores, grocery stores, and stores selling general merchandise.
- B. Retail trade of furniture, home furnishings, household appliances, etc.
- C. Hotels and motels with or without kitchenettes for permanent or transient purposes.

- D. Restaurants and bars.
- E. Automobile service stations and repair shops.
- F. Retail trade of apparel and accessories.
- G. New and used car sales lots where no mechanical work is done nor are wrecked, junked, or disabled cars stored or parked on the lot.
- H. Business and professional services.
- I. Repair services, electrical, radio and television, watch, clock, jewelry, reupholstery and furniture repair, and similar light duty maintenance.
- J. Special and higher education services including university, college, junior college and professional, vocational, trade and business schools.
- K. Drug stores, dry goods stores, hardware stores, grocery stores, department stores, and the like.
- L. Banks, savings and loan, finance companies, and the like.
- M. Building supplies and materials, lumber yards.
- N. Medical marijuana dispensary.

All buildings shall be completely enclosed and shall be so constructed and maintained as to prevent objectionable noise and odor outside the walls of the building. (Ord. 10-06 § 1-B, 2010; Ord. 06-10, 2006; prior code § 17-15-2)

18.75.030 Adult oriented businesses.

The town of Huachuca City has adopted ARS Section 13-1422: Adult oriented businesses; location; hours of operation; injunction; classification; definitions. Refer to the ARS for complete details.

- A. An adult oriented business shall not be located within one-fourth mile of a child care facility, a private, public or charter school, a public playground, a public recreational facility, a residence or a place of worship.
- B. An adult arcade, adult bookstore or video store, adult cabaret, adult motion picture theater, adult theater, escort agency or nude model studio shall not remain open at any time between the hours of 1:00 a.m. and 8:00 a.m. on Monday through Saturday and between the hours of 1:00 a.m. and 12:00 noon on Sunday. (Ord. 06-10, 2006; prior code § 17-15-3)

18.75.040 Conditional uses permitted.

The following uses may be allowed by the planning and zoning commission as conditional uses upon application and compliance with such additional on-site or off-site specific requirements as the commission deems appropriate in consideration of the surrounding affected areas:

- A. Recreational vehicles and travel trailer parks.
- B. Transfer or express service, warehouse or storage building.
- C. Contract construction services, including general building construction services and special construction trade services, concrete services, and water well drilling services.
- D. Auto repair, vehicle wash racks, body and fender shops. (Ord. 06-10, 2006; prior code § 17-15-4)

18.75.050 Permitted accessory buildings and uses.

Any accessory building or use customarily incidental to a permitted use may be permitted. (Ord. 06-10, 2006; prior code § 17-15-5)

18.75.060 Additional regulations.

Any use, including incidental or accessory storage, not within a completely enclosed building shall be screened by a solid fence or wall at least six feet in height.

Any lighting shall be placed so as to reflect the light away from adjoining residential districts.

Any part of the lot not otherwise surfaced shall be landscaped.

A minimum six-foot-wide landscaping strip is required along the street side(s) of each property. (Ord. 06-10, 2006; prior code § 17-15-6)

18.75.070 Site plan approval.

Any plan approval shall be obtained prior to any issuance of a building or use permit. (Ord. 06-10, 2006; prior code § 17-15-7)

18.75.080 Use regulations.

All residential uses shall comply with the requirements for the corresponding residential districts as shown in Table One. All business uses shall comply with the B requirements as shown in Table One. (Ord. 06-10, 2006; prior code § 17-15-8)

18.75.090 Requirements.

- A. Maximum building height: two stories or 30 feet.

B. Minimum front yard: 25 feet.

C. Minimum side yard: none.

D. Minimum rear yard: none unless adjoining a residential zone, then a 20-foot setback. (Ord. 06-10, 2006; prior code § 17-15-9)

18.75.100 Medical marijuana dispensary.

A. Dispensaries shall not be located within 1,000 feet of a preschool, kindergarten, or other school or educational facility that caters to children, child care center, place of worship, public park, or the same type of use or a medical marijuana dispensary. This distance shall be measured from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.

B. Retail sales of medical marijuana is prohibited.

C. Shall have operating hours not earlier than 9:00 a.m. and not later than 5:00 p.m.

D. Applicant shall provide:

1. The name(s) and location(s) of the off-site medical marijuana dispensary associated with the cultivation operation.
2. A copy of the operating procedures adopted in compliance with ARS Section 36-2804(B)(1)(c).
3. A survey sealed by a registrant of the state of Arizona showing the location of the nearest medical marijuana dispensary or cultivation location if within 2,000 feet.
4. A site plan, floor plan, building permits and a security plan.

E. Shall be located in a permanent building.

F. Shall be a maximum 4,900 gross square feet. Drive-through services are prohibited.

G. Cultivation of medical marijuana is prohibited.

H. Shall provide for proper disposal of marijuana remnants or by-products, not to be placed within the facility's exterior refuse containers. (Ord. 10-06 § 1-B, 2010; prior code § 17-15-10)

Chapter 18.80
C-2 – LIGHT INDUSTRY DISTRICT

Sections:

[18.80.010 Purpose.](#)

[18.80.020 Location.](#)

[18.80.030 Intent.](#)

[18.80.040 Permitted use.](#)

[18.80.050 Use regulations.](#)

[18.80.060 Additional regulations.](#)

[18.80.070 Site plan approval.](#)

18.80.010 Purpose.

This designation is intended to provide areas for development of industrial operations that are compatible only with nonresidential surrounding uses. (Ord. 06-10, 2006; prior code § 17-16-1)

18.80.020 Location.

The approximately 250-acre area designated as industrial is almost entirely within the aircraft noise and crash hazard zones associated with Fort Huachuca, making it very suitable for nonresidential uses. (Ord. 06-10, 2006; prior code § 17-16-2)

18.80.030 Intent.

The C-2 light industry district provides for light industrial uses in locations which are suitable and appropriate, taking into consideration the land uses on adjacent or nearby properties, access to a major street or highway, rail services or other means of transportation, and the availability of public utilities. Regulations are intended to encourage development of such manufacturing, fabricating, processing, packaging and other industries as can be operated in a relatively clean, quiet and safe manner compatible with adjoining uses and without serious adverse effect, danger or hazard by reason of smoke, soot, dust, odor, radiation, noises, vibration, heat, glare, toxic fumes or other conditions to the public health, safety and general welfare. (Ord. 06-10, 2006; prior code § 17-16-3)

18.80.040 Permitted use.

The following uses shall be permitted in C-2 light industry districts:

A. Light manufacturing or assembly.

B. Airport/Fort related uses.

C. Medical marijuana dispensary.

D. Medical marijuana dispensary off-site cultivation location. A cultivation facility shall not be located within 1,000 feet of a preschool, kindergarten, or other school or educational facility that caters to children, child care center, place of worship, public park, residential area, or the same type of use or a medical marijuana dispensary. This distance shall be measured from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use. (Ord. 10-06 § 1-C, 2010; Ord. 06-10, 2006; prior code § 17-16-4)

18.80.050 Use regulations.

A. Building Height. The height of buildings shall not exceed 30 feet.

B. Yards. Yards are not required except as follows:

1. Front Yard. There shall be a front yard of not less than 50 feet on all lots and the front 20 feet of which shall be utilized for landscaping and entrance drives.

2. Side Yards. A side yard of not less than 30 feet shall be maintained where the side of the lot abuts a residential district, of which the exterior 10 feet shall be utilized for landscaping.

3. Rear Yard. Where a lot abuts a residential district, whether or not separated by an alley, there shall be a rear yard having a depth of not less than 25 feet.

C. All parking, ingress roads, and egress roads, shall be paved. See Chapter [18.105](#).

D. Required improvements and maintenance for surface and drainage standards. (Ord. 06-10, 2006; prior code § 17-16-5)

18.80.060 Additional regulations.

The additional regulations are as follows:

A. All operations and storage adjacent to residential or business districts and adjacent arterial or collector streets shall be conducted within a completely enclosed building or within an area enclosed by a solid fence or wall at least six feet in height, and provided that no objects shall be stacked higher than the wall so erected.

B. Any lighting shall be placed so as to reflect the light away from adjoining residential areas.

C. Medical Marijuana Dispensary.

1. Dispensaries shall not be located within 1,000 feet of a preschool, kindergarten, or other school or

educational facility that caters to children, child care center, place of worship, public park, or the same type of use or a medical marijuana dispensary. This distance shall be measured from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.

2. Retail sales of medical marijuana are prohibited.
3. Shall have operating hours not earlier than 9:00 a.m. and not later than 5:00 p.m.
4. Applicant shall provide:
 - a. The name(s) and location(s) of the off-site medical marijuana dispensary associated with the cultivation operation.
 - b. A copy of the operating procedures adopted in compliance with ARS Section 36-2804(B)(1)(c).
 - c. A survey sealed by a registrant of the state of Arizona showing the location of the nearest medical marijuana dispensary or cultivation location if within 2,000 feet.
 - d. A site plan, floor plan, building permits and a security plan.
5. Shall be located in a permanent building.
6. Shall be a maximum 4,900 gross square feet.
7. Drive-through services are prohibited.
8. Cultivation of medical marijuana is prohibited.
9. Shall provide for proper disposal of marijuana remnants or by-products, not to be placed within the facility's exterior refuse containers. (Ord. 10-06 § 1-C, 2010; Ord. 06-10, 2006; prior code § 17-16-6)

18.80.070 Site plan approval.

Site plan approval shall be obtained prior to any issuance of a building or use permit in C-2 light industry districts. (Ord. 06-10, 2006; prior code § 17-16-7)

Chapter 18.85
C-3 – HEAVY INDUSTRIAL AND MINING ZONE

Sections:

[18.85.010 Uses permitted.](#)

18.85.010 Uses permitted.

The following uses are permitted in a C-3 zone:

A. Mining and all essential structures and operations directly connected with mining of gravel, rock, etc., such as offices, storehouses, bunkhouses, transporting, stockpiling, preparing for shipment, but not including retail or wholesale businesses, manufacturing, permanent housing or any other residential or commercial use.

B. Medical Marijuana Dispensary Off-Site Cultivation Location. A cultivation facility must be in compliance with ARS Section 36-2806. The facility shall not be located within 1,000 feet of a preschool, kindergarten, or other school or educational facility that caters to children, child care center, place of worship, public park, residential area, or the same type of use or a medical marijuana dispensary. This distance shall be measured from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.

C. Other uses shall be permitted only by permit of the board of adjustment. (Ord. 10-06 § 1-D, 2010; Ord. 06-10, 2006; prior code § 17-17-1)

Chapter 18.90
M – MUNICIPAL USE

Sections:

[18.90.010 Purpose.](#)

[18.90.020 Location.](#)

18.90.010 Purpose.

This designation is intended to provide area specifically for municipal and utility use, including the expansion of existing areas or development of new services and amenities. (Ord. 06-10, 2006; prior code § 17-18)

18.90.020 Location.

Two areas, totaling approximately 99 acres, have been identified specifically for municipal uses. These are located to the north and the east of the existing landfill and are anticipated in their initial phase to be used for landfill expansion. Later uses of these parcels, at such time the landfill closes down and is reclaimed, will be for recreational use and park development. (Ord. 06-10, 2006; prior code § 17-18)

**Chapter 18.95
P – PARKS**

Sections:

[18.95.010 Purpose.](#)

[18.95.020 Location.](#)

18.95.010 Purpose.

This designation is intended to provide area for expansion of community recreational facilities. (Ord. 06-10, 2006; prior code § 17-19)

18.95.020 Location.

Seven areas throughout the town have been identified as having good potential for park use and recreational development. These include several town owned parcels, the largest of which is to the south of Keeline Park. Two small parcels, one along Seminole, the other along Elgin would serve as fine “pocket parks” for their neighborhoods. Additional sites include the strip between SR 90 and Gonzales Avenue, the intersection of Mustang Road and SR 90, portions of the Babocomari River corridor for trail development, and the archaeological site south of Mustang Road. (Ord. 06-10, 2006; prior code § 17-19)

**Chapter 18.100
SUPPLEMENTAL REGULATIONS**

Sections:

[18.100.010 Intent.](#)

[18.100.020 Sight distance at intersections.](#)

[18.100.030 Swimming pools.](#)

[18.100.040 Exceptions to height limitations.](#)

[18.100.050 Elevated storage facilities.](#)

[18.100.060 Flammable storage.](#)

[18.100.070 Gasoline station pumps.](#)

[18.100.080 Future street lines.](#)

[18.100.090 Projections into yards.](#)

[18.100.100 Fences, walls, and hedges.](#)

[18.100.110 Yard space for one building only.](#)

[18.100.120 Sale or lease of required space prohibited.](#)

[18.100.130 Accessory building prohibited as living quarters.](#)

[18.100.140 Storage of junk prohibited in residential districts.](#)

[18.100.150 Storage of trucks prohibited in residential districts.](#)

[18.100.160 Additional setbacks in residential districts.](#)

[18.100.170 Mutual garages across lot lines.](#)

[18.100.180 Mutual dwellings across lot lines.](#)

[18.100.190 Roof drainage.](#)

[18.100.200 Temporary uses and structures.](#)

[18.100.210 Home occupations.](#)

[18.100.220 Service stations.](#)

[18.100.230 Recreational vehicles.](#)

[18.100.240 Education and recreational buildings and uses.](#)

[18.100.250 Residential districts – Yards, height, and accessory structure restrictions.](#)

[18.100.260 Keeping of livestock and pets.](#)

18.100.010 Intent.

It is the intent of this chapter to set forth supplementary and qualifying conditions which must be complied with, in connection with uses permitted within a zoning district or districts. (Ord. 06-10, 2006; prior code § 17-20-1)

18.100.020 Sight distance at intersections.

On corner lots in any district, nothing shall be erected, placed, planted, or allowed to remain, which materially impedes vision between a height of three feet and 10 feet above the centerline grades of the intersection streets in the area bounded by the street line of such corner lot and a line joining points along said street lines 25 feet from the point of intersection. (Ord. 06-10, 2006; prior code § 17-20-2)

18.100.030 Swimming pools.

Swimming pools shall be permitted in all zoning districts; however, no swimming pool shall be located in any minimum required front or side yard, nor shall any such pool be closer than five feet to any lot line.

Every swimming pool shall be enclosed by a fence or wall not less than five feet in height which is so constructed, gated and locked as to discourage unauthorized entry to such pool. (Ord. 06-10, 2006; prior code § 17-20-3)

18.100.040 Exceptions to height limitations.

Height regulations established elsewhere in these zoning regulations shall not apply to the following in any districts:

A. Chimneys, conveyors, cupolas, derricks, domes, flagpoles, observation towers, parapet walls extending not more than four feet above the height limit of the building, radio, television, or other communication towers, windmills, power transmission poles, church spires, monuments, belfries, bulkheads, water tanks, fire and hose towers, cooling towers, gas holders, grain elevators, or other structures not for human occupancy; provided, that such structures above the height limit specified for the zoning district shall not in the aggregate occupy more than 25 percent of the lot area and shall be distant not less than 25 feet from every lot line. (Ord. 06-10, 2006; prior code § 17-20-4)

18.100.050 Elevated storage facilities.

Any elevated storage facility, water tower, or other structure where a large weight would be supported by legs, structural wall or other supports shall be so located that if it should collapse, its reclining length would still be contained on the property on which it was erected. (Ord. 06-10, 2006; prior code § 17-20-5)

18.100.060 Flammable storage.

The following minimum regulations apply to the dispensing and bulk storage of all flammable products in all zoning districts:

A. Retail storage tanks shall comply with State Fire Marshal regulations and the most recently adopted Uniform Fire Code. (Ord. 06-10, 2006; prior code § 17-20-6)

18.100.070 Gasoline station pumps.

In any district no gasoline pump island shall be located closer than 14 feet to any right-of-way or property line or closer than 50 feet to any residential district. (Ord. 06-10, 2006; prior code § 17-20-7)

18.100.080 Future street lines.

Where future street lines have been officially established by the town council, all required setbacks shall be measured from such projected street lines. (Ord. 06-10, 2006; prior code § 17-20-8)

18.100.090 Projections into yards.

In all residential districts the following regulations of projections into required yards shall apply:

A. Awnings, open fire balconies, fire escape stairs, window-type refrigeration units, suspended or roof evaporative coolers and forced air furnaces may project not more than five feet over any required yard; provided, that they are no closer than two feet to any lot line.

B. Except as provided elsewhere, no compressor unit, condensing unit, cooling tower, evaporative condenser or similar device shall be located closer to any interior lot line than the minimum setback required for the main building.

C. Cornices and eaves may project not more than three feet over any required yard; provided, that they are no closer than two feet to any lot line.

D. Sills, leaders, belt courses and similar ornamental features, may project not more than one foot over or into any required yard; a chimney or pilaster may project not more than two feet into any required yard; provided, that it is not more than eight feet in dimension paralleling the nearest lot line.

E. Unroofed terraces, patios, steps or similar features not over three feet in height above grade may project into any required yard. (Ord. 06-10, 2006; prior code § 17-20-9)

18.100.100 Fences, walls, and hedges.

In all residential districts, the following regulations of fences, walls and hedges shall apply:

A. Height, Front. No fence, wall, or hedge exceeding four feet in height above grade shall be erected, placed, planted or allowed to remain in or along the front or side lot line to the front line of the residence of any required front yard.

B. Prohibited Materials. No property line fence shall contain barbed wire, electrical current or charge of electricity, broken glass or similar hazardous materials or devices; provided, however, that fences in B/C districts which enclose storage areas may have barbed wire connected therewith so long as said barbed wire is located more than six feet in height above grade.

C. Height, Rear. All fences and walls, with the exception of retaining walls and the provisions of subsection A of this section, will be limited to a maximum height of eight feet (except front yards) in residential districts and will be neatly constructed so as not to present an eyesore and must use the following materials: block, brick, wood, chain link, ornamental iron, wire strand or welded wire.

D. Masonry or Block/Stone Walls. To construct a masonry or block/stone wall:

1. Requires a building permit.
2. Footers are required and shall be inspected by the building department prior to construction. (Ord. 06-10, 2006; prior code § 17-20-10)

18.100.110 Yard space for one building only.

No required yard or other open space around an existing building which is needed to comply with the provisions of these zoning regulations shall be considered as providing a yard or open space for another building which is to be erected or established. (Ord. 06-10, 2006; prior code § 17-20-11)

18.100.120 Sale or lease of required space prohibited.

No space needed to meet the width, yard area, coverage, parking, frontage on a public street or other requirement of these zoning regulations for a lot or building may be sold, bequeathed or leased apart from such lot or building unless space so complying is provided; nor shall any land be sold which will result in an existing or future lot for dwelling purposes that does not comply with all the provisions of these zoning regulations. (Ord. 06-10, 2006; prior code § 17-20-12)

18.100.130 Accessory building prohibited as living quarters.

Living and sleeping quarters shall not be permitted in any accessory building in any residential district except as specifically permitted herein. (Ord. 06-10, 2006; prior code § 17-20-13)

18.100.140 Storage of junk prohibited in residential districts.

No yard or other open space surrounding an existing building in any residential district, or which is hereinafter provided around any building in any residential district, shall be used for the storage of junk, debris, or inoperable vehicles and no land shall be used for such purposes, except as specifically permitted herein. (Ord. 06-10, 2006; prior code § 17-20-14)

18.100.150 Storage of trucks prohibited in residential districts.

The storage of more than one truck having a rated capacity of more than one and one-half tons and the storage of construction equipment such as bulldozers, graders, dump trucks and others shall not be permitted on any lot in residential districts; except, however, such construction equipment may be stored on a lot during construction of building thereon, but not to exceed one year. (Ord. 06-10, 2006; prior code § 17-20-15)

18.100.160 Additional setbacks in residential districts.

Side setbacks for nonresidential buildings in residential districts shall not be less than the sum of the length of the building wall measured along the side yard and the average height, divided by 10; except that no building shall be set back less than the minimum distance required in the district. (Ord. 06-10, 2006; prior code § 17-20-16)

18.100.170 Mutual garages across lot lines.

An accessory building such as a detached carport or garage may be constructed across a common lot line by written agreement between the two adjoining property owners when such agreement is recorded in the office of the county recorder. (Ord. 06-10, 2006; prior code § 17-20-17)

18.100.180 Mutual dwellings across lot lines.

In districts in which two-household dwellings are permitted, a two-household dwelling may be constructed across a common lot line when separated on the line by a dividing wall, provided a written agreement between the two adjoining property owners is recorded in the office of the county recorder. (Ord. 06-10, 2006; prior code § 17-20-18)

18.100.190 Roof drainage.

Surface water from rooftops shall not be allowed to drain directly onto adjacent lots except after written agreement between the two adjoining property owners is recorded in the office of the county recorder. (Ord. 06-10, 2006; prior code § 17-20-19)

18.100.200 Temporary uses and structures.

The following regulations shall govern the operation of certain transitory or seasonal uses:

A. Permits. Application for a temporary building or use permit shall be made to the building official and shall contain the following information:

1. A description of the property to be used, rented or leased for the temporary use, including all information necessary to accurately portray the property.
2. A description of the proposed use.
3. Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to service the proposed use.

B. Uses. The following are temporary uses and are subject to the following specific regulations and time limits, in addition to the requirements of any district in which the use is located:

1. Carnival, Circus or Music Festival. When authorized by the town council, a temporary use permit for a carnival, circus or music festival may be issued in any district, for a period not longer than 10 days.
2. Christmas Tree Sales. A temporary use permit, when authorized by the town council, may be issued for the display and open-lot sales of Christmas trees for a period not longer than 45 days.
3. Contractor's Office. In any district, a temporary use permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. The permit shall be valid for not more than one year but shall be renewable for one year. The office and/or shed shall be removed upon completion of the construction project.
4. Real Estate Sales Office. In any district, a temporary use permit may be issued for a temporary real estate sales office in any new subdivision which has been approved in accordance with the town of Huachuca City subdivision regulations. The permit for such office shall be valid for not more than one year, but is renewable for up to three years. The office shall be removed upon completion of the development. A model home may be used as a temporary sales office. (Ord. 06-10, 2006; prior code § 17-20-20)

18.100.210 Home occupations.

A home occupation may be permitted upon application to the town clerk in any residential district, subject to the following conditions:

- A. The home occupation requires a business license from the town clerk and is subject to review by the building official. If the applicant is not the owner of the premises, written owner permission for the home occupation must accompany the business license application.
- B. Offices of members of recognized professional persons may be permitted; provided, that no more than one person, not a member of the household, may be employed in connection with such operation in such office. One small professional or announcement sign not over one square foot in area shall be allowed affixed to the main wall of the main residence dwelling.

C. Prohibited Home Occupation Uses.

1. The operation of a weapons merchant is strictly prohibited as a home based business. This includes the sale, mail order, trade, manufacture, display, storage, or repair of any sort of weapon, ammunition, explosive device and/or material including all weapons prohibited under ARS Section 13-3101.
2. Barber and beauty shops, nail salons, commercial stables, cosmetologists, pet grooming or boarding, embalmers and morticians, human and animal medical/dental services, massage therapists, restaurants, storage, and all auto-related service and repair. (Ord. 19-01 § 2, 2019; Ord. 06-10, 2006; prior code § 17-20-21)

18.100.220 Service stations.

No building or use permit shall be approved for an automobile service station unless accompanied by the following:

- A. A site plan showing the building area, service area and sales area;
- B. Rendering of buildings, the construction of which shall be in reasonable conformity thereto. All structures shall be of a design character that is appropriate to the area in which they are to be constructed. All canopies shall be connected to the roof of the main structure unless otherwise approved;
- C. A detailed landscape plan showing plant type, size and spacing;
- D. A solid wall or fence at least six feet in height shall be required between all automobile service station sites and adjoining residential districts;
- E. All signs and outdoor lighting shall be placed in such a manner so as not to interfere or confuse traffic or present any hazard to traffic. (Ord. 06-10, 2006; prior code § 17-20-22)

18.100.230 Recreational vehicles.

- A. No recreational vehicles shall be used for any permanent dwelling purposes unless placed within a recreational vehicle park; permanent dwelling purposes shall be a period of time that exceeds 72 hours.
- B. Parking or storing unoccupied recreational vehicles shall be allowed in any zoning district, upon private property with the owner's consent.
- C. No parking of recreational vehicles shall be allowed in town parks overnight or between the hours of 10:00 p.m. and 5:00 a.m. without a special events permit approved by the town council.
- D. Parking of an occupied recreational vehicle may be permitted in any zoning district provided that:

1. The recreational vehicle is fully self-contained or the occupants have full access to approved sanitary facilities.
2. The term of stay is limited to 72 hours for outdoor sales and special events. The term of stay is limited to 30 days for private guests classified as nonbusiness uses.
3. The vehicle is parked upon the property of a consenting landowner and does not interfere with the adjoining landowner's use or enjoyment of their property.
4. The landowner does not charge or receive any monetary remuneration. (Ord. 06-10, 2006; prior code § 17-20-23)

18.100.240 Education and recreational buildings and uses.

Schools, colleges, churches, public libraries, public museums, public art galleries, municipal recreational buildings, playgrounds, parks, and fraternal uses, as well as public utilities to service the district as necessary within the limits of town of Huachuca City, are subject to zoning commission approval.

No gasoline filling stations, automobile repair shop, public garages, or parking lots shall have an entrance or exit for vehicles within 30 feet of a residential zone, nor shall any part of gasoline filling station, public garage or automobile repair shop be within 50 feet of the grounds of any school, public playground, church, hospital, sanitarium, public library or in situations for dependents or children. (Ord. 06-10, 2006; prior code § 17-20-24)

18.100.250 Residential districts – Yards, height, and accessory structure restrictions.

A. In the case of corner lots, the administrative official shall determine the front yard; however, the side yard must still meet the corner lot setback requirement as shown in Table One.

1. At least one front yard shall be provided having the full depth required in the district.
2. No other front yard on such lot shall have less than half the full depth required for that district.

B. Detached accessory buildings located on the rear 20 feet of the lot may be erected within zero feet of the property line or alley easement; also provided further, that if the accessory building has a door or doors that opens onto the alley the accessory building shall be recessed a minimum distance of four feet.

When a carport is attached to the principal building or in front of the house it may be erected within five feet of the property line. But the carport so placed must be retained as an open shelter.

C. In all classes of residential districts, there shall be a rear yard of not less than 20 feet in depth measured from the principal building.

D. Maximum building height in all residential districts:

1. Residential buildings: two stories or 30 feet, whichever is greater.

2. Accessory buildings: 15 feet above grade.

E. It is the intent of these regulations that all yard setbacks be measured from the property line or the alley/utility easement. (Ord. 06-10, 2006; prior code § 17-20-25)

18.100.260 Keeping of livestock and pets.

Horses, burros, donkeys and mules are permitted within the town of Huachuca City, subject to the following provisions:

A. The parcel of land on which they are kept is a minimum of four acres.

B. There shall be a minimum of one acre per one animal maintained, exclusive of minimum dwelling site requirements.

C. No animal shall be stabled any less than 50 feet from any residence on the property or 100 feet from dwellings on other properties.

D. Provided further, that all town, county and state sanitary and health regulations shall be complied with and met.

E. No cattle, sheep, hogs, rabbits, poultry, or other livestock shall be kept or maintained on any property within the town except in current on parcels of four acres or more.

F. This section shall not be construed, however, as prohibiting the keeping of ordinary domestic pet animals upon property within said town.

G. No exotic or unusual types of pet animals or reptiles shall be allowed within the town of Huachuca City without approval of the board of adjustment.

H. FFA and 4-H projects may be allowed by the board of adjustments by appeal if they are determined not to be detrimental to the area.

Nothing in this section on livestock will be construed to permit any animals, whether permitted or not permitted within a particular zone, to run free and uncontrolled. Any and all of such animals are subject to seizure and impoundment by the town of Huachuca City at the expense of the owner thereof. (Ord. 06-10, 2006; prior code § 17-21)

Chapter 18.105
OFF-STREET PARKING AND LOADING REGULATIONS

Sections:

[18.105.010 General off-street parking regulations.](#)

[18.105.020 Computation of off-street parking requirements.](#)

[18.105.030 Measurements of off-street parking space.](#)

[18.105.040 Location of required off-street parking.](#)

[18.105.050 Methods of providing required off-street parking.](#)

[18.105.060 Schedule of required off-street parking.](#)

[18.105.070 Parking lot placement regulations.](#)

[18.105.080 Off-street loading requirements.](#)

[18.105.090 Plans required for off-street parking and loading spaces.](#)

18.105.010 General off-street parking regulations.

In all zoning districts, off-street parking facilities shall be provided in an amount not less than that hereinafter specified, for the parking of self-propelled motor vehicles, for the use of occupants, employees, patrons, members and clients of buildings and uses erected or established after the effective date of these regulations, and of existing buildings and uses which are extended, enlarged or changed thereafter.

Buildings and uses in existence at the effective date of these regulations shall be exempt from parking requirements hereinafter specified; provided, however, that whenever the usable floor area of such an existing building is changed, or an existing use of premises is extended, off-street parking for the increased floor area or use shall be provided in the minimum amount hereinafter specified for that kind of use.

The owner or occupant of any building or use subject to off-street parking requirements under these regulations shall not discontinue or reduce any existing required parking lot without first having established other parking space in replacement therefor, which replacement space meets all requirements of these regulations.

The use of off-street parking space as required under these regulations, for the storage of merchandise, vehicles for sale or rent, or repair of vehicles, shall be expressly prohibited. (Ord. 06-10, 2006; prior code § 17-22-1)

18.105.020 Computation of off-street parking requirements.

When a principal building or use includes several different types of activities which generate different levels of

parking need, according to the schedule set forth in this section, the minimum required number of off-street parking spaces shall be the sum of individual requirements for the several uses computed separately.

When used in computation of off-street parking requirements, the term “employees” shall include proprietors and administrative personnel as well as all other personnel engaged on the premises in the use of a building, structure, or lot. The “number” of employees shall be the greatest number on duty on the premises at any one time, day or night.

When computation of parking requirements results in a fractional requirement, any fraction of one-half or less shall be disregarded, and any fraction over one-half shall be counted as one space. (Ord. 06-10, 2006; prior code § 17-22-2)

18.105.030 Measurements of off-street parking space.

Every required off-street parking space, except as hereinafter provided, shall have a minimum width of nine feet and a length of 20 feet, exclusive of access drives and aisles. When used as a unit of measurement of unmarked parking lots, each required space shall constitute an area of not less than 280 square feet which shall include drives and aisles.

Since two-wheel and three-wheel motor vehicles are becoming an accepted part of the transportation scene, provision is hereby made for determining the size and number of spaces allocated to this type vehicle in any parking lot. The size of a space for parking a two- or three-wheel motorcycle shall be one-half the size of that required herein for a conventional four-wheel vehicle, that is 140 square feet per space in an unmarked parking lot. In parking lots with marked spaces, the size of the space shall be no less than four and one-half feet wide and 20 feet in length, provided these spaces are aligned in the same row with spaces of four-wheel vehicles. If the parking spaces for motorcycles are separated from those allocated to four-wheel vehicles or not in the same line, the size of the motorcycle space shall be not less than four and one-half feet in width and 10 feet in length. In either case, the number of motorcycle spaces shall be counted in the total number of spaces required for an authorized use; provided, that not more than five percent of the total number of spaces are allocated to motorcycles. (Ord. 06-10, 2006; prior code § 17-22-3)

18.105.040 Location of required off-street parking.

A. For Residential Uses. Required off-street parking shall be located on the same lot or parcel as the use it is intended to service; provided, however, that parking for cooperative or condominium-type multi-family residence may be provided in a parking lot not farther than 200 feet from the entrance to each dwelling unit it is intended to service.

B. For Nonresidential Uses. Required off-street parking shall be located within 300 feet of the building or use it is intended to service, the distance being measured from the nearest point of the building or use to the nearest point of the parking lot; provided, however, that parking facilities for a stadium, auditorium, outdoor sports arena, or similar use may be located not farther than 1,300 feet from the nearest point of such building or use. (Ord. 06-

10, 2006; prior code § 17-22-4)

18.105.050 Methods of providing required off-street parking.

Required off-street parking may be provided by any one or combination of the following methods:

- A. By providing the required parking space on the same lot as the building or use being serviced.
- B. By the collective provisions of required parking for two or more buildings or uses whereupon the total of such parking shall be not less than the sum of the requirements for the several buildings or uses computed separately; provided, however, that if two or more of such buildings or uses have operating hours which do not overlap, the board may grant a reduction of individual and collective requirements based upon the special circumstances involved. A written contract for joint use of such facilities shall be executed between the parties concerned and copy filed with the zoning inspector.
- C. By securing the consent to use off-street parking facilities under another ownership which is not otherwise used during the principal operating hours of the building or use in question; provided, however, that consent shall be in written form and a copy filed with the zoning inspector. (Ord. 06-10, 2006; prior code § 17-22-5)

18.105.060 Schedule of required off-street parking.

The minimum number of off-street parking spaces required for buildings, structures and uses shall be determined according to the schedule herein set forth. For use not specifically listed, requirements shall be the same as those for the most similar use listed.

.01 Single and multi-family	1-1/2 per dwelling unit
.02 Boarding houses, resident room or suite clubs, hotels and motels	1 per dwelling unit plus 1 per guest plus 1 per 3 employees
.03 Mobile home and recreational vehicle parks	1-1/2 per mobile home or recreational vehicle plus 1 per 2 employees
.07 Churches, theaters, meeting rooms, community centers, libraries,	1 per 4 seats plus 1 per 3 employees

civic clubs, museums	
.08 Office and public administration buildings, shopping centers	1 per 200 square feet of usable floor area plus 1 per 3 employees
.09 Restaurants, night clubs	1 per 4 seats or 1 per 100 sf of usable floor area plus 1 per 3 employees
.10 Primary and middle schools	1 per 2 employees

(Ord. 06-10, 2006; prior code § 17-22-6)

18.105.070 Parking lot placement regulations.

A. Setback from a Street. Where a parking lot abuts a residential district across a street, a three-foot opaque obstruction to the lights from the parking automobiles must be provided between the parking lot and the street line. This may be by the use of a masonry wall or earth berm or depressed grade or any other method that achieves the same purpose. Where a parking lot abuts a residential district on the same side of a street and in the same block, no part of the parking lot shall be closer to the street line than the minimum required front setback for residential properties in the same block. Regardless of the district in which it is located, every part of a parking lot shall be set back from every lot line a sufficient distance to ensure that no part of any parked vehicle will project over any lot line.

B. Setback from an Interior Lot Line. Where a parking lot abuts a residential district along its interior side lot line, and is not separated therefrom by an alley, no part of the parking lot shall be closer than three feet to said lot line.

C. Rear Setback. Where a parking lot abuts a residential district along its rear lot line and is not separated therefrom by an alley, no part of the parking lot shall be closer than three feet to said lot line. Where the rear lot line is contiguous to an alley, no setback is required.

D. Access to Parking from an Alley. Any parking lot may use an abutting alley for direct access to parking spaces; provided, that the full width of the alley is dedicated to the public and fully improved with a hard, all-weather, dust-free surface, properly drained to prevent impoundment of surface water.

E. Access to Parking from a Street. Access to a parking lot from a street shall be limited to driveways and there shall be no direct access to any off-street parking space from a street.

F. Ingress and Egress. No entrance or exit to a parking lot shall be located closer to an abutting residential district than 15 feet.

G. Lanes and Aisles. Lanes and aisles in parking lots shall be as follows:

1. Between two rows of parking spaces oriented perpendicular to the lane or aisle, the minimum width of the lane or aisle shall be 24 feet.
2. Between two rows of angled parking, the minimum width of the lane or aisle shall be 20 feet.
3. Between one row of perpendicular parking and one row of angled parking, the minimum width of the lane or aisle shall be 20 feet.
4. Between one row of perpendicular parking and a curb, building, or other structure, the minimum width of the lane or aisle shall be 20 feet.
5. Between one row of angled parking and a curb, building or other structure, the width of the lane or aisle shall be 20 feet.

H. Required Improvements and Maintenance.

1. Surfacing.

- a. All required primary parking lots for new developments shall be hard surface, paved with asphalt or concrete materials and must meet all ADA parking requirements. Secondary paved areas (such as overflow parking lots, on-site sidewalks, patios) can use alternate materials such as asphalt chip seal or decomposed granite upon approval from the building official.
- b. Existing parking lots are permitted to retain their present surfacing, provided no remodeling occurs that changes the exterior character of the building, there is no change of use, or there is no new business license required for the property. If any of these changes occur, then the property is subject to ADA parking lot requirements. This would require the installation of hard surface for the ADA portion of the parking lots. The remainder of the parking lot surface may remain; provided, that it is in good condition. If maintenance is required, it can be maintained with present materials; however, if replacement is required, it must conform to the requirements for subsection (H)(1)(a) of this section. If a request is made to pave a previously existing unpaved parking lot, it must conform to the requirements for subsection (H)(1)(a) of this section.

- c. Every parking lot shall be subject to approval by the building official.
 - d. Existing parking lots using chip and seal materials may be granted an annual exception by the building official; provided, that the lot is stabilized and maintained to acceptable standards so that neither a hazard nor a nuisance is created, and the existing parking lot meets all applicable regulations and standards for accessibility established by the ADA. If a hazard or nuisance is noted by the building official, the parking lot shall be required to be repaired to acceptable standards or replaced to conform to requirements for subsection (H)(1)(a) of this section.
2. Drainage. All parking lots must be graded in such a manner as to allow for property drainage and to prevent the impoundment of surface water.
 3. Screening. Where the interior side lot line or rear lot line of a parking lot, located in business or industrial districts, abuts a residential district and is not separated therefrom by an alley, a solid, unpierced, masonry screen wall not less than six feet in height above grade shall be erected abutting the lot line; provided, however, that in no case shall a screen wall extend closer to a street line than the minimum required setback for residential properties on the same block.
 4. Landscaping. The area between the street line and the parking lot shall be suitably landscaped and maintained by the owner or operator of the parking lot.
 5. Lighting. Parking lots used during hours of darkness shall be lighted. The overall height of lighting fixtures shall not exceed 27 feet above the grade, including base, and fixtures shall be so constructed and arranged to reflect light away from any adjacent residential district. Lighting less than 13 feet and six inches shall be protected against vehicular and pedestrian traffic. (Ord. 16-15 § 1, 2016; Ord. 06-10, 2006; prior code § 17-22-7)

18.105.080 Off-street loading requirements.

In all zoning districts, for every building or part thereof, erected or enlarged after the effective date of these regulations, which is occupied or to be occupied by a manufacturing plant, storage warehouse, wholesale establishment, retail establishment, freight terminal, hospital, laundry, dry cleaning, mortuary, or similar use requiring receipt or distribution of materials or merchandise by motor truck, there shall be provided and maintained, on the same premises as the building or use, adequate off-street loading space meeting the minimum requirements hereinafter specified. Loading space as hereinafter required shall not be considered as satisfying requirements for off-street parking space.

A. Schedule of Loading Space Requirements.

	Number of
Total Floor Area	Loading Spaces

of Building	Required
1,000 – 10,000 square feet	1
10,000 – 30,000 square feet	2
30,000 – 50,000 square feet	3
For each additional 100,000 square feet	1 additional

B. Location of Loading Space. Required off-street loading space may occupy all or any part of a required rear yard, except as provided elsewhere in these regulations, and may be partially or entirely enclosed within a building. Where a side yard abuts an alley in a nonresidential district, loading space may be located in that side yard.

C. Use of Alley for Maneuvering Space. Where a building or use in a nonresidential district requiring off-street loading space abuts an alley, such alley may be used for maneuvering space for loading and unloading spaces; providing, however, that no alley abutting any residential district may be so used.

D. Measurement of Loading Space. Every required off-street loading space shall have a minimum width of 12 feet, a minimum length of 45 feet and a minimum height of 14 feet, exclusive of access aisles and maneuvering space. (Ord. 06-10, 2006; prior code § 17-22-8)

18.105.090 Plans required for off-street parking and loading spaces.

Plans shall be submitted to and approved by the zoning inspector showing how the required parking and loading spaces are to be arranged in the area provided for the purpose. Such plans shall show access streets, alleys and drives, location of all points of ingress and egress, parking spaces, loading spaces, aisles and maneuvering space, and location and design of all screen walls, landscaping and lighting. Before issuance of a zoning compliance certificate, the zoning inspector may obtain the approval of the public works director. (Ord. 06-10, 2006; prior code § 17-22-9)

**Chapter 18.110
SIGN REGULATIONS**

Sections:

[18.110.010 Findings and purpose.](#)

[18.110.020 Interpretation of chapter.](#)

[18.110.030 Definitions.](#)

[18.110.040 Requirement of conformity.](#)

[18.110.050 Nonconforming and abandoned signs.](#)

[18.110.060 Enforcement.](#)

[18.110.070 Required signs.](#)

[18.110.080 Permit requirements and procedures.](#)

[18.110.090 Inspections.](#)

[18.110.100 Identification.](#)

[18.110.110 Maintenance.](#)

[18.110.120 Construction requirements.](#)

[18.110.130 Design and integration.](#)

[18.110.140 Location restrictions for all signs.](#)

[18.110.150 Sign area and height calculations.](#)

[18.110.160 Prohibited signs.](#)

[18.110.170 Permanent signs in single-family residential zoning districts.](#)

[18.110.180 Permanent signs in multiple-family residential zoning districts.](#)

[18.110.190 Permanent signs in mobile home/RV parks.](#)

[18.110.200 Permanent signs in quasi-public uses.](#)

[18.110.210 Permanent signs in B/C general business zoning district.](#)

[18.110.220 Permanent signs in C-2/C-3 industrial districts.](#)

[18.110.230 Flags.](#)

[18.110.240 Window signs.](#)

[18.110.250 Digital signs.](#)

[18.110.260 Temporary signs.](#)

Prior legislation: Ords. 06-10, 07-03, 13-11 and 17-06; prior code §§ 17-23-1 – 17-23-12.

18.110.010 Findings and purpose.

Signs can obstruct view, distract motorists, obstruct pedestrian and/or vehicular traffic flow, create a safety hazard, create aesthetic blight and visual clutter, and pose other problems that legitimately call for regulation. The purpose of this chapter is to regulate the size, color, illumination, movement, materials, location, height and condition of signs displayed for exterior observation, in order to allow and promote sign communication in such a manner that:

- A. Preserves and protects the public health, safety and welfare within the town of Huachuca City.
- B. Encourages development of private property in harmony with the desired character of the town while providing due regard for the public and private interests involved.
- C. Protects and improves the aesthetic beauty of the town's built environment by eliminating aesthetic blight and reducing visual clutter.
- D. Promotes the effectiveness of signs by preventing their over-concentration, improper placement, and excessive size.
- E. Protects the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs within the town of Huachuca City.
- F. Protects pedestrians and motorists of the town of Huachuca City from damage or injury caused, or partially attributable to the distraction and obstructions which are hereby declared to be caused, by improperly situated signs.
- G. Enhances the flow of traffic and convenience, ease and enjoyment of travel within the town of Huachuca City. (Ord. 19-03 § 1, 2019)

18.110.020 Interpretation of chapter.

A. Where there is a conflict between the provisions of this chapter and provisions of other regulations of the town of Huachuca City, the provisions of this chapter shall apply.

B. The provisions of this chapter shall apply to the erection, construction, alteration, location, and maintenance of all signs within the town of Huachuca City except as specified in Section [18.110.050](#).

C. Any sign permitted by this chapter may contain a noncommercial message in lieu of any other message.

D. Any provision of this chapter that imposes a limitation on freedom of speech shall be construed in a manner that is viewpoint neutral and treats expressive speech either the same as or less restrictive than commercial speech. Any provision of this chapter that is found to be an unconstitutional limitation on freedom of speech by any court shall be severed from this chapter in a manner that preserves the chapter and protects freedom of speech. (Ord. 19-03 § 1, 2019)

18.110.030 Definitions.

Balloon, Common Party. A “common party balloon” is a bag made of thin rubber or other light material that when fully inflated does not exceed three feet in diameter. Common party balloons are typically inflated with air or gas that is lighter than air and tethered with a string or thin rope.

Balloon, Fixed. A “fixed balloon” is any lighter-than-air or gas-filled balloon that is greater than three feet in diameter when fully inflated and is attached by a tether to a fixed place and elevated to a height that is greater than 14 feet to attract attention to the business or property.

“Banner” means a temporary sign of fabric, plastic, paper or other flexible substrate on which copy or graphics may be displayed. Detached banners are not attached to a building and are secured to a freestanding temporary support structure, uprights, stakes or poles. Vertical banners are those that are affixed to a permanent structure such as a light pole located within a permitted outside display area. For vertical banners that are mounted in-ground or on top of the ground, see the definition for “Sign, feather.”

“Billboard” means a permanent sign portraying information not related to an event, business, commodity, product, service, or entertainment occurring on the premises upon which the sign is located.

“Building code” means Title [15](#), Buildings and Construction.

“Building envelope” means the exterior area located within 20 feet of the front of a building. Said area is typically designed for pedestrian use and may include features such as a sidewalk or colonnade parallel to the building front, the primary business entrance, signs, sidewalk furniture and planters.

Business Frontage. For single-tenant buildings, the “business frontage” is the lineal distance of the building measured along a straight line parallel to the street. Where said building is not parallel to the street, the business

frontage shall be measured along the exterior front wall of the building. For an individual business located within a multi-tenant building, the business frontage shall be the length of the space occupied by said business measured in a straight line along the exterior front wall of the building, except for an individual business with minimal exterior frontage occupying the interior corner space of an "L" shaped multi-tenant building, in which case the business frontage may be determined by the length of the space occupied by the individual business measured in a straight line parallel to the nearest street.

"Fascia" means a parapet-type wall used as part of the fascia of a flat-roofed building and projecting not more than six feet from the building face. Such a wall shall enclose at least three sides of the project flat roof and return to a parapet wall or the building.

"Ground level" means the finished grade of existing sidewalk; or where there is no sidewalk, the street centerline elevation shall be the established ground level.

Halo. See definition for "Internal indirect lighting."

"Indirect lighting" means a source of external illumination located a distance away from the sign which lights the sign, but which is itself not visible to persons viewing the sign from any normal viewing position.

Institutional. See definition for "Quasi-public."

"Internal indirect lighting" means a source of illumination entirely within the sign visible at night by means of lighting the background upon which the freestanding character is mounted. The character itself shall be opaque, and thus will be silhouetted against the background. The source of the illumination shall not be visible.

"Maintenance" means the replacing or repairing of a part or portion of a sign made unusable by ordinary wear or tear, not exceeding 50 percent of the sign's value, as determined by a licensed sign contractor.

"Model home cluster" means a group of two or more model homes (including the parking area) located next to each other, or on opposite sides of the same street, that share a common sales office.

"Noncommercial message" means a message that does not propose a commercial transaction.

"Panel" means the portion of a freestanding monument sign that is reserved for use by a single business, organization or other entity located in a commercial or industrial center. Panels can be replaced without replacing or modifying the entire freestanding sign structure.

"Parapet wall" means an exterior wall of a building extending above the roof line.

"Public right-of-way" means any highway, street, road, lane, thoroughfare, avenue, boulevard, path, alley or other right-of-way that is maintained for public use and is publicly accessible. Public right-of-way does not include

access easements on private property or any privately owned street, road, driveway, path or other similar passageway that may be connected to a public right-of-way. Public right-of-way typically includes sidewalks and landscaping on both sides of a street.

“Quasi-public” means essentially public (as in services rendered) although under private or nonprofit ownership or control. Quasi-public and institutional uses include educational institutions, medical institutions, religious institutions, fraternal organizations, civic organizations, and other similar uses.

“Reverse pan channel” means a three-dimensional letter or other sign component with opaque face and side walls and an open or translucent back that faces the wall on which it is mounted, concurrently blocking view of the light source within and allowing the wall behind to be illuminated, creating a halo effect around the letters or sign components.

“Roof line” means the height of the main roof structure, but not to include cupolas, pylons, projections or other minor raised portions of the roof.

“Seasonal decorations” means temporary decorations displayed around a holiday.

“Sign” means any visual communication which is used to attract the attention of the public, when the display is visible beyond the boundaries of the property.

“Sign, A-frame” means a type of temporary sign that is portable, self-supporting, and consists of a structure that resembles an “A” shape.

“Sign, abandoned” means a sign structure that is vacant, unoccupied, devoid of any message, or a sign that displays a message pertaining to a time, event, or purpose that no longer applies.

“Sign, accessory” means a category of signs which direct attention to a business, profession or activity conducted on the premises on which the sign is located, including:

1. “Bulletin board” means a wall or ground sign announcing activities of a permitted educational, governmental or recreation area.
2. “Contractor sign” means a wall or ground sign designating the name of persons or firms engaged in construction or repair on the premises.
3. “Developer sign” means a wall or ground sign designating the use which will occupy the premises at some future date.
4. “Home occupation sign” means a wall sign identifying a permitted home occupation on the premises.

5. "Identification sign" means a wall or ground sign identifying the property address numbers, post box numbers, names of occupants of premises or other identification of premises, but not having commercial connotations.
6. "Name plate sign" means a wall or ground sign identifying the name and address of the occupant of the premises.
7. "Real estate sign" means a wall or ground sign advertising the premises for lease, rent or sale.
8. "Subdivision development sign" means a wall or ground sign advertising the sale of properties in a subdivision.
9. "Utility sign" means a wall or ground sign listing parking regulations or marking the entrance or exit to a parking lot or other permitted accessory use.

Sign, Air-Activated. "Air-activated signs" are temporary signs which include common party balloons, inflatable figures, balloon sculptures/arches, air-dancers, wind-driven spinners, pennants, streamers, and other figures or graphics that are filled with air or a gas that is lighter than air, or move with natural or artificially generated air flow, all of which are typically used in conjunction with a special event or activity.

"Sign, awning" means a permanent sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

"Sign, cabinet" means a permanent sign that is internally illuminated, in which a removable sign face, usually with translucent sign graphics, is enclosed on all edges by a cabinet, and the source of illumination is not visible. A cabinet sign may be multi-faced.

"Sign, change panel" means a permanent sign designed to permit immediate change of copy.

"Sign, digital" means a permanent sign with an electrically activated changeable sign face whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Digital signs may also be known as electronic message displays (EMDs).

"Sign, electronic message display (EMD)" means an electronic or electronically controlled message board, capable of displaying words, symbols, figures or images, where scrolling or moving copy changes are shown on the same message board, or any sign that changes the text of its copy electronically or by electronic control. A "nit" is a unit of visible-light intensity, commonly used to specify the brightness of an LED, cathode ray tube or liquid crystal display computer display. One nit is equivalent to one candela per square meter. Such signs shall include the following modes of operation:

1. Dissolve. Signs where static messages are changed by means of varying light intensity or pattern, where

the first message gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.

2. Fade. Signs where static messages are changed by means of varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

3. Scrolling. Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

4. Static. Signs which include no animation or effects simulating animation.

5. Travel. Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.

“Sign face” means the entire display surface area of a sign upon, against or through which copy, symbol or similar component is placed.

“Sign, feather” means a type of temporary sign made of flexible material that is plain or includes copy and/or graphics and is supported by a vertical pole that is anchored in or on the ground. Such signs may also be referred to by other names such as “feather flag,” “feather banner,” “teardrop flag,” “shark fin flag,” “blade flag,” or “bow sign.”

“Sign, freestanding monument” means a permanent sign that is supported by one or more uprights, poles, a base or other similar structural foundation that is braced in or upon the ground, is detached from any other structure or building, and is typically between six feet to 10 feet in height.

“Sign, ground” means any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure.

Sign, Illegal. “Illegal signs” include any sign except the following:

1. A sign allowed by this chapter and not requiring a permit.
2. A sign allowed by this chapter with a permit and carrying a valid permit.
3. A sign not allowed by this chapter, but which has been legalized by PAD zoning or variance and a proper permit.
4. A sign allowed by this chapter subject to a use permit, provided the use permit has been granted and a proper permit is in force.

5. A nonconforming sign as defined by this chapter.

“Sign, nonaccessory” means a category of signs which direct attention to a business, commodity, service, entertainment, or other activity, not exclusively related to the premises to which the sign is located, including:

1. “Billboard” means a permanent sign portraying information not related to an event, business, commodity, product, service, or entertainment occurring on the premises upon which the sign is located.
2. “Directional” means a sign directing or informing the public to the location of publicly owned facilities, historical or scenic points of interest, educational, charitable or religious institutions and hospitals.
3. “Logo” means a small sign permitted and sponsored by the Arizona Department of Transportation under the provisions of the right-of-way encroachment laws to advertise specific motorist services.

“Sign, nonconforming” means any permanent sign which is not permitted by this chapter, but which, when first constructed, was legally permitted by the city or the political subdivision then having jurisdiction and regulation over construction of signs.

“Sign, permanent” means any sign constructed and intended to be of an enduring and lasting condition, remaining unchanged in character, condition (beyond normal wear) and position.

“Sign, pole” means a sign that is mounted on a freestanding pole so that the bottom edge of the sign is eight feet or more above the ground.

“Sign, political” means a sign supporting the candidacy of any candidate for office or urging action on any other matter on the ballot of primary, general or special elections.

“Sign, portable” means any freestanding sign that is not permanently affixed to the ground, a structure or a building, but does not include soda, newspaper or snack machines.

“Sign, projecting” means any permanent sign attached to a building or other structure in such a manner that its face is not parallel to the wall and is extending in whole or in part beyond the building line (e.g., hanging or projecting blade signs).

“Sign, roof” means a sign which extends above the walls and is supported by the roof of the building.

“Sign, T-frame” means a type of temporary sign that is portable, self-supporting, and consists of an upright component that is attached to a flat base, which resembles an upside-down “T.”

“Sign, temporary” means any sign, banner, pennant, or valance constructed of cloth, canvas, plastic, light fabric, cardboard, wallboard, plywood or other like materials, with or without frames, and that appears to be intended or

is determined by the zoning administrator to be displayed for a limited time of 30 days or less, unless otherwise stated.

“Sign, temporary frame” means any sign not permanently embedded in the ground, or not permanently affixed to a building or structure, which is not intended to be a long-term permanent sign. “Temporary signs” includes signs affixed to the ground by a temporary anchoring system such as, but not limited to, stakes or ballast, or footing for large temporary freestanding signs.

“Sign, temporary freestanding” means a temporary sign that is made of a rigid and durable material that will withstand the elements, is supported by one or more posts, uprights or poles and is braced in or upon the ground. Each temporary freestanding sign may be single-faced, doublefaced, or V-shaped with an interior angle that is 45 degrees or less as provided for in Section [18.110.150\(A\)\(3\)](#).

“Sign, V-shaped” means signs erected upon common or separate structures which present a V-shape appearance and having an exterior angle between faces of not more than 45 degrees with a distance between faces of such signs at their closest point not exceeding two feet.

“Sign, vehicle” means any sign mounted or painted upon or otherwise erected on a trailer, truck, automobile or other vehicle.

“Sign, wall” means any sign which is attached, fastened, connected or supported in whole or in part by a building or structure other than a freestanding sign structure which is supported wholly by the ground. “Wall signs” includes wall-mounted signs, projecting signs, awning signs and window-mounted signs. A window-mounted sign is not a window sign as defined herein.

“Sign, window” means any sign, painted on or adhered to the interior or exterior of a glass door or window or placed inside a glass door or window and visible from the exterior of the window.

“Sign, yard” means a type of temporary sign that is typically less than six square feet in area and is supported by one or more stakes or metal wires inserted into the ground. The sign face is typically made of a semi-rigid material such as corrugated plastic, sheet metal, foam board, cardboard or placard. Yard signs may also be referred to by other names including “lawn signs,” “road signs,” “bandit signs,” or “placard signs.”

“Zoning administrator” means the person appointed and responsible for the enforcement of this chapter, or said person’s designee. (Ord. 19-03 § 1, 2019)

18.110.040 Requirement of conformity.

Unless specifically exempted herein, no sign shall be erected, installed, enlarged or maintained without first obtaining a permit from the town as herein provided. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or structure in the town, or cause or permit the same to be done contrary to or in violation of any of the

provisions of this chapter. All signs maintained contrary to the provisions of this chapter are declared to be nuisances, and such nuisances may be abated as provided by law. (Ord. 19-03 § 1, 2019)

18.110.050 Nonconforming and abandoned signs.

A. Any nonconforming sign, as defined in this chapter, may be continued in use and reasonable repair and maintenance made to same.

B. Any nonconforming sign shall not be altered, repaired, or restored to such an extent that the cost of such alteration, repair or restoration exceeds 50 percent of the sign's value, as determined by a licensed sign contractor, unless said sign is brought into conformance with the current provisions of this chapter.

C. Any nonconforming sign that is damaged or vandalized must be restored in a like manner within 90 days or it shall be required to be removed or replaced with a new sign that is in conformance with the current provisions of this chapter at the owner's expense.

D. Any sign (including nonconforming) that has been abandoned for more than 90 days shall be required to be removed or replaced with a new sign in conformance with the current provisions of this chapter at the owner's expense.

E. A permit may be required for alterations or repairs to nonconforming signs that do not exceed 50 percent of the sign's value, depending on the scope of work (e.g., an electrical permit shall be required for signs that are illuminated electrically). Alterations or repairs to nonconforming signs that exceed 50 percent of the sign's value shall require the sign to be brought into conformance with current provisions of this chapter and shall require a permit as provided for in Section [18.110.080](#). (Ord. 19-03 § 1, 2019)

18.110.060 Enforcement.

A. The zoning administrator or designee is hereby authorized and directed to enforce all provisions of this chapter in conformance with the regulations and procedures specified herein and in Chapter [18.155](#).

B. Each day a violation of any provision of this chapter or the failure to perform any act or duty required by this chapter continues shall constitute a separate violation or offense.

C. The town shall process violations of this chapter against a responsible person or entity. When two or more persons have liability to the town, or are responsible for a violation of this chapter, their responsibility shall be joint and several.

D. Permit Revocation. The zoning administrator shall have the authority to revoke any permit which has been granted when it has been determined that the sign authorized by the permit has been constructed or is being maintained in violation of the permit.

1. Notice of the zoning administrator's decision to revoke a sign permit shall be served on the holder of the permit by:

- a. Delivering a copy of the notice to the holder of the permit, mail return receipt requested, to the last known post office address of the holder of the permit; and
- b. Leaving a copy of the notice with any person in charge of the premises and a copy mailed to the property owner; or
- c. In the event no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at or near the entrance to the premises.

2. The holder of the permit may appeal the decision of the zoning administrator to the board of adjustment. This appeal must be made within 30 days from the date when the notice was served.

3. If no appeal has been filed by the end of the 30-day appeal period, then the permit is revoked and the sign is deemed illegal. The zoning administrator shall then initiate the procedure for the removal of the illegal sign.

E. Removal of Signs. The zoning administrator is hereby authorized to require the removal of any illegal sign as defined by this chapter.

1. Before bringing action to require the removal of any illegal sign, except as noted hereafter, the zoning administrator shall give written notice to the owner of the sign or the owner of the premises on which the sign is located. The notice shall state the reasons for removal, listing the deficiencies or defects in the sign with reasonable definiteness, and the violations charged. The notice shall include what repairs if any will make such an installation conform to the requirements of this chapter. The notice shall specify that the sign must be removed or made to conform with the provisions of this chapter within the time period listed below. Service of the notice shall be by any of the following methods:

- a. Delivery in person to the owner, occupant, manager or agent of the premises where the violation has occurred, or to the person responsible for the violation;
- b. Posting on or about the entrance of the premises where the violation occurred;
- c. By first class mail, postage prepaid, addressed to the owner, occupant, agent, manager or responsible person at the last known address. Service by mail is deemed complete upon deposit in the U.S. mail;
- d. By certified mail;

e. By publication; or

f. By serving the owner, occupant, manager, agent, or responsible person in the same manner as provided by the Arizona Rules of Civil Procedure.

2. The zoning administrator shall not be required to give written notice before removing or bringing action to require the removal of any illegal yard sign or illegal temporary sign attached to any public facility such as government signs and supporting poles, utility poles, street lights, light poles, and trees on public property.

3. The period of notice for permanent sign as defined by this chapter shall be 30 days. The period of notice for temporary signs as defined by this chapter shall be three working days.

4. The re-erection of any sign or substantially similar sign on the same premises after a removal notice has been issued shall be deemed a continuance of the original violation.

5. If the owner or lessee of the premises where the sign is located has not complied with this chapter by the end of the notice period, the zoning administrator may pursue enforcement as authorized by this chapter.

F. Emergency Removal or Repair. The zoning administrator is hereby authorized to cause the immediate removal or repair of any sign or signs found to be unsafe, defective, or a traffic hazard to the extent that it creates an immediate and emergency hazard to persons or property.

1. Actual notice to the property owner or lessee shall not be required. The zoning administrator shall make a reasonable effort to notify the property owner or lessee that the defective and unsafe sign must be removed or repaired immediately.

2. All actual costs incurred by the zoning administrator in the removal or repair of said sign shall be paid by the owner of the sign or the owner of the premises where the sign is located. Action for recovery may be brought by the town attorney upon proper certification to him/her by the zoning administrator. (Ord. 19-03 § 1, 2019)

18.110.070 Required signs.

Every building, including single-family homes, or group of buildings must be identified by a street address number. (Ord. 19-03 § 1, 2019)

18.110.080 Permit requirements and procedures.

No sign shall hereafter be erected, re-erected, constructed or altered except as provided by this chapter. A separate permit shall be required for a sign or signs for each business entity, and/or a separate permit shall be required for each group of sign panels on a single supporting structure. Said permits may include structural, electrical or other plan review as determined by Title [15](#), Buildings and Construction.

A. Examples of when a sign permit is required are as follows:

1. A newly constructed sign that may consist of footings, pole, frame, cabinet, electric, illumination and a sign face.
2. A permanently installed in-ground flagpole.
3. Any repairs or renovations to a sign that changes the height, area or location.

B. Exceptions. A sign permit shall not be required for the following signs; however, such signs shall be subject to any and all applicable provisions of the town code, including this chapter:

1. Signs required under Section [18.110.070](#).
2. Any sign less than seven square feet in area not otherwise prohibited or required to obtain a permit by this chapter.
3. Signs not visible from the public right-of-way or which are not visible from one property to another, except when said signs require a permit as provided by this chapter.
4. Vehicle signs as provided for in Section [18.110.140\(F\)](#).
5. Window signs as provided for in Section [18.110.240](#).
6. Temporary signs specifically identified in Section [18.110.260](#) as not requiring a permit.
7. Seasonal decorations.
8. Normal repair, maintenance or painting to a sign.
9. Signs changing a business name or wording over a sign face do not require a permit; however, if the sign face change is located on a currently legal nonconforming sign, the face change shall not expand the nonconformity.
10. Government Signs. Nothing contained herein shall prevent the erection, construction, and maintenance of official signs of the state of Arizona and the town of Huachuca City, or other competent public authorities, or the posting of notices required by law.
11. Signs Protected by State Statutes. Nothing contained herein shall prevent the erection, construction, and maintenance of signs authorized and/or protected by Arizona Revised Statutes.

C. Permit Application and Expiration.

1. Applicants may apply for a sign permit by completing and submitting a permit application provided by the building inspection department together with required plans and/or details identified by said application. All plans submitted with the application shall show complete details, to include size, materials, method of support or attachments, name and address of the persons or firm designing said sign and plot plan showing location of sign on the premises. The town building official must approve a sign application before any sign is constructed, reconstructed, altered, repaired, used or changed. An applicant may appeal a permit denial to the board of adjustment within 30 days from the date of denial in accordance with the appeal procedure set forth in Title [15](#), Buildings and Construction.

2. If actual work is not commenced under any permit issued under the provisions of this section within one year from the date of such permit, such permit shall become null and void.

D. Permit Fees. Before issuing any sign permit required by this chapter, the town shall collect a fee in accordance with the schedule adopted by council. (Ord. 19-03 § 1, 2019)

18.110.090 Inspections.

All signs for which a permit is required shall be subject to the following inspections:

A. Footing inspection.

B. All signs containing electrical wiring shall be subject to the adopted electrical code of the town and the electrical components shall bear the label of an approved testing agency.

C. Inspection of all braces, anchors, supports and connections, including wall signs. (Ord. 19-03 § 1, 2019)

18.110.100 Identification.

All permanent signs regulated by this chapter shall be marked with the maker's name and the person or firm erecting such sign, the date of installation, and the permit number. This identification shall be permanently attached to the exterior surface of the sign in a location where the information will be readily visible, legible, and accessible after installation of the sign. (Ord. 19-03 § 1, 2019)

18.110.110 Maintenance.

All signs shall be maintained in good order and repair at all times so that they constitute no danger or hazard to public safety or create an aesthetic blight. (Ord. 19-03 § 1, 2019)

18.110.120 Construction requirements.

All signs shall be designed and constructed in conformance with the Huachuca City adopted building codes. In the event there is a conflict between the provisions of this chapter and those in the building code, the more restrictive provisions shall apply. (Ord. 19-03 § 1, 2019)

18.110.130 Design and integration.

All new or retrofitted permanent signs shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials, and landscape elements of the project.

A. The means of integrating freestanding monument signs with the architecture of the building shall be achieved through replication of architectural embellishments, colors, building materials, texture, and other elements found in the building design. As an example, a cabinet sign mounted atop a masonry base or other fixture shall not be considered as integrated with the architecture of the building. Instead, where a cabinet sign is proposed as a component of a freestanding sign, such cabinet shall be bordered or backgrounded by the architectural materials and embellishments found within the building design.

B. Integration shall also include the use of sign graphics that are consistent in terms of lettering style, colors, and method of attachment as used for wall-mounted signage found on the building.

C. Each unused panel on a freestanding monument sign shall have an integrated or decorative cover until said panel is utilized.

D. When freestanding, the sign shall not exceed height standards set forth in Section [18.110.210](#).

E. When mounted on a building, the sign shall be located on or below the fascia or parapet wall within the limits of the tenant's occupied space.

F. Raceways shall be mounted behind the letters only, architecturally integrated and painted to match the building.

G. In no case shall any sign be secured with wires such as guy wires or strips of wood which are visible and not on an integral part of the sign.

H. Signs shall be designed in coordination with landscape plans, planting materials, stormwater retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

I. In no case shall any wall sign exceed 80 percent of the height of the sign band or wall to which the sign is attached, and no such sign shall exceed 80 percent of the length of the leased frontage or 80 percent of the length of the sign band or wall to which the sign is attached. Sign band refers to the specific area on a building or tenant space where signs may be installed. (Ord. 19-03 § 1, 2019)

18.110.140 Location restrictions for all signs.

All signs, whether permanent or temporary, must conform to the following location restrictions:

A. Clearance from Fire Escapes, Exits or Standpipes. No sign or structure shall be erected in such a manner

that any portion of its surface or supports will interfere in any way with the free use of any standpipe, or any ingress or egress from any door, window, fire escape or any other exit required by building code or fire department regulations.

B. Vehicular and Pedestrian Traffic Safety. No sign shall obstruct traffic by obstructing the vision of motorists as determined by the police chief. No detached sign shall be located adjacent to driveways which would result in a traffic hazard. No sign shall obstruct minimum pedestrian clearance required by the Americans with Disabilities Act or as required by this chapter, whichever is greater.

C. Signs on Public Property. No person, firm or corporation shall erect or cause to be erected any sign which projects over any public sidewalk, street, alley or public place, except for as hereinafter provided for by these regulations.

D. Signs on Natural Features. No sign shall be erected or painted upon or attached to any tree, rock, or other natural feature.

E. Signs on Utility Structures. No sign shall be attached to any fence post or utility pole. Hazardous warning or identification signs may be attached to utility structures.

F. Signs on Vehicles. The intent of these regulations is to prohibit the use of vehicle signs as permanent freestanding signs to protect the aesthetic qualities of the town's built environment and promote the effectiveness of permitted signs as provided for in Section [18.110.010](#). No sign shall be erected or attached to any vehicle except for signs that are magnetically attached to or permanently painted or wrapped on the surface of a vehicle. The primary use of such vehicles shall be in the operation of the business, e.g., transporting goods or providing services, and not in displaying a sign. Vehicles shall be operable and properly licensed. When not in use, the vehicle shall be parked in a lawful manner on the business property so as not to be visible from the public right-of-way, or if this is not possible, as far from the public right-of-way as possible. Please refer to Figure 140-F.

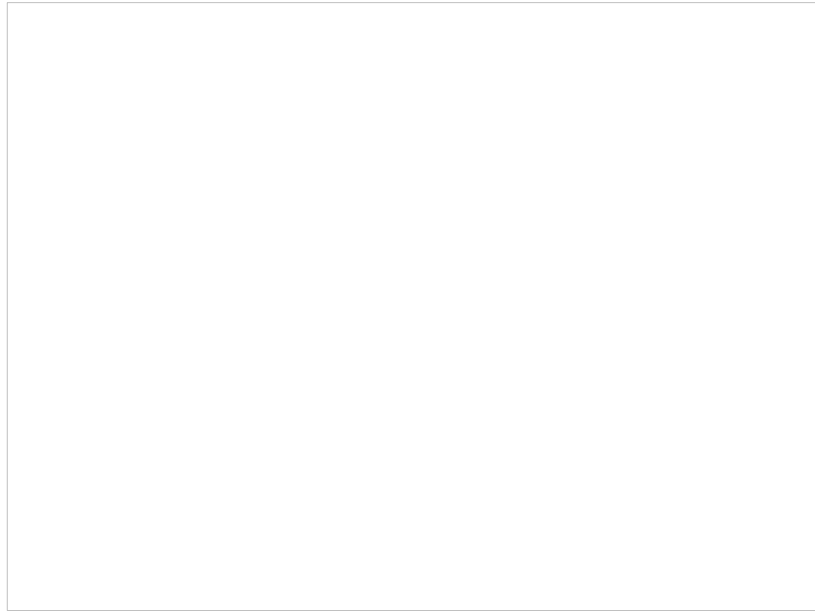


Figure 140-F.

G. Signs in Public Right-of-Way. The town of Huachuca City finds that a proliferation of signs in the public right-of-way creates aesthetic blight and visual clutter, which obstructs views, distracts the traveling public and threatens the public health, safety and welfare. The intent herein is to allow a limited number of signs in the public right-of-way to maintain safe visibility and protect the aesthetic beauty of the town's built environment. As such, no sign shall be erected or maintained in the public right-of-way except for:

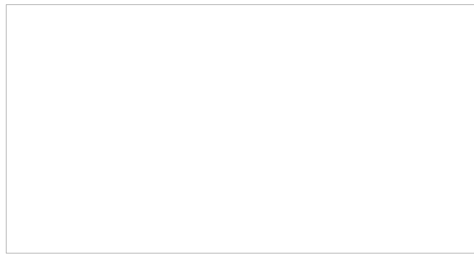
1. Temporary signs expressly provided for in Section [18.110.260](#).
2. Official signs posted by the state of Arizona, the town of Huachuca City, or other public authorities.
3. The posting of notices required by law.
4. Signs protected by Arizona Revised Statutes. (Ord. 19-03 § 1, 2019)

18.110.150 Sign area and height calculations.

A. Sign area is calculated as follows:

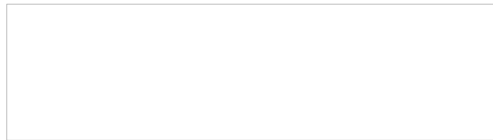
1. Signs with Backgrounds. Signs with copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured or constructed as a background for sign copy shall be calculated as that area contained within the smallest rectangle that encloses both the sign copy and the background, not including the supporting structure or architectural embellishments, as shown in Figure 150-A1.

Figure 150-A1.



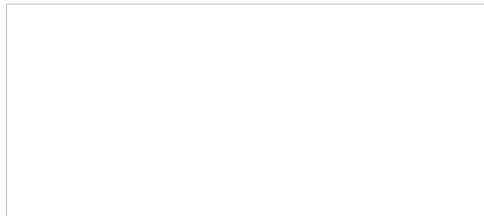
2. Signs with Individual Letters or Graphics. The area for signs consisting only of individual letters, numerals, symbols, or other similar components shall be calculated as the area of a single rectangle that encompasses all sign components, as shown in Figure 150-A2.

Figure 150-A2.



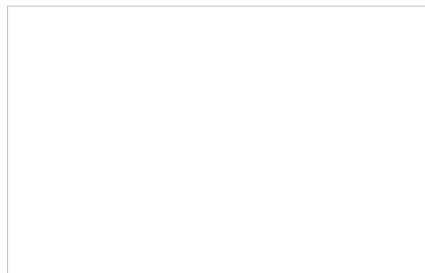
3. Two-Face Signs. Where a sign is double-faced or V-shaped and the interior angle between the two sign faces is 45 degrees or less, only the larger single face shall be used to determine sign area. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces, as shown in Figure 150-A3.

Figure 150-A3.



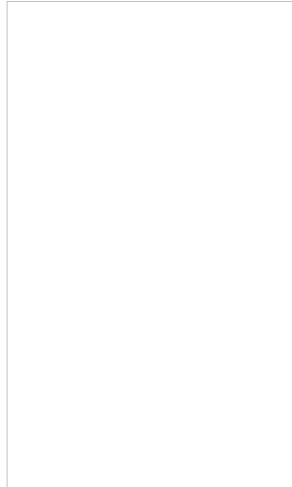
4. Three- or Four-Face Signs. The sign area for three- or four-face signs shall be calculated as 50 percent of the sum of the areas of all sign faces, as shown in Figure 150-A4.

Figure 150-A4.



5. Spherical, Free-Form, Sculptural or Other Nonplanar Signs. The area for nonplanar signs shall be calculated as 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure, as shown in Figure 150-A5.

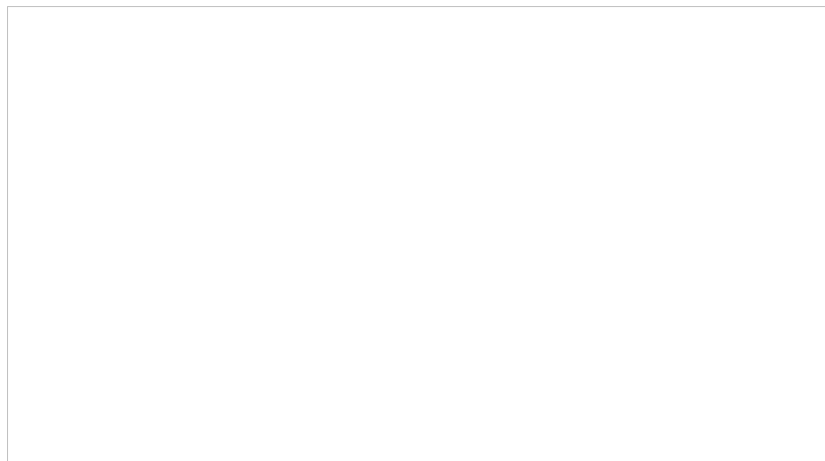
Figure 150-A5.



B. Sign height shall be measured as follows:

1. Freestanding Monument Signs. Sign height is measured as the vertical distance from ground level (finished grade of existing sidewalk or, where there is no sidewalk, the street centerline) to the top of the freestanding sign, not including architectural embellishments, as shown in Figure 150-B1.

Figure 150-B1.



2. Wall Signs. The maximum height of wall, projecting, awning, fascia, mansard, parapet, window-mounted, or other building-mounted signs is the vertical distance measured from the first-floor elevation to the top of

the sign or sign structure as shown in Figure 150-B2.

Figure 150-B2.



3. Temporary Signs. The maximum height for all temporary signs is measured from the sidewalk to the highest point of any portion of the sign. (Ord. 19-03 § 1, 2019)

18.110.160 Prohibited signs.

A. The following signs are prohibited in all zoning classifications:

1. Signs that pose a traffic hazard due to their position, size, shape, movement, coloring, or manner of illumination which may be confused as a traffic control device or which hide from view any traffic sign or signal; obstruct the view of motor vehicle operators entering the public right-of-way; or create an unsafe distraction or obstruction for motor vehicle operators.
2. Fixed balloons.
3. Signs that contain or consist of exposed incandescent bulbs exceeding 40 watts each, or neon or similar tube type of illumination exceeding 30 milliamps.
4. Signs which are abandoned for a period of 90 days or greater.
5. Any sign which advertises a business no longer conducted, or products no longer sold, at the location of the sign.
6. Signs that have flashing, blinking, fluttering or rotating lights, lasers, or other illuminating devices which exhibit movement, except digital signs as provided for in Section [18.110.250](#) or when approved for town-sponsored public events.

7. Signs that produce odor or audible sound.
8. Signs that contain mechanical movement or movement controlled by any other means, except for air-activated signs as provided for in Section [18.110.260\(C\)](#).
9. Signs that are painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for those required by law.
10. Signs that are installed or displayed without the property owner's approval.
11. Billboards. (Ord. 19-03 § 1, 2019)

18.110.170 Permanent signs in single-family residential zoning districts.

A. Individual Single-Family Lots. Signs may be displayed subject to the following standards:

1. A single-family residence is allowed one sign only, not to exceed five feet in height or two square feet in area, if it is freestanding. Said sign shall not be illuminated, except by indirect lighting. No permit shall be required.
2. A residential lot which has been granted a home occupation business license as provided for in Section [18.100.210](#).

B. Single-Family Subdivisions. Subdivision name signs may be displayed subject to the following standards:

1. Signs shall be attached to a perimeter wall or a decorative masonry wall in a landscaped setting not to exceed six feet in height.
2. The location of said signs shall be limited to the entrances of single-family subdivisions.
3. Signs shall not be illuminated, except by indirect lighting or halo lighting.
4. Each sign shall not exceed 32 square feet in area.
5. Subject to planning and zoning commission approval as part of the overall subdivision plat, to include an acceptable agreement describing who shall be responsible for maintenance of the sign, wall and landscaping.
6. A sign permit shall be required.

C. Flags are permitted as provided for in Section [18.110.230](#). (Ord. 19-03 § 1, 2019)

18.110.180 Permanent signs in multiple-family residential zoning districts.

- A. The total permanent sign area allowed, including wall signs and freestanding signs, is one square foot for each dwelling unit. However, in no instance shall this total sign area exceed 60 square feet, with no more than 32 square feet fronting on any one street.
- B. For other permitted buildings, the sign area permitted shall not exceed 32 square feet.
- C. Signs shall not be illuminated, except by indirect lighting or halo lighting.
- D. A sign permit shall be required.
- E. Flags are permitted as provided for in Section [18.110.230](#). (Ord. 19-03 § 1, 2019)

18.110.190 Permanent signs in mobile home/RV parks.

Signs in manufactured home parks and recreational vehicle parks are the same as provided for multiple-family residential. (Ord. 19-03 § 1, 2019)

18.110.200 Permanent signs in quasi-public uses.

This section includes all quasi-public uses, institutional uses, churches, fraternal organizations and civic organizations.

- A. The total amount of permanent sign area allowed, including wall signs and freestanding signs, is 36 square feet.
- B. One-half of the freestanding sign area may be a change panel or digital sign.
- C. Permanent signs shall require a sign permit.
- D. Flags are permitted as provided for in Section [18.110.230](#). (Ord. 19-03 § 1, 2019)

18.110.210 Permanent signs in B/C general business zoning district.

A. Single-User Site. Buildings shall be permitted one wall sign and one freestanding sign per lot or parcel. All signs shall require a sign permit and shall comply with the following standards:

1. Wall sign not to exceed two square feet of sign area for each linear foot of building frontage or two square feet per each five linear feet of property lot frontage. Awning or canopy signs shall be included in the total wall signage and the gross surface area shall not exceed 50 percent of the gross surface area of the largest face of the awning or canopy to which the sign is affixed. Said signs shall be wall- or window-mounted, on or under an architectural projection, and shall not project more than two feet from the building or structure to which it is attached.
2. Freestanding monument sign not to exceed 32 square feet for each side of the sign. The maximum height

shall be 10 feet high, measured from the grade of the street.

B. Shopping Centers and other Multiuser Commercial Centers. Sign criteria shall be established as part of a preliminary development plan approved by the planning and zoning commission or building/sign plan review process. A sign permit shall be required for all signs provided for herein.

1. Wall signs not to exceed two square feet of sign area for each linear foot of building frontage or two square feet per each five linear feet of property lot frontage. Awning or canopy signs shall be included in the total wall signage and the gross surface area shall not exceed 50 percent of the gross surface area of the largest face of the awning or canopy to which the sign is affixed. Said signs shall be wall- or window-mounted, on or under an architectural projection, and shall not project more than two feet from the building or structure to which it is attached.

2. Freestanding Monument Sign.

a. One freestanding sign per arterial street, not to exceed one square foot of sign face area for each linear foot of business frontage. One additional sign may be erected for each additional 300 feet of frontage along an arterial street. Said signs shall not be less than 300 feet apart, except that the zoning administrator may allow a minor deviation from said separation upon finding that such a reduction is necessary to accommodate a special circumstance that is not self-imposed by the property owner or applicant. Said reduction shall not exceed 30 feet. In no instance shall a freestanding monument sign be located closer than 50 feet from the property line of a residential development.

b. Maximum sign height shall not exceed 10 feet measured from the grade of the street. (Ord. 19-03 § 1, 2019)

18.110.220 Permanent signs in C-2/C-3 industrial districts.

A. Wall signs not to exceed two square feet of sign area for each linear foot of business frontage. Said signs shall be wall- or window-mounted, on or under an architectural projection. The sign shall not project more than two feet from the building or structure to which it is attached. No wall sign shall exceed 250 square feet in area.

B. Freestanding Monument Signs.

1. One freestanding sign for each developed area or parcel not to exceed one and one-half square feet of sign area for each linear foot of business frontage. Where the developed parcel under single ownership has an excess of 300 feet of street frontage, one additional detached bonus sign may be erected for each additional 300 feet of street frontage, not to exceed two detached signs per block. The zoning administrator may allow a minor deviation from the 300-foot separation upon finding that such a reduction is necessary to accommodate a special circumstance that is not self-imposed by the property owner or applicant. Said reduction shall not exceed 30 feet. In no instance shall a freestanding monument sign be located closer

than 50 feet from the property line of a residential development.

2. Freestanding signs for shopping centers and other multiuser sites shall conform to the standards set forth in B/C commercial zoning district in Section [18.110.210\(B\)](#).

3. In no event shall the total combined area of all freestanding signs exceed 450 square feet.

4. Maximum sign height shall not exceed 10 feet measured from the grade of the street.

C. Wall signs and freestanding monument signs shall require a sign permit.

D. Window signs are permitted as provided for in Section [18.110.240](#).

E. Flags are permitted as provided for in Section [18.110.230](#). (Ord. 19-03 § 1, 2019)

18.110.230 Flags.

Flag poles and flags shall comply with the following standards:

A. No more than three flag poles shall be installed on each single-family residential lot, multi-family development, model home cluster, commercial development, shopping center, or other multiuser site. Said flag poles may be wall-mounted or permanently installed in the ground.

B. Permanently installed in-ground flag poles shall require permit approval to ensure they are structurally sound and comply with the standards provided herein. A permit shall not be required for wall-mounted flag poles. A separate permit shall not be required to display flags.

C. The minimum setback for permanently installed in-ground flag poles shall equal one-half the setback required for a principal building as set forth by the zoning district in which it is located.

D. Flag Pole Height.

1. Permanently installed in-ground flag poles and wall-mounted flag poles in single-family residential districts shall not exceed 25 feet in height or shall not be higher than the highest point of the principal building's roof, whichever is lower.

2. Permanently installed in-ground flag poles and wall-mounted flag poles in multiple-family districts and model home clusters shall not exceed 50 feet in height or shall not be higher than the highest point of the nearest principal building's roof on the premises, whichever is lower.

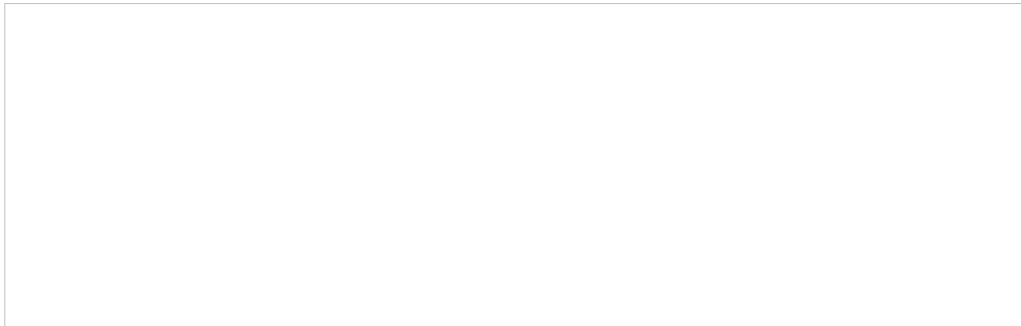
3. Permanently installed in-ground flag poles and wall-mounted flag poles in nonresidential districts shall not exceed 100 feet in height.

E. In any district, the length of each flag, which is the longer side of a flag that is perpendicular to the flag pole, shall not exceed one-third of the maximum height allowed for in-ground flag poles. (Ord. 19-03 § 1, 2019)

18.110.240 Window signs.

Window signs may be painted on or otherwise displayed from the surface of any window, showcase or other similar facility. The area of such signs shall not exceed 25 percent of the total window area on any one side of a building as illustrated in Figure 240. The area of said sign shall not be included in the total allowed sign area.

Figure 240.



(Ord. 19-03 § 1, 2019)

18.110.250 Digital signs.

Digital signs, also known as electronic message displays (EMDs), shall comply with the following criteria:

A. Limited to property located within the B/C general business/commercial, C-2 and C-3 industrial zoning districts only.

B. Limited to freestanding signs (no wall-mounted EMDs allowed). The maximum height for such EMDs is 10 feet measured from the grade of the street. The total sign area shall not exceed 32 square feet per sign face.

C. One two-sided freestanding EMD sign is permitted per lot; however, if a lot has more than one access to the property, additional two-sided freestanding EMD signs (limited to one per access) may be allowed by the planning and zoning commission as a conditional use upon application and compliance with additional requirements as the commission deems appropriate.

D. Display only static messages (text and images) that remain constant in illumination intensity and do not have animation, flashing, scrolling, blinking or any other movement or the appearance or optical illusion of movement.

E. The transition between messages shall be instantaneous.

F. The minimum length to display a message shall be 15 seconds.

G. The maximum illumination level from sunset to sunrise shall not exceed 200 nits. For signs adjacent to residential zoning districts that shine directly onto residences, the maximum illumination level shall not exceed 100 nits.

H. Signs shall be equipped with photo cell sensors that are factory locked to dim the sign to an appropriate light level during daylight hours. The photo cell sensors shall also dim the sign at night to the required nit level as stated in this section. An affidavit from the manufacturer attesting to the brightness level shall be submitted with the sign permit application.

I. The electronic message center portion of the sign shall be turned off when the business activities cease on the property.

J. Be designed to either freeze the display in one static position, display a full blank screen or turn off in the event of a malfunction.

K. Requires a sign permit. (Ord. 19-03 § 1, 2019)

18.110.260 Temporary signs.

The town of Huachuca City finds that the proliferation of temporary signs is a distraction to the traveling public and creates aesthetic blight and visual clutter that threatens the public's health, safety and welfare. The town also recognizes a legitimate need for temporary signs for a wide variety of functions or special occasions. The purpose of these regulations is to allow temporary signs in such a manner that limits the distractions to the traveling public and eliminates or reduces aesthetic blight and visual clutter caused by temporary signs.

A. General Regulations for All Temporary Signs.

1. Temporary signs shall be allowed only in compliance with the provisions of this section.
2. Temporary signs shall not be attached to any public facility such as government signs and supporting poles, utility poles, street lights, light poles, and trees on public property.
3. Temporary signs shall not obstruct view or paths in a manner that creates a hazard for pedestrian or vehicular traffic.
4. Temporary signs shall be of sufficient weight, made of durable material and be properly secured to withstand wind gusts, storms and other natural elements.
5. No temporary signs shall be mounted on a building roof.
6. No temporary signs shall emit sound or odor except for seasonal decorations.

7. No temporary signs shall have animated or moving parts, except for seasonal decorations and air-activated signs as provided for in subsection C of this section.
8. No temporary signs shall imitate traffic control signs, or obscure actual municipal or other public traffic control signs or devices.
9. No temporary signs shall be placed upon private property without the property owner's approval.
10. No temporary signs located in single-family residential zones shall be illuminated, except for seasonal decorations.
11. Search lights, strobe lights, intermittent or flashing illumination, holographic projections, laser light displays, beacons and other similar temporary signs or effects shall be prohibited.
12. The zoning administrator may remove or cause to be removed any temporary sign erected, displayed upon, or projecting into public property that is not expressly allowed by this section or protected by state statute, or which presents a critical safety hazard requiring immediate action.
13. Exceptions to general regulations for all temporary signs provided herein and specific temporary sign types as provided for in this section may be permitted when approved as part of a town-sponsored public event.

B. General Regulations for A-Frame or T-Frame Signs.

1. Area and Height. The area of any single sign shall not exceed 12 square feet in area nor exceed four feet in height.
2. Location, Number of Signs and Duration.
 - a. Each business or nonresidential use located in a commercial or industrial district may place one sign within the building envelope and shall maintain a minimum five-foot clearance to allow unobstructed pedestrian use of the privately owned pedestrian pathway located therein. Said sign shall be displayed only during business hours. Notwithstanding the foregoing, an unlimited number of signs may be displayed when said signs are located within a permitted outside display area.
 - b. Each business or nonresidential use which occupies a building that fronts onto and abuts the edge of the public right-of-way may place one sign on the public sidewalk within the building envelope. The placement of said sign shall maintain a minimum five-foot clearance to allow unobstructed pedestrian use of the public sidewalk. Said sign shall be displayed only during business hours.
 - c. Each single-family lot or model home may place one sign anywhere on the property, and each

single-family lot or model home cluster may place one additional sign at each turning movement beginning at the subject property and extending for a maximum of one-mile distance from said property up to a maximum of 10 signs. Said signs shall be placed away from the street and no closer than five feet from the curb behind the public sidewalk or no closer than five feet from the edge of pavement when there is no public sidewalk. Said signs shall be displayed only on days when the property is open to the public (e.g., garage/yard sale, open house, and model home business hours).

d. Each multiple-family development, mobile home park, or mobile home subdivision may place one sign within the building envelope of the building containing the office. Said sign shall maintain a minimum five-foot clearance to allow unobstructed pedestrian use of the privately owned pedestrian path located therein. Said sign shall be displayed only during office hours.

e. Each quasi-public or institutional use not located in a commercial or industrial district may place one sign within the building envelope and shall maintain a minimum five-foot clearance to allow unobstructed pedestrian use of the privately owned pedestrian pathway located therein. One additional sign may be placed at each turning movement beginning at the property and extending for a maximum of one-mile distance from said property up to a maximum of 10 signs. Said signs shall be placed away from the street and no closer than five feet from the curb behind the public sidewalk or no closer than five feet from the edge of pavement when there is no public sidewalk. Said signs shall be displayed only when said property is open to the public.

C. General Regulations for Air-Activated Signs.

1. Area and Height. Signs shall not exceed 14 feet in height.

2. Location.

a. Signs shall be set back a minimum of five feet from the public right-of-way or a distance that is equal to the height of the sign, whichever is greater.

b. Air-activated signs shall only be allowed on nonresidential properties, except for seasonal decorations on residential properties, which do not require a permit.

3. Number of Signs. No more than two air-activated signs may be displayed concurrently. For the purpose of calculating the number of signs, segments of multiple pennants hung on the same premises shall collectively be considered one sign and segments of streamers hung on the same premises shall collectively be considered one sign.

4. Duration. Each multiple-family development, business or nonresidential use shall be allotted no more than 30 cumulative days within each six-month period in a calendar year to display air-activated signs, banners, or feather signs.

One day shall be counted as being exhausted from the total allotment for each day that one or any combination of the aforementioned signs is displayed.

5. Other Requirements.

- a. Signs shall be fastened to the ground or a structure so that they cannot shift more than three feet horizontally under any condition.
- b. Signs shall require compliance with applicable building codes.

D. General Regulations for Banners.

1. Area and Height.

- a. Banners shall not exceed the square footage of installed and/or permitted wall signs as provided for in Sections [18.110.170](#) through [18.110.220](#).
- b. Notwithstanding the foregoing, each vertical banner shall not exceed 12 square feet in area.
- c. Banners attached to buildings and vertical banners affixed to a structure located within a permitted outside display area shall not project above the roof line or exceed a height of 25 feet from finished grade to the top of the banner, whichever is lower. Said banners shall maintain a minimum clearance of seven feet above finished grade when placed upon an area open for common or general use of the public.
- d. Detached banners in residential areas shall not exceed a height of eight feet measured from finished grade to the top of the banner.

2. Location.

- a. Banners shall not be attached to single-family homes.
- b. Detached banners shall not be displayed in single-family residential areas except when located at neighborhood entrances.
- c. Detached banners shall be set back a minimum of five feet from the public right-of-way and driveways. Said setback shall not apply to banners affixed to a temporary construction fence.
- d. Vertical banners shall only be displayed in permitted outside display areas.

3. Number of Signs.

- a. Each multiple-family development, business or nonresidential use may display no more than one banner, which may be attached to a building or detached. Notwithstanding the foregoing, an unlimited number of vertical banners may be displayed when affixed to structures that are located within a permitted outside display area.
- b. Each single-family neighborhood may display no more than one detached banner per neighborhood entrance.

4. Duration.

- a. Each multiple-family development, business or nonresidential use shall be allotted no more than 30 cumulative days within each six-month period in a calendar year to display air-activated signs, banners, or feather signs. One day shall be counted as being exhausted from the total allotment for each day that one or any combination of the aforementioned signs is displayed, except that the display of vertical banners located in permitted outside display areas and banners that are displayed during construction of a site or during a city-funded or designated construction project that is located adjacent to the business or nonresidential use erecting said sign shall not be counted toward said allotment.
- b. Detached banners located at neighborhood entrances shall be displayed only on days when a neighborhood event is open to the public (e.g., neighborhood yard sale, neighborhood cleanup).

5. Other Requirements.

- a. Detached banners shall be secured to a freestanding temporary support structure, uprights, stakes or poles that are sufficiently anchored to withstand wind pressure.
- b. Banners shall not be tethered to or otherwise affixed to trees or any other landscaping.
- c. Any banner that is partially torn, loose or otherwise unsecured shall be deemed unsafe and shall be immediately replaced, refastened, removed or replaced.
- d. Banners shall not be affixed to or displayed over a freestanding monument sign.

E. Temporary Freestanding Signs (Seven to 80 Square Feet).

1. Number of Signs.

- a. Each parcel may display one midsize temporary freestanding sign, except when it is a corner lot, in which case two such signs may be used, one sign per street front. Parcels with an excess of 300 feet of street frontage may display one additional sign along each street front for each additional 300 feet of

said street front. Said signs shall not be less than 300 linear feet apart, except signs posted on different parcels may be less than 300 linear feet apart from each other. The zoning administrator may allow a minor reduction from said separation of signs displayed on the same parcel upon finding that such a reduction is necessary to accommodate a special circumstance that is not self-imposed by the property owner or applicant. Said reduction shall not exceed 30 feet.

b. Notwithstanding the foregoing, an unlimited number of the following signs may be displayed, which shall not be counted towards the number of signs permitted herein:

i. Signs or notices required or posted by government.

ii. Signs leading to or displayed within a model home cluster which are not visible from an arterial or collector street.

2. Area, Height, Location and Materials.

a. The sign face of said signs shall not exceed 80 square feet in area.

b. Signs displayed on nonresidential developments shall not exceed a height of 10 feet.

c. Signs displayed on residential properties shall not exceed a height of six feet.

d. Signs located in the public right-of-way shall not be closer than 10 feet measured from the sign post to the curb or edge of pavement where there is no curb. The sign face of said sign may encroach no more than two feet into said 10-foot setback.

e. No setback shall be required for signs displayed on private property.

f. In no event shall any portion of the sign be closer than one foot to a public or private sidewalk.

g. All signs shall be made of a rigid and durable material that will withstand the elements.

h. No sign shall be installed in the public right-of-way without first determining that no underground facilities will be encountered as required by ARS Section 40-360.22 et seq., also known as the Arizona Blue Stake Law.

3. Approval Process and Duration. No permits shall be required. Duration of such signs can exceed the 30-day limitation, but it shall not exceed a time frame of two years.

F. Yard Signs (Less Than Seven Square Feet).

1. Number of Signs and Location.

- a. Each single-family lot, model home cluster, and quasi-public or institutional use not located in a commercial or industrial district may place one sign anywhere on the subject property, one additional sign at each turning movement beginning at the subject property and extending for a maximum of one mile distance from said property up to a maximum of 10 signs. Said signs shall be placed away from the street and no closer than five feet from the curb behind the public sidewalk or no closer than five feet from the edge of pavement when there is no public sidewalk. Said signs shall be displayed only on days when the property is open to the public (e.g., garage/yard sale, open house, and model home business hours).
 - b. Notwithstanding the foregoing, signs or notices required or posted by a government agency shall not be counted towards the number of signs permitted herein.
 - c. No sign shall be installed in the public right-of-way without first determining that no underground facilities will be encountered as required by ARS Section 40-360.22 et seq., also known as the Arizona Blue Stake Law.
2. Area and Height. Yard signs shall be less than seven square feet in area and shall not exceed four feet in height.
 3. Approval Process. No permit shall be required to display yard signs. (Ord. 19-03 § 1, 2019)

Chapter 18.115 MANUFACTURED HOME PARKS

Sections:

[18.115.010 Intent.](#)

[18.115.020 Location.](#)

[18.115.030 Approvals required.](#)

[18.115.040 Permitted uses.](#)

[18.115.050 Park accessory uses.](#)

[18.115.060 Conditional uses.](#)

[18.115.070 Park development standards.](#)

Prior legislation: § 17-24-7.

18.115.010 Intent.

The intent of these regulations is to encourage development of well-planned manufactured home parks that offer spaces for rent, sale or lease, and to provide adequate regulations to preserve the residential character of the development and to prohibit incompatible land uses. All parks must also comply with the applicable subdivision regulations outlined in Title [17](#). (Ord. 19-04 § 1, 2019; Ord. 06-10, 2006; prior code § 17-24-1)

18.115.020 Location.

All manufactured home parks shall be located within an R-4 zoning district or may be located within a B/C zoning district by conditional use permit approved by the planning and zoning commission and shall be consistent with the current Huachuca City general development plan. Access roads to the park shall be paved. (Ord. 19-04 § 1, 2019; Ord. 06-10, 2006; prior code § 17-24-2)

18.115.030 Approvals required.

A. The manufactured home park must first obtain subdivision approval from the planning and zoning commission prior to any development. The necessary architectural site plans and subdivision plats must be submitted and meet the requirements outlined in this chapter, as well as the requirements outlined in Title [17](#) for subdivisions. The landscaping, screening and lighting plans shall also be included with the overall manufactured home park subdivision plan for planning and zoning commission approval. Necessary permits and inspections shall be obtained for the development.

B. Once the park has been developed, the installation of each individual manufactured home within this park is required to meet the requirements of this chapter and be approved by the building official and any other

applicable agencies. Necessary permits and inspections shall be obtained for each installation.

C. The operation of the manufactured home park requires a business license issued by the town clerk. (Ord. 19-04 § 1, 2019)

18.115.040 Permitted uses.

The following uses are permitted within the manufactured home park on the individual spaces:

A. One manufactured home on each approved space for living purposes only. No dwelling units of conventional construction shall be permitted on any space for living purposes. Additional requirements as follows:

1. New installs within the park shall bear the United States Department of Housing and Urban Development (HUD) identification plate and be no older than 10 years at the time of installation.
2. All manufactured homes shall be installed with an anchoring system approved by the building official.
3. All manufactured homes shall be skirted in a uniform manner with materials that will harmonize with the design and materials used on the manufactured home, as approved by the building official. Pressurized wood panels and corrugated steel skirting are prohibited.

B. Accessory uses are permitted on an individual manufactured home space, provided they meet the required setbacks outlined below. Approved accessory uses include: carport, garage, ramada, deck, covered porch and storage building. Any accessory use not listed must be approved by the zoning administrator. Additional requirements for accessory uses are as follows:

1. Accessory structures shall be architecturally compatible with the manufactured home.
2. The maximum height of any structure shall not exceed 15 feet on a manufactured home space.
3. No accessory building shall be erected within the minimum required front yard setbacks.
4. A garage or carport shall be set back from the side and rear lot lines a distance not less than three feet, except for a corner lot, where the street-side setback shall be the same as for the manufactured home.
5. All storage buildings shall be a maximum area of 150 square feet. They shall not encroach into the required park setbacks and shall be subject to firewall requirements outlined in the applicable building codes.
6. Accessory structures shall be firmly attached to the ground, unless deemed unnecessary by the building official. (Ord. 19-04 § 1, 2019; Ord. 06-10, 2006; prior code § 17-24-3. Formerly 18.115.030)

18.115.050 Park accessory uses.

The following uses are permitted for the overall manufactured home park:

- A. Manager's office and/or residence. May be of conventional construction. The minimum yard setback requirements shall be the same as those for homes in an R-4 zoning district. If the park office is located within the residence, no home based business license will be required.
- B. Social and recreational center. Building may be of conventional construction and used for activities such as birthday parties, family gatherings, dancing, games, meetings, banquets, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. If outside events are to be held in the building, such as craft shows or trade shows, the event must be approved by the park management and town of Huachuca City.
- C. Outdoor recreation facilities. For the exclusive use of the residents of the manufactured home park and their guests, such as a swimming pool, BBQ areas, parks, playgrounds, tennis courts, shuffleboard courts and similar recreational uses.
- D. Common use laundry facilities, maintenance buildings and security guard buildings. May be of conventional construction. (Ord. 19-04 § 1, 2019; Ord. 06-10, 2006; prior code § 17-24-4. Formerly 18.115.040)

18.115.060 Conditional uses.

The following uses may be permitted as a conditional use for the overall manufactured home park. Requires planning and zoning commission approval.

- A. Model manufactured home sales, provided they do not occupy more than five percent of the total spaces in the manufactured home park. Each manufactured home shall have the same setback and spacing required for other manufactured homes. There shall be no exterior displays or advertising other than one nonilluminated sign, not to exceed six square feet for each model and not over six feet in height.
- B. Boat and/or trailer storage area, provided it is in a completely enclosed area or surrounded by not less than a six-foot-high solid fence or wall and is for the sole use of the residents of the park. All boats and trailers shall be currently and properly insured, titled, licensed or registered.
- C. Other uses not listed in this section may be approved as a conditional use on a case-by-case basis by the planning and zoning commission. (Ord. 19-04 § 1, 2019; Ord. 06-10, 2006; prior code § 17-24-5. Formerly 18.115.050)

18.115.070 Park development standards.

- A. Minimum park size: two acres.
- B. Maximum density: 10 manufactured homes per acre.

C. Minimum exterior park setbacks: 20 feet from all street frontages, measured from the right-of-way line, and 10 feet from all other sides.

D. Screening. The outer perimeter of the park shall be screened with a minimum of a six-foot-high decorative masonry wall.

E. Outer Perimeter Landscaping. The setback area between the right-of-way and the wall shall be a combination of landscape and hardscape. No off-street parking facilities or recreational facilities for common use shall be located within any required landscaped area. Area to be maintained to the satisfaction of the zoning administrator.

F. Minimum individual space size: 4,000 square feet.

G. Minimum Individual Space Setbacks. No manufactured home shall be located closer than 20 feet to another or closer than 25 feet to the exterior boundary of the park or any park building and storage/service area.

H. Any open space created by the required 25-foot setback from the exterior boundary shall be maintained as a landscape/hardscape buffer area which can be used for recreation, water retention, etc.

I. Minimum Yard Setbacks.

1. Front yard: 10 feet from the access street.
2. Rear yard: 10 feet from space line.
3. Side yard: 10 feet from space line.

J. An area of at least 250 square feet for each rental space shall be provided and improved for recreation, laundry and service purposes. Common recreation area shall be provided in the manufactured home park. Minimum common recreation area per park space shall be 250 square feet.

K. No boat, camper, recreational vehicle or trailer, as defined within this title, shall be permitted to be stored on a rental space. The park may provide such a parking area for the sole use of park residents in a separate minimum six-foot fenced area (obscured), as specified in this chapter.

L. Access to all manufactured home spaces shall be from the interior of the park.

M. Private streets within the manufactured home park shall be a minimum paved width of 24 feet.

N. At least two improved parking spaces per manufactured home space shall be provided. In addition, at least one additional guest space shall be provided in a common area for each five manufactured home spaces, clearly marked by a guest parking sign.

O. All utility lines shall be placed underground within the park. Each space shall be provided with water, sanitary sewer and electric lines. Telephone, cable TV and gas lines, if installed, shall also be installed underground. Fire hydrants shall be installed as required by the town code.

P. All parks shall have street lighting along private and public streets for the safety of pedestrians and in accordance with guidelines outlined elsewhere in this title.

Q. All parks shall have a minimum of two vehicular entrances. One entrance may be kept closed to the general public, but it is required for emergency ingress and egress. (Ord. 19-04 § 1, 2019; Ord. 06-10, 2006; prior code § 17-24-6. Formerly 18.115.060)

Chapter 18.120 RECREATIONAL VEHICLE PARKS

Sections:

[18.120.010 Intent.](#)

[18.120.020 Location.](#)

[18.120.030 Permitted uses.](#)

[18.120.040 Accessory uses.](#)

[18.120.050 Conditional uses.](#)

[18.120.060 Prohibited uses.](#)

[18.120.070 Site development standards.](#)

18.120.010 Intent.

The intent of this regulation is to encourage development of well-planned recreational vehicle parks for short-term occupancy, as opposed to semi-permanent or permanent occupancy in a manufactured home park, and to provide minimum standards for these parks. All parks must also comply with the subdivision regulations outlined in Title [17](#). (Ord. 19-05 § 1, 2019; Ord. 06-10, 2006; prior code § 17-25-1)

18.120.020 Location.

All recreational vehicle parks shall be located within B/C zoning districts and shall comply with the current Huachuca City general development plan. Recreational vehicle parks shall abut a major arterial or collector street. (Ord. 19-05 § 1, 2019; Ord. 06-10, 2006; prior code § 17-25-2)

18.120.030 Permitted uses.

The following uses are permitted within the recreational vehicle parks:

A. One recreational vehicle per space.

B. One park model recreational vehicle per space. All park models shall be installed with an anchoring system and skirted in a uniform manner with materials that will harmonize with the design and materials used on the model, as approved by the building official. Pressurized wood panels and corrugated steel skirting are prohibited.

C. Two accessory uses per recreational vehicle space. (Ord. 19-05 § 1, 2019; Ord. 06-10, 2006; prior code § 17-25-3)

18.120.040 Accessory uses.

A. The following uses are permitted for the benefit of the recreational vehicle park residents:

1. Manager's office and/or residence. May be of conventional construction. The minimum yard setback requirements shall be the same as those for homes in an R-4 zoning district. If the park office is located within the residence, no home based business license will be required.
2. Social and recreational center. Building may be of conventional construction and used for activities such as for birthday parties, family gatherings, dancing, games, meetings, banquets, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity.
3. Outdoor recreational facilities. For the exclusive use of the residents of the recreational vehicle park and their guests, such as a swimming pool, BBQ areas, parks, playgrounds, tennis courts, shuffleboard courts and similar recreational uses.
4. Common use laundry facilities, maintenance buildings and security guard buildings. May be of conventional construction.

B. The following accessory uses are permitted on individual recreational vehicle park spaces, provided they meet the required setbacks outlined below: carports, ramadas, covered patios and storage rooms. Any accessory use not listed must be approved by the zoning administrator. Accessory buildings shall not be used as sleeping quarters. Additional requirements for individual spaces accessory uses are as follows:

1. Accessory structures shall be architecturally compatible with the park model and shall meet required setbacks.
2. When a carport is attached to the park model, it may be erected within five feet of the recreational park space line, but it must be retained as an open shelter.
3. Detached storage buildings are permitted on each recreational vehicle space, but they must be located within the rear portion of the space. They shall not encroach into the required park setbacks and shall be subject to firewall requirements outlined in the applicable building codes.
4. The maximum height of any structure on a recreational vehicle space shall not exceed 15 feet.
5. No accessory structure shall be erected within the minimum front yard setbacks.
6. All accessory structures shall be firmly attached to the ground, unless deemed unnecessary by the building official. (Ord. 19-05 § 1, 2019; Ord. 06-10, 2006; prior code § 17-25-4)

18.120.050 Conditional uses.

The following uses may be permitted as a conditional use for the overall recreational vehicle park. Requires

planning and zoning commission approval.

A. A boat, auto, RV, or trailer storage area, provided it is in a completely enclosed area or surrounded by not less than a six-foot-high solid fence or wall and is for the sole use of the residents of the park. All stored items shall be currently and properly insured, titled, licensed or registered as required.

B. Recreational uses intended primarily for the occupants of the park.

C. Model sales area provided no more than five spaces are devoted to this use. The planning and zoning commission may permit an additional sales area where the park occupies more than 20 acres.

D. Convenience store.

E. Propane station.

F. Vehicle wash area.

G. Dump stations.

H. Other conditional uses approved by the planning and zoning commission that would primarily serve the residents of the park. (Ord. 19-05 § 1, 2019; Ord. 06-10, 2006; prior code § 17-25-5)

18.120.060 Prohibited uses.

A. Truck campers that are removed from the truck shall not be permitted to be stored on an individual recreational vehicle space. The park may provide a parking area for the sole use of park residents in a separate minimum six-foot fenced area (obscured), as specified in this chapter.

B. Any retail business not for the exclusive use of the park residents. (Ord. 19-05 § 1, 2019; Ord. 06-10, 2006; prior code § 17-25-6)

18.120.070 Site development standards.

A. Minimum park size: three acres.

B. Maximum density: 15 spaces per acre. The area occupied by the manager's unit, recreational and social center complexes may not be included in the area computation.

C. Minimum park setback: 20 feet from all street frontages measured from the right-of-way line and 10 feet on all other sides. The street setback areas shall be landscaped and screened with a minimum six-foot-high decorative masonry wall. The setback area between the right-of-way and the wall shall be a combination of landscape and hardscape. No off-street parking facilities or recreational facilities for common use shall be located within any required landscaped area. Area to be maintained to the satisfaction of the zoning administrator. The landscape

and screening plan shall be approved by the planning and zoning commission.

D. Park Standards.

1. Minimum space size: 1,500 square feet for recreational vehicles and 2,400 square feet for park models.
2. Minimum common recreation area per unit: 150 square feet.
3. Minimum width per space: 30 feet for each RV, 40 feet for park models.
4. Minimum depth per space: 50 feet for each RV, 60 feet for park models.

E. A common recreation area shall be provided in recreational vehicle parks. Plans for the common recreation areas shall be submitted for approval to the planning and zoning commission.

F. Access to all spaces shall be from the interior of the park.

G. Private streets within the recreational vehicle park shall be a minimum paved width of 24 feet.

H. At least one parking space per rental unit space and at least two parking spaces per sales space shall be provided. In addition, at least one additional guest parking space shall be provided for each 10 rental spaces.

I. All structures not located on a recreational vehicle space shall not exceed 30 feet in height from grade to the highest point on the structure.

J. All utility lines shall be placed underground within the park. Each space shall be provided with water, sanitary sewer, and electric lines. Telephone lines, cable TV lines, and gas lines, if installed, shall also be underground. Fire hydrants shall be installed as required by the applicable building codes.

K. All parks shall have street lighting along private and public streets for the safety of pedestrians and in accordance with guidelines outlined elsewhere in this title.

L. All parks shall have a minimum of two vehicular entrances. One entrance may be kept closed to the general public but is required to meet public safety standards for emergency ingress and egress. (Ord. 19-05 § 1, 2019; Ord. 06-10, 2006; prior code § 17-25-7)

Chapter 18.125
OUTDOOR LIGHTING REGULATIONS

Sections:

[18.125.010 Administration.](#)

[18.125.020 Definitions.](#)

[18.125.030 General requirements.](#)

[18.125.040 Prohibitions.](#)

[18.125.050 Permanent exemptions.](#)

[18.125.060 Procedures for code compliance.](#)

[18.125.070 Temporary exemptions.](#)

[18.125.080 Penalties.](#)

18.125.010 Administration.

A. Purpose. This code is intended to restrict the permitted use of outdoor artificial illuminating devices emitting undesirable rays into the night sky which have a detrimental effect on astronomical observations.

B. Conformance with Applicable Codes. All outdoor artificial illuminating devices shall be installed in conformance with the provisions of the code, the town zoning regulations, and any building codes which may hereafter be enacted, as applicable. Where any provisions of any of the Arizona state statutes, or any of the federal law, or any companion town code comparatively conflicts with the regulations of this light pollution code, the most restrictive shall govern.

C. Approved Material and Methods of Installation. The provisions of this code are not intended to prevent the use of any material or method of installation not specifically prescribed by this code, provided any such alternate has been approved. The town building inspector may approve any such alternate provided he finds that the proposed design, material or method:

1. Provides approximate equivalence to those specific requirements of this code; or
2. Is otherwise satisfactory and complies with the intent of the code. (Ord. 06-10, 2006; prior code § 17-26-1)

18.125.020 Definitions.

“Individual” means any private individual, tenant, lessee, owner, or any commercial entity including but not

limited to companies, partnerships, joint ventures or corporations.

“Installed” means the initial installation of outdoor light fixtures defined herein, following the effective date of this code but shall not apply to those outdoor light fixtures installed prior to such date.

“Outdoor light fixtures” means outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot, or flood lights for: buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and other signage (advertising or others), and street lighting. (Ord. 06-10, 2006; prior code § 17-26-2)

18.125.030 General requirements.

A. Shielding. All exterior illuminating devices, except those exempt from this code and those regulated by Section [18.125.040](#)(C), shall be fully or partially shielded as required in subsection C of this section.

1. “Fully shielded” shall mean that those fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
2. “Partially shielded” shall mean that those fixtures shall be shielded in such a manner that the bottom edge of the shield is below the plane centerline of the light source (lamp), minimizing light above the horizontal.

B. Filtration.

1. Those outdoor light fixtures requiring a filter in subsection C of this section shall be equipped with a filter whose transmission is less than five percent total emergent flux at wavelengths less than 3,900 angstroms. Total emergent flux is defined as that between 3,000 and 7,000 angstrom units.
2. It is recommended that existing mercury vapor fixtures shall be equipped with a filter whose transmission is less than 10 percent total emergent flux at wavelengths less than 4,400 angstroms. Total emergent flux is defined as that between 3,000 and 7,000 angstrom units.
3. Low pressure sodium lamps are the preferred lamps for minimizing adverse effects on astronomical observations.

C. Requirements for Shielding and Filtering. The requirements for shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following table:

REQUIREMENTS FOR SHIELDING AND FILTERING

Fixture Lamp Type	Shielded	Filtered⁴
Low pressure sodium ¹	Partially	None
High pressure sodium	Fully	None
Metal halide ⁶	Fully	None
Fluorescent	Fully ⁵	Yes ²
Quartz ³	Fully	None
Incandescent greater than 150 W	Fully	None
Incandescent 150 W or less	None	None
Mercury vapor	Fully ⁷	Yes ⁷
Fossil fuel	None	None
Glass tubes filled with neon, argon, krypton	None	None
Other sources	As approved by the town building inspector	

1. This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.
2. Warm white and natural lamps are preferred to minimize detrimental effects.
3. For the purposes of this code, quartz lamps shall not be considered an incandescent light source.
4. Most glass, acrylic, or translucent enclosures satisfy these filter requirements.
5. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.
6. Metal halide display lighting shall not be used for security lighting after 11:00 p.m. (or after closing hours if before 11:00 p.m.) unless fully shielded. Metal halide lamps shall be in enclosed luminaries.
7. Recommended for existing fixtures. The installation of mercury vapor fixtures is prohibited effective 90 days after the date of adoption of this code.

(Ord. 06-10, 2006; prior code § 17-26-3)

18.125.040 Prohibitions.

- A. Searchlights. The operation of searchlights for advertising purposes is prohibited.
- B. Recreational Facility. No outdoor recreational facility, public or private, shall be illuminated by nonconforming means after 11:00 p.m. except to conclude a specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 p.m.
- C. Outdoor Building or Landscaping Illumination. The unshielded outdoor illumination of any building, landscaping, signing or other purpose, is prohibited except with incandescent fixtures less than 150 watts.
- D. Mercury Vapor. The installation of mercury vapor fixtures is prohibited effective 90 days after the date of adoption of this code. (Ord. 06-10, 2006; prior code § 17-26-4)

18.125.050 Permanent exemptions.

- A. Nonconforming Fixtures. All outdoor light fixtures existing and fully installed prior to the effective date of the code may remain “nonconforming” indefinitely; provided, however, that no change in use, replacement, structural alteration, or restoration after abandonment of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of these regulations.
- B. Fossil Fuel Light. Light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
- C. Federal and State Facilities. Those facilities and lands owned, operated and protected by the U.S. federal government or the state of Arizona are exempted by law from all requirements of this code. Voluntary compliance with the intent of this code at those facilities is encouraged.
- D. Special Exemption. The building inspector may grant a special exemption to the requirements of Section [18.125.030\(C\)](#) only upon a written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice. (Ord. 06-10, 2006; prior code § 17-26-5)

18.125.060 Procedures for code compliance.

- A. Applications.
1. Any individual applying for a building or use permit under the town zoning regulations intending to install outdoor lighting fixtures shall as a part of said application submit evidence that the proposed work will comply with this code.
 2. All other individuals intending to install outdoor lighting fixtures shall submit an application to the building inspector providing evidence that the proposed work will comply with this code.
 3. Utility companies entering into a duly approved contract with the town in which they agree to comply with

the provisions of these regulations shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.

B. Contents of Application or Submission. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in the town zoning regulations upon application for the required permit:

1. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices, etc.
2. Description of the illuminating devices, fixtures, lamps, supports and other devices, etc. This description may include but is not limited to manufacturers catalog cuts, and drawings (including sections where required).

The above required plans and description shall be sufficiently complete to enable the town building inspector to readily determine whether compliance with the requirements of this code will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.

C. Issuance of Permit. Upon compliance with the requirements of this code, the town building inspector shall issue a permit for installation of the outdoor lighting fixtures, to be installed as in the approved application. In the event the application is part of the building permit application under the zoning regulations, the issuance of the building permit will be made if the applicant is in compliance with this code as well as the other requirements for issuance under the zoning regulations. Appeal procedures of the zoning regulations for decisions of the town building inspector shall apply.

D. Amendment to Permit. Should the applicant desire to substitute outdoor light fixtures or lamps after a permit has been issued, the applicant must submit all changes to the town building inspector for approval, with adequate information to assure compliance with this code. (Ord. 06-10, 2006; prior code § 17-26-6)

18.125.070 Temporary exemptions.

A. Request for Temporary Exemptions. Any individual as defined herein may submit a written request on a form prepared by the planning and zoning commission to the town building inspector for a temporary exemption to the requirements of this code, such exemption to be valid for 30 days, renewable at the discretion of the town building inspector.

The request for temporary exemption shall contain minimally the following listed information:

1. Specific exemptions requested.

2. Type and use of exterior light involved.
3. Duration of time for requested exemption.
4. Type of lamp and calculated lumens.
5. Total wattage of lamp or lamps.
6. Proposed location of exterior light.
7. Previous temporary exemptions, if any.
8. Physical size of exterior light and type of shielding provided.

In addition to the above data, the town building inspector may request any additional information that would enable him to make a reasonable evaluation of the request for temporary exemption.

B. Appeal for Temporary Exemption. The town building inspector, within five days from the date of the properly completed request for temporary exemption, shall approve or reject in writing the request. If rejected, the individual making the request shall have the right of appeal to the appropriate board of adjustment for review pursuant to the procedures applicable to any other appeal of a decision of the town building inspector. (Ord. 06-10, 2006; prior code § 17-26-7)

18.125.080 Penalties.

Any person violating any of the provisions of this code shall be deemed guilty of a class two misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which a violation of any of the provisions of this code is committed, continued or permitted and upon conviction thereof. (Ord. 06-10, 2006; prior code § 17-26-8)

Chapter 18.130 NONCONFORMING USE

Sections:

[18.130.010 Intent.](#)

[18.130.020 Substitution.](#)

[18.130.030 Discontinuance.](#)

[18.130.040 Damage.](#)

18.130.010 Intent.

If, at the time of enactment of these regulations, or any amendment thereto, or any amendment resulting from an annexation of territory to the incorporated limits of the town, any lot, structure, or use of a lot or structure existed in a lawful manner but does not conform to the requirements or restrictions of these regulations applicable to the zoning district in which such lot or structure is situated, then such lot, structure, or uses shall be deemed to be a nonconforming use and may continue in the manner and to the extent that it existed or was being used at the time of enactment of these regulations, or subsequent amendments thereto, and to such changes in the nonconforming status as further provided by this section. (Ord. 06-10, 2006; prior code § 17-27-1)

18.130.020 Substitution.

A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use. (Ord. 06-10, 2006; prior code § 17-27-2)

18.130.030 Discontinuance.

In the event that any nonconforming use of property or building or portion thereof is discontinued or abandoned for a period of six consecutive months, any future use of the property or building shall be in conformity with the provisions of these zoning regulations. (Ord. 06-10, 2006; prior code § 17-27-3)

18.130.040 Damage.

In the event that a nonconforming use or building is damaged by fire, flood, or other calamity or act of nature, to an extent less than 50 percent of its appraised value at the time of damage, said use or building may be resumed or restored; provided, that such resumption or restoration is completed within a period of six months from the date of destruction. Such resumption or restoration shall not increase the floor space devoted to the nonconforming use over that which existed at the time damage occurred. If such resumption or restoration does not take place in the manner and time period specified above, further use or building shall therefore conform to all provisions of these zoning regulations.

Should any such structure be destroyed to an extent greater than 50 percent of its appraised value, it shall not be reconstructed except in conformance with the provisions of these regulations. (Ord. 06-10, 2006; prior code

§ 17-27-4)

**Chapter 18.135
AMENDMENTS**

Sections:

[18.135.010 Failure to act.](#)

[18.135.020 Amendments.](#)

[18.135.030 Applications for amendment.](#)

[18.135.035 Citizen review process.](#)

[18.135.040 Public hearing of applications.](#)

[18.135.050 Appeal from denial of amendment.](#)

[18.135.060 Protest against amendments.](#)

[18.135.070 Reconsideration of denied amendments.](#)

[18.135.080 Fees.](#)

[18.135.090 Exceptions.](#)

[18.135.100 Significance of approval.](#)

[18.135.110 Zoning reversion.](#)

18.135.010 Failure to act.

In the event the commission fails to take action within 60 days of the proper filing of the formal request, such failure to act shall be deemed as approval or as affirmative recommendation and the council may proceed to act upon the matter. (Ord. 06-10, 2006; prior code § 17-28-1)

18.135.020 Amendments.

The council may from time to time, upon the recommendation of the commission, amend, supplement, change or repeal the regulations, restrictions and zoning district boundaries herein established. Request to amend these regulations may be initiated by the council or the commission on their own motion, or be petitioned as hereinafter set forth. In every case of adverse action of the commission in connection with a matter which the council submits to the commission for approval, disapproval, or recommendation, the commission shall communicate its reasons to the council which shall have the power to overrule the adverse action of the commission. (Ord. 06-10, 2006; prior code § 17-28-2)

18.135.030 Applications for amendment.

Applications for amendment of these regulations shall be made to the commission on a standard form provided for that purpose and shall be signed by a real property owner in the area for which amendment is applied. In the event that the application includes other property in addition to that owned by the applicant, there shall be filed by the applicant on a form provided therefor, a petition in favor of the request signed by the real property owners representing at least 75 percent of the land area to be included in the application. Such petition shall be filed and checked for authenticity of ownership before the application is accepted by the commission. In the event that the application includes properties owned by more than one owner, the clerk shall notify, by certified mail, all property owners included in the area proposed for change. Such notice shall be postmarked not later than 15 days prior to any commission hearing of the application. (Ord. 06-10, 2006; prior code § 17-28-3)

18.135.035 Citizen review process.

The citizen review process shall apply to any application for a rezoning of property, conditional use permit, or general development plan amendment that imposes any regulation not previously imposed, or that removes or modifies any such regulation previously imposed. This process involves holding neighborhood meetings to provide reasonable opportunity for the applicant, adjacent landowners and those other potentially affected citizens to discuss and express their respective views concerning the application and any issues or concerns that they may have with the zoning application.

A. Prior to any public hearing as required in this chapter, the zoning administrator, in coordination with the applicant, shall establish a time, date and place for a neighborhood meeting. The zoning administrator, or representative, shall attend the meeting, but is not required to conduct the meeting. The zoning administrator, or representative, shall record minutes of the meeting to include a list of all individuals in attendance and general matters discussed.

B. The zoning administrator shall provide a written report regarding the results of the neighborhood meeting to the planning and zoning commission and/or town council at such time they take action on the application or proposed text amendments. The report shall include a summary of the concerns, issues and problems expressed during the meeting and how the applicant proposes to address or resolve the concerns, issues or problems.

C. Written notice of the neighborhood meeting shall be given at least 10 days prior to the meeting and shall include the time, date and location of the meeting and sufficient details regarding the substance of the proposed application so as to allow citizens and other affected persons to determine how they might be affected by the proposed application.

1. The applicant shall provide to the town proof of mailing such notices by first class mail to:
 - a. Each property owner within 300 feet of all boundaries of the property subject to the application.

b. All other interested parties who have requested that they be placed on a notification list maintained by the zoning administrator.

c. Such other persons the zoning administrator reasonably determines to be other potentially affected citizens.

2. In addition to the above required notification, notice of the neighborhood meeting stating the date, time and place of the meeting and including a general explanation of the substance of the proposed application shall be:

a. Published in a local newspaper distributed to residents living within the town;

b. Posted at the official posting locations for the town; and

c. Posted on the subject property.

D. On applications involving text amendments to the zoning regulations, a neighborhood meeting shall be held prior to the public hearing for the consideration of the proposed text amendments. Written notice of the neighborhood meeting shall be given at least 10 days prior to the meeting and shall include the time, date and location of the meeting and sufficient details regarding the substance of the proposed text amendments so as to allow citizens and other affected persons to determine how they might be affected by the proposed text amendments. The form of notice to be used will vary according to the type of text amendment proposed, and any means deemed by the town to provide the appropriate method of notice for the proposed text amendment shall be considered sufficient. The following forms of notice shall be considered sufficient:

1. Publication in a local newspaper distributed to residents living within the town;

2. Posting at the official posting locations for the town;

3. Posting on the town's website.

E. After the neighborhood meeting, the planning and zoning commission may take all issues and concerns raised by landowners and other citizens potentially affected by the proposed text amendments at such meeting into account when it holds its public hearing on the proposed text amendments. When preparing its recommendation to the town council on the proposed text amendments, the planning and zoning commission shall report the issues and concerns raised during the neighborhood meeting.

F. At the discretion of the zoning administrator, an alternative citizen review process may be used that does not involve a neighborhood meeting. The alternative process shall consist of the following:

1. The written notice described in this section shall be followed, except that it shall only indicate the name,

address and phone number of the zoning administrator whom an adjacent landowner or other potentially affected citizen may contact to express any issues or concerns that the landowner or citizen may have with the proposed zoning application or text amendment.

2. A staff report summarizing any issues or concerns so expressed shall be presented to the planning and zoning commission and town council at such time as they take action on the application or proposed text amendments and to the applicant at a reasonable period of time prior to the public hearing.

G. If the applicant's citizen review process and/or corresponding report do not meet the requirements of this section, the application shall be considered incomplete and any scheduled public hearing will be cancelled. (Ord. 2019-06 § 1, 2019)

18.135.040 Public hearing of applications.

Every application for amendment of these regulations shall be considered by the commission at a public hearing. A second public hearing shall be held before the council if there is an objection, a request for a public hearing or other protest. Notice of the time, date and place of the hearing(s), including a general explanation of the matter to be considered and including a general description of the area affected, shall be given at least 15 days but not more than 30 days before each hearing. Each notice of public hearing shall be published at least once in a newspaper of general circulation, and posted at Town Hall, the public library, the U.S. post office and at such other locations in the municipality that the clerk may deem necessary or advisable. The last known owners of adjacent properties as shown on the list submitted by the applicant shall be notified by depositing such notices in the U.S. mail via certified mail.

In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental unit abutting such land.

After public hearing, the commission shall render its decision in the form of written recommendation to the council. The recommendation shall include the reasons for the recommendation and be transmitted to the council in such form and manner as may be specified by the council.

Notice of the time, date and place of hearing shall be given in the time and manner provided for the giving of notice of the hearing by the commission as specified in applications for "amendment" and "public hearing of applications," if applicable above. (Ord. 06-10, 2006; prior code § 17-28-4)

18.135.050 Appeal from denial of amendment.

In the event that the request for amendment is denied by the commission, the applicant may, within seven days from the date of the commission hearing, file an appeal to the council. Upon receipt of such an appeal, the council shall arrange to hold a public hearing upon due notice and posting as heretofore specified. (Ord. 06-10, 2006; prior code § 17-28-5)

18.135.060 Protest against amendments.

If the owners of 20 percent or more, either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of all members of the council. If any members of the council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the council; provided, that such required number of votes shall in no event be less than a majority of the full membership of the council. (Ord. 06-10, 2006; prior code § 17-28-6)

18.135.070 Reconsideration of denied amendments.

In the event that an application for amendment is denied by the council, or is withdrawn after the commission hearing, the commission shall not reconsider the application nor consider another application for the same amendment of these regulations as it applies to the same property described in the original application of any part thereof, for a period of not less than one year from the date of such denial action. (Ord. 06-10, 2006; prior code § 17-28-7)

18.135.080 Fees.

See Chapter [18.150](#). The building official shall approve format and content prior to publication.

Upon filing an application, the petitioner(s) shall pay a filing fee to the town clerk in accordance with a schedule established and posted in the office of the building official. No part of any such fee shall be returnable after an application is filed and such fee paid. The petitioner(s) are also responsible for the costs associated with necessary publications and notifications of property owners by certified mail. A deposit shall be collected in accordance with a schedule established, in addition to the application fee, to cover such costs.

Payment of the filing fee shall be waived when the application is initiated by the council or the commission and when the applicant is acting as an official or an agent of the town, the county, the state, or the federal government. (Ord. 16-17 § 1, 2016; Ord. 06-10, 2006; prior code § 17-28-8)

18.135.090 Exceptions.

In the event that a request for amendment concerns only the amendment of general requirements of permitted uses, no petitions or posting shall be required; provided, however, that all other provisions of these regulations shall be complied with. (Ord. 06-10, 2006; prior code § 17-28-9)

18.135.100 Significance of approval.

Approval of rezoning constitutes authorization for the development of property under granted zoning. Rezoning approval is valid for a period of 12 months from date, and may be extended once for six months at the discretion of the commission. If approval expired prior to substantial development upon rezoned property, the commission may, at their discretion, recommend reverse zoning by the council to zoning classification before rezoning was

granted. (Ord. 06-10, 2006; prior code § 17-28-10)

18.135.110 Zoning reversion.

The council may approve a change of zone conditioned upon a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period, the property has not been improved for the use for which it was conditionally approved, it shall revert to its former zoning classification without council action. (Ord. 06-10, 2006; prior code § 17-28-11)

Chapter 18.140
ADMINISTRATION AND ENFORCEMENT

Sections:

[18.140.010 Administrative official.](#)

[18.140.020 Zoning compliance certificates required.](#)

[18.140.030 Occupancy permits.](#)

[18.140.040 Inspection fees.](#)

18.140.010 Administrative official.

The provisions of these regulations shall be administered and enforced by the building official, who may employ the assistance of such other persons as the council may approve or direct.

A. Duties of the Building Official. The building official shall:

1. Receive and examine applications for and issue building permits, zoning compliance certificates, and occupancy permits.
2. Coordinate inspections of buildings, structures and premises as are necessary to enforce the provisions of these regulations.
3. Carry out the orders authorized by these regulations.

B. Limitations of the Building Official. Under no circumstances shall the building official:

1. Grant exceptions to the actual meaning of any clause, order, or regulation contained in these regulations.
2. Make changes in or vary the terms of these regulations.
3. Refuse to issue a building permit, zoning compliance certificate or occupancy permit when the applicant has complied with all provisions of this and other applicable ordinances and codes, despite any violations of contracts, covenants, or private agreements which may result therefrom. (Ord. 06-10, 2006; prior code § 17-29-1)

18.140.020 Zoning compliance certificates required.

It shall be unlawful to commence any excavation for, or erection, alteration, enlargement, extension, or moving, of any building or structure, or part thereof, or to change or extend the use of any lot, or to change the use or type of occupancy of any building or structure, except as may be provided elsewhere in these regulations, until a zoning compliance certificate for such work has been issued by the building official. Accessory buildings or

structures, when proposed for erection at the same time as a main building and included on the application therefor, shall not require a separate certificate. No zoning compliance certificate shall be issued except in conformity with the provisions of these regulations, except after written order by the board.

A. Applications for Zoning Compliance Certificates. All applications for zoning compliance certificates shall be filed on standard forms provided for the purpose, and shall be accompanied by plans in duplicate, drawn to scale, showing the following such other information as the building inspector may require to ensure conformity of the proposed building or structure with the provisions of these regulations.

1. Dimensions, area and shape of the property to be built upon, and the boundaries of all lots or parcels under separate ownership contained therein.
2. Dimensions, size, height and use of any buildings or structures already existing on the property, and their exact location thereon.
3. Width and alignment of all streets, alleys, and easements for public access, in or abutting the property.
4. Size and height of all buildings and structures proposed to be erected or altered, and their exact position on the property.
5. Proposed uses of buildings, structures and land, including the number of families or dwelling units, if any, the building is designed to accommodate.

B. Issuance of Zoning Compliance Certificate. Within 10 days after the filing of an application for a zoning compliance certificate, according to the provisions of these regulations, the building official shall either issue or refuse to issue same; when such permit is refused, the building official shall state in writing his reasons for such refusal, so informing the applicant of same and retaining a file copy of the action. One copy of the plans shall be returned to the applicant marked either "APPROVED" or "DISAPPROVED" by the building official and attested to by his signature. The second copy of plans, similarly marked and signed, shall be retained in the files of the building inspector. (Ord. 06-10, 2006; prior code § 17-29-2)

18.140.030 Occupancy permits.

It shall be unlawful to use or occupy, or permit the use or occupancy of, any building or structure, or any change or extension of a use of land for which a zoning compliance certificate has not been issued therefor by the building official.

A. Issuance of Occupancy Permits. Within 10 days after having received notice that the building, structure or premises, or part thereof, has been completed and is ready for use or occupancy, the building inspector shall make a final inspection thereof to determine whether construction has been completed in conformity with the provisions of these regulations. If he finds construction in conformity, he shall issue an occupancy permit therefor.

B. Temporary Occupancy Permits. The building inspector may issue a temporary occupancy permit for a part of a building, structure, or use prior to completion of the entire building, structure or use; provided, that such part has been completed in conformity with all provisions of these regulations and is considered safe and suitable for use or occupancy. A temporary occupancy permit shall remain in force until the entire building, structure or use has been completed and inspected, and an occupancy permit has been issued therefor. (Ord. 06-10, 2006; prior code § 17-29-3)

18.140.040 Inspection fees.

Before a zoning compliance certificate or occupancy permit shall be issued, the inspection fee therefor shall have been paid to the clerk. Inspection fees shall be determined according to a schedule established by the council, and available in the office of the building inspector. (Ord. 06-10, 2006; prior code § 17-29-4)

**Chapter 18.145
BOARD OF ADJUSTMENT**

Sections:

[18.145.010 Creation, membership, terms of office, and vacancies.](#)

[18.145.020 Procedures.](#)

[18.145.030 Powers.](#)

[18.145.040 Appeals, hearings, and notices.](#)

[18.145.050 Stay of proceedings.](#)

[18.145.060 Powers and duties of the board.](#)

[18.145.070 Decisions of the board.](#)

[18.145.080 Limitations of the powers of the board.](#)

[18.145.090 Appeals from the board.](#)

[18.145.100 Fees and notice of publication.](#)

[18.145.110 Deliberations of the board.](#)

18.145.010 Creation, membership, terms of office, and vacancies.

A. There is hereby created a board of adjustment to be composed of the six members of the town council and the mayor.

B. The members will concurrently be appointed to the board of adjustments upon being sworn into office as a town council member or mayor.

C. The members of the board of adjustment shall serve on the board for the duration of their elected council or mayoral term of office. (Ord. 06-10, 2006; prior code § 17-30-1)

18.145.020 Procedures.

A. The board of adjustments shall meet on an as needed basis when an application for remedy is received and presented to the board of adjustments by the town's building official. Appropriate notice shall be given to all concerned parties.

B. The mayor shall serve as the chairperson of the board of adjustments. In the mayor's absence, the mayor pro tem shall serve as the chairperson of the board of adjustments.

- C. The chairperson shall vote on matters before the board of adjustments only in the event of a tie vote.
- D. A record of its findings, decisions, and actions shall be kept and reported at the next regular or special town council meeting.
- E. Any findings, rulings or decisions of the board relating to this title shall be an order of business at a regular or special town council. (Ord. 06-10, 2006; prior code § 17-30-2)

18.145.030 Powers.

The authority of the board shall extend to interpretation of this title and to the granting of variances and to the adjustment of regulations to overcome practical difficulties and prevent unnecessary hardship in the application of this title. The board of adjustment shall have the power to:

- A. Interpret this title when the meaning of any word or phrase of a section is in doubt, when there is dispute as to such meaning between the appellant and the enforcing officer, or when the location of a zone boundary is in doubt.
- B. Allow the extension of a zone where the boundary line thereof divides a lot in one ownership at the time of enactment of this title.
- C. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the building inspector in the enforcement of the provisions of this title.
- D. Allow a reduction of building site area and yard requirements where, in its judgment, the shape of the building site, topography, the location of existing buildings, or other conditions make a strict compliance with said regulations impossible without practical difficulty or hardship, but in no case, except as hereinafter provided, shall these regulations be reduced in such manner as to violate the intent and purpose of this title.
- E. On recommendation of the planning and zoning commission, to authorize a variance of area requirements for portions of a new subdivision presented to the planning and zoning commission for its approval after the effective date of this title, wherein because of special problems of terrain and topography, it is economically unfeasible and physically impractical to enforce the minimum area requirements of the zone applied to said subdivision, provided the total substandard areas do not exceed 10 percent of the area of said subdivisions.
- F. Allow the construction of commercial buildings with sidewalks, arcades or similar architectural features where such construction requires a variance of front yard regulations and is in conformity with a general architectural plan applicable to the entire frontage of a block or where such construction would permit the widening of the adjacent street or thoroughfare.
- G. Permit in any zone such modification of the requirements of this title as said board may deem necessary to

secure an appropriate development of a building site, where adjacent to such site there are buildings or uses that do not conform to regulations prescribed by this title for the zone in which these buildings or uses are located.

H. Authorize the temporary use of a building or premises in any zone, for a purpose or use that does not conform to the regulations of this title; provided, that such use be of a true temporary nature and does not involve the erection of a substantial building. Such permit shall be in the form of a temporary and revocable permit, normally not to exceed one year, subject to such conditions as will safeguard the public health, safety, convenience and general welfare. A specific limitation of time for which such permit shall be valid will be stipulated by the board. Violation of any such condition shall be a violation of this title, and such violation shall render the conditional permit null and void. This chapter does not apply to the use of a house trailer in any residential zone, where the use of such trailers for permanent residential purposes is prohibited.

I. Rules of Procedure. The board shall adopt rules as necessary to the conduct of its affairs, and in keeping with the provisions of these regulations. (Ord. 06-10, 2006; prior code § 17-30-3)

18.145.040 Appeals, hearings, and notices.

A. Appeals. Appeals to the board concerning interpretation or administration of these regulations may be taken by any person aggrieved, by any officer of the municipality, or by any federal, state or county agency, or school board, affected by any decision of the building official. Such appeals shall be filed within 30 days with the board through the building official and shall specify the grounds thereof. The building official shall forthwith transmit to the board all papers constituting the record upon which the action appealed was taken.

B. Hearings. The board shall fix a reasonable time for the hearing of an appeal, give public notice thereof as well as due notice to the parties in interest, and reach its decision within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. Parties to an appeal shall have the right to present their case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts; provided, that:

1. The submission of documentary evidence shall not, by reason of its written form, prejudice the interest of any party.
2. The board shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence, and in furtherance of this policy, may limit cross-examination. (Ord. 06-10, 2006; prior code § 17-30-4)

18.145.050 Stay of proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the building official certifies to the board after the notice of appeal is filed with him, that by reason of facts stated in his certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the board or by a court of record on application, on notice to the

building official, and on due cause shown. (Ord. 06-10, 2006; prior code § 17-30-5)

18.145.060 Powers and duties of the board.

It shall be the duty of the board to interpret the provisions of the planning and zoning regulations and to grant special exceptions to and variances from the provisions of the planning and zoning regulations, as hereinafter specified.

A. Interpretation. The board shall:

1. Hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the building official in the enforcement of these regulations.
2. Hear and decide all matters referred to it by the building official on which it is authorized to pass as prescribed by the planning and zoning regulations.
3. Render an advisory decision or opinion on any matter referred to it by the building official, when in his judgment such action is necessary or desirable in carrying out the spirit and intent of these regulations.

B. Special Exceptions. The board shall:

1. Hear and decide only such special exceptions on which it is specifically authorized to pass, as prescribed by these regulations.
2. Decide those questions which are involved in determining whether a special exception should be granted.
3. Grant special exceptions under such conditions and safeguards as are deemed appropriate under these regulations, or deny same when not in harmony with the purpose and intent of the planning and zoning regulations.
4. In granting a special exception, impose such conditions and safeguards as are appropriate to ensure that the purpose and intent of these regulations will be carried out. Failure to fulfill such conditions and safeguards, when made a part of the terms under which a special exception is granted, shall be deemed a violation of these regulations and punishable under the penalties section of these regulations. In determining the conditions and safeguards under which a special exception will be granted, the board shall ensure that:
 - a. All proposed buildings, structures, and uses will be readily accessible for fire and police protection.
 - b. The proposed use will not cause traffic congestion or movement which will seriously affect the character of the district in which it is proposed.

- c. Sufficient space, in conformance with provisions of these regulations, will be provided for the off-street parking of all vehicles attracted to the premises.
 - d. A proposed building will not, by reason of its size, character, location or intended use, be essentially out of harmony with the predominant type of building or use permitted in the district.
5. Prescribe a time limit within which the action for which a special exception is granted shall be begun, or completed, or both. Failure to begin or complete, or both, such action within the time limit prescribed, shall void the special exception.
6. Grant a special exception only when and after:
- a. A written application for a special exception is submitted indicating the section of these regulations under which the special exception is sought and stating the grounds on which it is requested.
 - b. A public hearing has been held.
 - c. Notice of public hearing has been posted on the property in question and at the Town Hall, and the owner and applicant or his agent shall have been notified by certified mail at least 15 days in advance.
 - d. The board specifically finds that it is empowered under the section of these regulations described in the application to grant the special exception, and that granting the special exception will not adversely affect the public interest.

C. Variances. Upon appeal in specific cases, the board shall authorize such variances from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship. A variance shall not be granted by the board unless and until:

1. A written application for variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same district.
 - b. That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations.
 - c. That the alleged hardships caused by literal interpretation of the provisions of these regulations do not result from the actions of the applicant.
 - d. That granting the variance requested will not confer upon the applicant any special privilege that is

denied by these regulations to other lands, structures, or buildings in the same district.

e. That granting the variance requested will not interfere or injure the rights of other properties in the same district.

2. A public hearing has been held.

3. Notice of public hearing has been given in accordance with requirements set forth under subsection (B)(6)(c) of this section.

4. The board finds that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.

5. The board finds that granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with these regulations. Failure to fulfill such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of these regulations.

No nonconforming use of neighboring lands, structures, or buildings, in the same district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for issuance of a variance.

Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of these regulations in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in said district. (Ord. 06-10, 2006; prior code § 17-30-6)

18.145.070 Decisions of the board.

In exercising its powers and duties, the board may, so long as such action is in conformity with the terms of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the building official from whom the appeal is taken to reverse an order, requirement, decision, or determination of the building inspector, or grant a variance or a special exception. The concurring vote of three members shall be required in all decisions of the board. (Ord. 06-10, 2006; prior code § 17-30-7)

18.145.080 Limitations of the powers of the board.

Nothing herein contained shall be construed to empower the board to change the terms of these regulations, to affect changes in the zoning map, or to add to the uses permitted in any district.

Every decision of the board shall be based upon findings of fact, and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to exist on any regulations shall be construed as limitations on the power of the board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by the findings of specific fact shall not be deemed findings of fact, and shall not be deemed in compliance with these regulations. (Ord. 06-10, 2006; prior code § 17-30-8)

18.145.090 Appeals from the board.

A person aggrieved by a decision of the board, or a taxpayer, or municipal officer may, at any time within 30 days after the filing of the decision in the office of the board, petition a writ of certiorari for review of the board's decision. Allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and for good cause shown, grant a restraining order, and on final hearing may reverse or affirm, wholly or partly, or may modify the decision reviewed. (Ord. 06-10, 2006; prior code § 17-30-9)

18.145.100 Fees and notice of publication.

A. Upon filing an application or appeal, the applicant shall pay a filing fee to the town clerk in accordance with a schedule established, and posted in the office of the building official. No part of any such fee shall be returnable after an application is filed and such fee paid.

In the case of an application for a variance or special exception to more than one provision of these regulations, the filing fee shall be the total for all provisions.

B. The petitioner(s) are also responsible for the costs associated with the necessary publications and notifications of property owners by certified mail. A deposit shall be collected in accordance with a schedule established, in addition to the application fee, to cover such costs. (Ord. 16-17 § 2, 2016; Ord. 06-10, 2006; prior code § 17-30-10)

18.145.110 Deliberations of the board.

Inasmuch as the deliberations, opinions and findings of the board in all matters which may come before it for action are similar to that of a court, the minds of its several members should remain unbiased and free to act upon the evidence and arguments submitted at the hearing. No member of this board shall hold conversation with any person concerning the merits of any matter pending before it at any time until final action thereon, except at an open hearing of said board and shall so advise any person unbiased and free to act upon the evidence and arguments submitted at the hearing, no member of this board shall hold conversation with any person concerning the merits of the matter pending before it at any time. (Prior code § 17-30-11)

**Chapter 18.150
FEES**

Sections:

[18.150.010 Planning and zoning fees.](#)

18.150.010 Planning and zoning fees.

The following planning and zoning fees, which may be amended by the town council from time to time by resolution, are hereby established to recoup some of the staff, engineer or consultant review costs associated with the various listed submittals:

Action Requested	Fee	Deposit
General Plan Amendment	\$1,200	\$600
Zoning Regulation Amendment	\$800	\$600
Rezoning	\$1,200	\$800
Conditional Use Permit		
Residential	\$300	\$300
Commercial	\$800	\$300
Annexation (Individual Parcel)	\$800	\$600
Abandonment/Amendment of Recorded Plat	\$300	
Site Plan Review		
Residential	\$250	
Commercial	\$500	
Development Agreement	\$800	
Residential Subdivisions		\$1,500
Preliminary Plat	\$1,500 + \$20 per Lot	
Final Plat	\$2,000 + \$20 per Lot	
Commercial Subdivisions		\$1,500
Preliminary	\$1,200 + \$50 per Acre	

Final Plat	\$2,000 + \$50 per Acre	
Master Development Plan	\$1,000 + \$50 per Acre	\$1,500
Manufactured Home or MR Park	Included as Commercial Subdivisions Except Add \$20 per Space	\$1,500
Board of Adjustment Action Variance, Interpretation, Appeal, Etc.	\$300	\$250
Trailer/Accessory Vehicle Registration per Year	\$35	

Collected fees are nonrefundable. Actual costs incurred by the town are in addition to the fees, to include but not limited to attorneys' and engineers' fees, publication fees, filing fees, etc. The noted deposits shall be required to cover the additional costs anticipated to be incurred by the town. The amount of the minimum deposit will be determined after receipt of the request by the town.

Petitioner(s) shall be responsible for any costs incurred by the town that exceed the amount collected as a deposit. Any deposit amount remaining at the conclusion of the zoning action shall be refunded to petitioner(s).

(Ord. 16-17 § 3, 2016; Ord. 06-10, 2006; prior code § 17-33)

Chapter 18.155 VIOLATIONS AND PENALTIES

Sections:

[18.155.010 Notice of violations.](#)

18.155.010 Notice of violations.

A. Any person may file a formal written complaint for violation of the town zoning code with the town building official, who may then institute any appropriate legal action or proceeding to prevent such violation of the zoning code; to restrain, correct, or abate such violation; to prevent any illegal act, conduct or use in and about such premises or effect removal. Pursuant to ARS Section 9-462.02(C), each day such violation continues shall constitute a separate violation, if such violation presents an immediate threat to the health and safety of the general public.

B. Any person, firm, company, association, corporation or other entity (hereinafter referred to as "person") in violation of any provisions of this title shall be guilty of a class one misdemeanor, after receipt of a notice of noncompliance from the town building official. Any such violation(s) shall be dealt with as follows:

1. Upon receipt of the initial formal written complaint, or upon his own initiative, the town building official may issue a letter of noncompliance to the person in violation, which shall state the extent and nature of the zoning violation and the actions necessary to remedy the noncompliance. The person in violation shall be given up to 30 days from the date of the letter to initiate actions approved by the town building official necessary to comply with this title.
2. If corrective action is not taken as outlined above and to the satisfaction of the town building official, the person in violation shall receive a notice of continued noncompliance from the town building official, which shall state the extent and nature of the continued noncompliance. Additionally, a copy of the notice of continued noncompliance shall be forwarded to the Huachuca City police department, which may issue a criminal citation for violation and may issue additional citations for each violation. Each violation shall carry a fine no less than \$200.00 and no more than \$2,500 per violation, plus an additional \$50.00 shall be collected per issued citation as reimbursement to the police department, upon the determination of guilt or no-contest by the town magistrate. Should the person in violation be found guilty or otherwise enter a plea of guilty or "no contest," any business license or permit or both issued by the town of Huachuca City and used by the violator to conduct business or construct a structure within the town limits of Huachuca City shall be suspended until such time as the town building official has determined that the person in violation has remedied the violation, paid all fines in full issued by the town magistrate and is in full compliance with the town zoning code. Any revocation or suspension of a business license is subject to the holder's rights to prior notice and an opportunity for a hearing, as provided by Chapter [5.05](#).
3. If a person builds a structure without having a valid building permit from the town building official or any

required review of the planning and zoning commission, that person(s) shall have 10 days from the date of the notice to tear down all structures that were built without a permit or request a hearing with the Huachuca City board of adjustment. If corrective action is not taken as outlined above to the satisfaction of the town building official, the person in violation shall receive a notice of continued noncompliance from the town building official, which shall state the extent and nature of the continued noncompliance. Additionally, a copy of the notice of continued noncompliance shall be forwarded to the Huachuca City police department, which may issue a criminal citation for violation and may issue additional citations for each violation. Each violation after receipt of the notice of continued noncompliance shall carry a fine no less than \$200.00 and no more than \$2,500 per violation, plus an additional \$50.00 shall be collected per issued citation as reimbursement to the police department.

4. For purposes of this chapter, a notice shall be deemed received when it is personally served or five days after it is sent by certified U.S. mail.

5. In addition to the penalties provided in this section, the court shall impose restitution as part of its sentence to compensate the town for its costs to enforce this chapter and bring a building or land into compliance with this chapter. Restitution shall include all costs of abatement, including inspection fees and prosecution of the case. (Ord. 2017-03 § 1, 2017; Ord. 16-17 § 4, 2016)

Tables

Prior Code Cross Reference Table

Resolution List and Disposition Table

Ordinance List and Disposition Table

Prior Code Cross Reference Table**Prior Code Section Herein**

1-1	1.05.010
1-2	1.05.020
1-3	1.05.030
1-4	1.05.040
1-5	1.05.050
1-6	1.05.060
1-7	1.05.070
1-8	1.05.110
1-9	1.05.080
1-10	1.05.090
2-1-1	2.05.010
2-1-2	2.05.020
2-1-3	2.05.030
2-1-4	2.05.040
2-1-5	2.05.050
2-1-6	2.05.060
2-1-7	2.05.070
2-1-8	2.05.080
2-1-9	Repealed by 04-010
2-1-10	2.05.090
2-1-11	2.05.100
2-1-12	2.05.110
2-2-1	2.10.010
2-2-2	2.10.020
2-2-3	2.10.030
2-2-4	2.10.040
2-2-5	Repealed by 01-004
2-2-6	2.10.050

2-3-1	Repealed by 85-03
2-3-2	Repealed by 85-03
2-3-3	Repealed by 85-03
2-3-4	Repealed by 16-12
2-3-5	Repealed by 85-03
2-3-6	2.15.020
2-3-7	2.15.030
2-3-8	2.15.040
2-3-9	2.15.050
2-4-1	2.20.010
2-4-2	2.20.020
2-4-3	2.20.030
2-4-4	2.20.040
2-4-5	2.20.050
2-4-6	2.20.060
2-4-7	2.20.070
2-4-8	2.20.080
2-4-9	2.20.090
2-4-10	2.20.100
2-5-1	2.25.010
2-5-2	2.25.020
2-5-3	2.25.030
2-5-4	2.25.040
2-5-5	2.25.050
2-5-6	2.25.060
2-5-7	2.25.070
2-5-8	2.25.080
2-5-9	2.25.090
2-6	Repealed by 03-004

3-1-1	2.30.010
3-1-2	2.30.020
3-1-3	2.30.030
3-1-4	2.30.040
3-1-5	2.30.050
3-1-6	2.30.060
3-2-1	2.35.010
3-2-2	2.35.020
3-2-3	2.35.030
3-2-4	2.35.040
3-2-5	2.35.050
3-2-6	2.35.060
3-2-7	2.35.070
3-2-8	2.35.080
3-2-9	2.35.090
3-3-1	2.125.010
3-3-2	2.125.020
3-3-3	2.125.030
3-3-4	2.125.040
3-3-5	2.125.050
3-4-1	2.45.010
3-4-2	2.45.020
3-4-3	2.45.030
3-4-4	2.45.040
3-4-5	2.45.050
3-4-6	2.45.060
3-4-7	2.45.070
3-4-8	2.45.080
3-7-1	2.50.010
3-7-2	2.50.020

3-7-3	2.50.030
3-8-1	2.120.010
3-8-2	2.120.020
3-8-3	2.120.030
3-8-4	2.120.040
3-8-5	2.120.050
3-8-6	2.120.060
3-9	10.20.080
4-1-1	2.55.010
4-1-2	2.55.020
4-1-3	2.55.030
4-1-4	2.55.040
4-1-5	2.55.050
4-1-6	2.55.060
4-2-1	2.60.010
4-2-2	2.60.020
4-2-3	2.60.030
4-2-4	2.60.040
4-2-5	2.60.050
4-2-6	2.60.060
4-2-7	2.60.070
4-2-8	2.60.080
4-2-9	2.60.090
4-3-1	2.65.010
4-3-2	2.65.020
4-3-3	2.65.030
4-3-4	2.65.040
4-3-5	2.65.050
4-3-6	2.65.060
4-3-7	2.65.070

4-3-8	2.65.080
4-3-9	2.65.090
4-3-10	2.65.100
4-3-11	2.65.110
4-3-12	2.65.120
4-3-13	2.65.130
4-4	2.65.140
4-5	2.55.070
4-6-1	2.70.010
4-6-2	2.70.020
4-6-3	2.70.030
4-6-4	2.70.040
4-6-5	2.70.050
4-6-6	2.70.060
4-6-7	2.70.070
4-7-1	2.75.010
4-7-2	2.75.020
4-7-3	2.75.030
4-7-4	2.75.040
4-7-5	2.75.050
4-7-6	2.75.060
4-7-7	2.75.070
4-7-8	2.75.080
4-7-9	2.75.090
5-1	2.40.010
5-2-1	2.40.020
5-2-2	2.40.030
5-3-1	2.40.040
5-3-2	2.40.060
5-3-3	2.40.070

6-1-1	2.115.020
6-1-2	2.115.010
6-2-1	2.115.030
6-2-2	2.115.040
6-3	2.115.050
6-4-1	2.115.060
6-4-2	2.115.070
6-5	2.115.080
6-6	2.115.090
6-7	2.115.100
6-8	2.115.110
7-1-1	6.05.010
7-1-2	6.05.020
7-1-3	6.05.030
7-1-4	6.05.040
7-1-5	6.05.050
7-1-6	6.05.060
7-1-7	6.05.070
7-2-1	6.10.010
7-2-2	6.10.020
7-2-3	6.10.030
7-2-4	6.10.040
7-2-5	6.10.050
7-2-6	6.10.060
7-2-7	6.10.070
7-2-8	6.10.080
7-2-12	6.10.090
7-3-1	6.15.010
7-3-2	6.15.020
7-3-3	6.15.030

7-3-4	6.15.040
7-3-5	6.15.050
7-3-6	6.15.060
7-3-7	6.15.070
7-3-8	6.15.080
7-4-1	6.20.010
7-4-2	6.20.020
7-4-3	6.20.030
7-4-4	6.20.040
7-5-1	6.25.010
7-5-2	6.25.020
7-6-1	6.30.010
7-6-2	6.30.020
7-6-3	6.30.030
7-7-1	6.35.010
7-7-2	6.35.020
7-7-3	6.35.030
7-7-4	6.35.040
8-1-1-A	15.05.010
8-1-1-A	15.05.020
8-1-1-B	15.10.010
8-1-1-B	15.10.020
8-1-1-C	15.15.010
8-1-1-C	15.15.020
8-1-1-D	15.20.010
8-1-1-D	15.20.020
8-1-1-E	15.25.010
8-1-1-E	15.25.020
8-1-1-F	15.30.010

8-1-1-F	15.30.020
8-1-1-G	15.35.010
8-1-1-G	15.35.020
8-1-1-H	15.40.010
8-1-1-H	15.40.020
8-1-1-I	15.45.010
8-1-1-I	15.45.020
8-1-1-K	15.50.010
8-1-1-K	15.50.020
8-1-1-K	15.55.010
8-1-2	15.05.030
8-1-3	15.05.040
8-2-2	Repealed by 08-14
8-2-3	Repealed by 08-14
8-3-2	Repealed by 08-14
8-4	Repealed by 08-14
8-5	15.30.010
8-6	Repealed by 98-008
8-7-1	15.60.010
8-7-2	15.60.020
8-7-3	15.60.030
8-7-4	15.60.040
8-7-5	15.60.050
8-7-6	15.60.070
8-8	15.05.050
8-9-1	15.65.010
8-9-2	15.60.060
8-9-3	15.65.020
8-10-1	15.70.010
8-10-2	15.70.020

8-10-3	15.70.030
8-10-4	15.70.040
8-10-5	15.70.050
8-11	15.35.010
8-12	Repealed by 08-14
8-13	15.80.010
9-1-1	5.10.010
9-1-2	5.10.020
9-1-3	5.10.030
9-1-4	5.10.040
9-1-5	5.10.050
9-1-6	5.10.060
9-1-7	5.10.070
9-1-8	5.10.080
9-1-9	5.10.090
9-2-1	5.05.010
9-2-2	5.05.020
9-2-3	5.05.030
9-2-4	5.05.040
9-2-5	5.05.050
9-2-6	5.05.060
9-2-7	5.05.070
9-2-8	5.05.080
9-2-9	5.05.090
9-2-10	5.05.100
9-2-11	5.05.110
9-2-12	5.05.120
9-2-13	5.05.130
9-2-14	5.05.140
9-2-15	5.05.150

9-2-16	5.05.160
9-2-17	5.05.170
9-2-18	5.05.180
9-2-19	Repealed by 18-12
9-2-20	5.05.200
9-2-21	5.05.210
9-3-1	5.15.010
9-3-2	5.15.020
9-3-3	5.15.030
9-3-4	5.15.040
9-3-5	5.15.050
9-3-6	5.15.060
9-3-7	5.15.070
9-3-8	5.15.080
9-3-9	5.15.090
9-3-10	5.15.100
9-3-11	5.15.110
9-3-12	5.15.120
9-3-13	5.15.130
9-3-14	5.15.140
9-4-1	5.20.010
9-4-2	5.20.020
9-4-3	5.20.030
9-5-1	5.25.010
9-5-2	5.25.020
9-5-3	5.25.030
9-5-4	5.25.040
9-5-5	5.25.050
9-5-6	5.25.060
9-5-7	5.25.070

10-1-1	8.05.010
10-1-2	8.05.020
10-1-3	8.05.030
10-1-4	8.05.040
10-1-5	8.05.050
10-1-6	8.05.060
10-2-1	8.10.010
10-2-2	8.10.020
10-2-3	8.10.030
10-2-4	8.10.040
10-2-5	8.10.050
10-2-6	8.10.060
10-2-7	8.10.070
10-2-8	8.10.080
10-2-9	8.10.090
10-2-10	8.10.100
10-3-1	8.15.010
10-3-2	8.15.020
10-3-3	8.15.030
10-3-4	8.15.040
10-3-5	8.15.050
10-3-6	8.15.060
10-3-7	8.15.070
10-3-8	8.15.080
10-4-1	Repealed by 20-02
10-4-2	Repealed by 20-02
10-4-3	Repealed by 20-02
10-4-4	Repealed by 20-02
10-4-5	Repealed by 20-02
10-4-6	Repealed by 20-02

10-4-7	Repealed by 20-02
10-4-8	Repealed by 20-02
10-4-9	Repealed by 20-02
10-4-10	Repealed by 20-02
10-5-1	Repealed by 20-02
10-5-2	Repealed by 20-02
10-5-3	Repealed by 20-02
10-5-4	Repealed by 20-02
10-5-5	Repealed by 20-02
10-5-6	Repealed by 20-02
10-5-7	Repealed by 20-02
10-6-1	8.30.010
10-6-2	8.30.020
10-6-3	8.30.030
10-6-4	8.30.040
10-6-5	8.30.050
10-6-6	8.30.060
10-6-7	8.30.070
10-6-8	8.30.080
10-6-9	8.30.090
11-1-1	9.05.010
11-1-2	9.05.020
11-1-3	9.05.030
11-1-4	9.05.040
11-1-5	9.05.050
11-1-6	9.05.060
11-1-7	9.05.070
11-1-8	9.05.080
11-1-9	9.05.090

11-1-10	9.05.100
11-1-11	9.05.110
11-1-12	9.05.120
11-1-13	9.05.130
11-1-14	9.05.140
11-1-15	9.05.150
11-1-16	9.05.160
11-1-17	9.05.170
11-1-18	9.05.180
11-1-19	9.05.190
11-1-20	9.05.200
11-1-21	9.05.210
11-1-22	9.05.220
11-1-23(A)	Repealed by 18-07
11-1-23(B)	Repealed by 18-07
11-1-23(C)	Repealed by 18-07
11-1-23(D – F)	Repealed by 18-07
11-1-23(G)	Repealed by 18-07
11-1-25(A)	9.25.010
11-1-25(B)	9.25.020
11-1-25(C)	9.25.030
11-1-25(D)	9.25.040
11-1-26(A)	9.30.010
11-1-26(B)	9.30.020
11-1-26(C)	9.30.030
11-1-26(D)	9.30.040
11-1-26(E)	9.30.050
11-1-27	9.05.230
11-1-28(1)	9.35.010
11-1-28(2)	9.35.020

11-1-28(3)	9.35.030
11-1-28(4)	9.35.040
11-1-28(5)	9.35.050
11-1-28(6)	9.35.060
11-1-28(7)	9.35.070
11-2-1	9.10.010
11-2-2	9.10.020
11-2-3	9.10.030
11-2-4	9.10.040
11-2-5	9.10.050
11-2-6	9.10.060
11-2-7	9.10.070
11-2-8	9.10.080
11-2-9	9.10.090
11-2-10	9.10.100
11-2-11	9.10.110
11-2-12	9.10.120
11-3-1	9.20.010
11-3-2	9.20.020
11-3-3	9.20.030
11-3-4	9.20.040
11-3-5	9.20.050
11-3-6	9.20.060
11-3-7	9.20.070
12-1	14.05.010
12-2-1	14.10.010
12-2-2	14.10.020
12-2-3	14.10.030
12-3-1	14.15.010
12-3-2	14.15.020

12-3-3	14.15.030
12-3-4	14.15.040
12-3-5	14.15.050
12-4-1	14.20.010
12-4-2	14.20.020
12-4-3	14.20.030
12-4-4	14.20.040
12-4-5	14.20.050
12-4-6	14.20.060
12-4-7	14.20.070
12-4-8	14.20.080
12-4-9	14.20.090
12-4-10	14.20.100
12-4-11	14.20.110
12-5-1	14.25.010
12-5-2	14.25.020
12-5-3	14.25.030
12-5-4	14.25.040
12-5-5	14.25.050
12-5-6	14.25.060
12-5-7	14.25.070
13-1-1	17.05.010
13-1-2	17.05.020
13-1-3	17.05.030
13-1-4	17.05.040
13-1-5-1	17.10.010
13-1-5-2	17.10.020
13-1-5-3	17.10.030
13-1-6(A)	17.15.010
13-1-6(B)	17.15.020

13-1-6(C)	17.15.030
13-1-7(A)	17.20.010
13-1-7(B)	17.20.020
13-1-7(C)	17.20.030
13-1-7(D)	17.20.040
13-1-7(E)	17.20.050
13-1-7(F)	17.20.060
13-1-7(G)	17.20.070
13-1-8(A)	17.25.010
13-1-8(B)	17.25.020
13-1-8(C)	17.25.030
13-1-8(D)	17.25.040
13-1-9(A)	17.30.010
13-1-9(B)	17.30.020
13-1-9(C)	17.30.030
13-1-9(D)	17.30.040
13-1-9(E)	17.30.050
13-1-10-1	17.35.010
13-1-10-2	17.35.020
13-1-10-3	17.35.030
13-1-10-4	17.35.040
13-1-10-5	17.35.050
13-1-10-6	17.35.060
13-1-10-7	17.35.070
13-1-10-8	17.35.080
13-1-10-9	17.35.090
13-1-11(A)	17.40.010
13-1-11(B)	17.40.020
13-1-11(C)	17.40.030
13-1-12	17.05.050

13-1-13	17.05.060
13-3	15.75.010
14-1-1	10.05.010
14-1-2	10.05.020
14-1-3	10.05.030
14-1-4	10.05.040
14-1-5	10.05.050
14-1-6	10.05.060
14-1-7	10.05.070
14-2-1	10.10.010
14-2-2	10.10.020
14-2-3	10.10.030
14-2-4	10.10.040
14-2-5	10.10.050
14-2-6	10.10.060
14-2-7	10.10.070
14-2-8	10.10.080
14-2-9	10.10.090
14-2-10	10.10.100
14-2-11	10.10.110
14-2-12	10.10.120
14-2-13	10.10.130
14-2-14	10.10.140
14-3-1	10.15.010
14-3-2	10.15.020
14-3-3	10.15.030
14-3-4	10.15.040
14-3-5	10.15.050
14-3-6	10.15.060

14-3-7	10.15.070
14-4-1	10.30.010
14-4-2	10.30.020
14-4-3	10.30.030
14-4-4	10.30.040
14-5-1	10.25.010
14-5-2	10.25.020
14-5-3	10.25.030
14-5-4	10.25.040
14-5-5	10.25.050
14-5-6	10.25.060
15-1	Repealed by 16-19
15-1	Repealed by 16-19
15-2-1	Repealed by 16-19
15-2-2	Repealed by 16-19
15-2-3	Repealed by 16-19
15-2-4	Repealed by 16-19
15-3-1	Repealed by 16-19
15-3-2	Repealed by 16-19
15-3-3	Repealed by 16-19
15-3-4	Repealed by 16-19
15-3-5	Repealed by 16-19
15-3-6	Repealed by 16-19
15-4-1	Repealed by 16-19
15-4-2	Repealed by 16-19
15-4-3	Repealed by 16-19
15-4-4	Repealed by 16-19
16-1-1	13.05.010
16-1-2	13.05.020
16-2-1	13.10.010

16-2-2	13.10.020
16-2-3	13.10.030
16-3-1	13.15.010
16-3-2	13.15.020
16-4-1	13.20.010
16-4-2	13.20.020
16-5-1	13.25.010
16-5-2	13.25.020
16-5-3	13.25.030
16-5-4	13.25.040
16-5-5	13.25.050
16-5-6	13.25.060
16-5-7	13.25.070
16-6-1	13.30.010
16-6-2	13.30.020
16-6-3	13.30.030
16-6-4	13.30.040
16-6-5	13.30.050
16-6-6	13.30.060
16-6-7	13.30.070
16-6-8	13.30.080
16-6-9	13.30.090
16-7-1	13.35.010
16-7-2	13.35.020
16-7-3	13.35.030
16-7-4	13.35.040
16-7-5	13.35.050
16-8-1	13.40.010
16-8-2	13.40.020
16-8-3	13.40.030

16-8-4	13.40.040
16-8-5	13.40.050
16-8-6	13.40.060
16-8-7	13.40.070
16-8-8	13.40.080
16-8-9	13.40.090
16-8-10	13.40.100
16-9-1	13.45.010
16-9-2	13.45.020
16-10	13.40.110
16-11-1	13.50.010
16-11-2	13.50.020
16-11-3	13.50.030
16-11-4	13.50.040
16-11-5	13.50.050
16-11-6	13.50.060
16-11-7	13.50.070
16-11-8	13.50.080
16-11-9	13.50.090
16-11-10	13.50.100
16-11-11	13.50.110
16-11-12	13.50.120
16-11-13	13.50.130
16-11-14	13.50.140
16-11-15	13.50.150
16-11-16	13.50.160
16-11-17	13.50.170
16-11-18	13.50.180
16-12-1	13.55.010
16-12-2	13.55.020

16-12-3	13.55.030
16-12-4	13.55.040
17-1-1	18.05.010
17-1-2	18.05.020
17-1-3	18.05.030
17-2-1	18.10.010
17-3-1	18.15.010
17-3-2	18.15.020
17-3-3	18.15.030
17-3-4	18.15.040
17-3-5	18.15.050
17-4-1	18.20.010
17-4-2	18.20.020
17-4-3	18.20.030
17-4-4	18.20.040
17-4-5	18.20.050
17-4-6	18.20.060
17-4-7	18.20.070
17-4-8	18.20.080
17-5-1	18.25.010
17-5-1	18.25.020
17-5-2	18.25.030
17-5-3	18.25.040
17-5-4	18.25.050
17-6-1	18.30.010
17-6-2	18.30.020
17-6-3	18.30.030
17-6-4	18.30.040
17-6-5	18.30.050
17-6-6	18.30.060

17-7-1	18.35.010
17-7-2	18.35.020
17-7-2	18.40.040
17-7-3	18.35.030
17-7-4	18.35.040
17-7-5	18.35.050
17-7-6	18.35.060
17-8-1	18.40.010
17-8-2	18.40.020
17-8-3	18.40.030
17-8-4	18.40.050
17-9-1	18.45.010
17-9-2	18.45.020
17-9-3	18.45.030
17-9-4	18.45.040
17-10-1	18.50.010
17-10-2	18.50.020
17-10-3	18.50.030
17-11-1	18.55.010
17-11-2	18.55.020
17-12-1	18.60.010
17-12-2	18.60.020
17-13-1	18.65.010
17-13-2	18.65.020
17-13-4	18.65.030
17-14-1	18.70.010
17-14-2	18.70.020
17-15-1	18.75.010
17-15-2	18.75.020

17-15-3	18.75.030
17-15-4	18.75.040
17-15-5	18.75.050
17-15-6	18.75.060
17-15-7	18.75.070
17-15-8	18.75.080
17-15-9	18.75.090
17-15-10	18.75.100
17-16-1	18.80.010
17-16-2	18.80.020
17-16-3	18.80.030
17-16-4	18.80.040
17-16-5	18.80.050
17-16-6	18.80.060
17-16-7	18.80.070
17-17-1	18.85.010
17-18	18.90.010
17-18	18.90.020
17-19	18.95.010
17-19	18.95.020
17-20-1	18.100.010
17-20-2	18.100.020
17-20-3	18.100.030
17-20-4	18.100.040
17-20-5	18.100.050
17-20-6	18.100.060
17-20-7	18.100.070
17-20-8	18.100.080
17-20-9	18.100.090
17-20-10	18.100.100

17-20-11	18.100.110
17-20-12	18.100.120
17-20-13	18.100.130
17-20-14	18.100.140
17-20-15	18.100.150
17-20-16	18.100.160
17-20-17	18.100.170
17-20-18	18.100.180
17-20-19	18.100.190
17-20-20	18.100.200
17-20-21	18.100.210
17-20-22	18.100.220
17-20-23	18.100.230
17-20-24	18.100.240
17-20-25	18.100.250
17-21	18.100.260
17-22-1	18.105.010
17-22-2	18.105.020
17-22-3	18.105.030
17-22-4	18.105.040
17-22-5	18.105.050
17-22-6	18.105.060
17-22-7	18.105.070
17-22-8	18.105.080
17-22-9	18.105.090
17-23-1	Chapter 18.110
17-23-2	Chapter 18.110
17-23-3	Chapter 18.110
17-23-4	Chapter 18.110
17-23-5	Chapter 18.110

17-23-5	Chapter 18.110
17-23-6	Chapter 18.110
17-23-7	Chapter 18.110
17-23-8	Chapter 18.110
17-23-9	Chapter 18.110
17-23-10	Chapter 18.110
17-23-11	Chapter 18.110
17-23-12	Chapter 18.110
17-24-1	18.115.010
17-24-2	18.115.020
17-24-3	18.115.040
17-24-4	18.115.050
17-24-5	18.115.060
17-24-6	18.115.070
17-24-7	Chapter 18.115
17-25-1	18.120.010
17-25-2	18.120.020
17-25-3	18.120.030
17-25-4	18.120.040
17-25-5	18.120.050
17-25-6	18.120.060
17-25-7	18.120.070
17-26-1	18.125.010
17-26-2	18.125.020
17-26-3	18.125.030
17-26-4	18.125.040
17-26-5	18.125.050
17-26-6	18.125.060
17-26-7	18.125.070
17-26-8	18.125.080

17-27-1	18.130.010
17-27-2	18.130.020
17-27-3	18.130.030
17-27-4	18.130.040
17-28-1	18.135.010
17-28-2	18.135.020
17-28-3	18.135.030
17-28-4	18.135.040
17-28-5	18.135.050
17-28-6	18.135.060
17-28-7	18.135.070
17-28-8	18.135.080
17-28-9	18.135.090
17-28-10	18.135.100
17-28-11	18.135.110
17-29-1	18.140.010
17-29-2	18.140.020
17-29-3	18.140.030
17-29-4	18.140.040
17-30-1	18.145.010
17-30-2	18.145.020
17-30-3	18.145.030
17-30-4	18.145.040
17-30-5	18.145.050
17-30-6	18.145.060
17-30-7	18.145.070
17-30-8	18.145.080
17-30-9	18.145.090
17-30-10	18.145.100
17-30-11	18.145.110

17-31	18.05.040
17-32	18.05.050
17-33	18.150.010
18.1.1	10.20.010
18.1.2	10.20.020
18.1.3	10.20.030
18.1.4	10.20.040
18.1.5	10.20.050
18.1.6	10.20.060
18.1.7	10.20.070
18.1.8	10.20.090
18-1-1	3.05.010
18-1-2	3.05.020
18-1-3	3.05.030
18-1-4	3.05.040
18-1-5	3.05.050
18-1-6	3.05.060
18-1-7	3.05.070
18-1-8	3.05.080
18-1-9	3.05.090
18-1-10	3.05.100
18-1-11	3.05.110
18-1-12	3.05.120
18-1-13	3.05.130
18-1-14	3.05.140
18-1-15	3.05.150
18-1-16	3.05.160
18-1-17	3.05.170
18-1-18	3.05.180

18-1-19	3.05.190
18-1-20	3.05.200
18-2-1	3.05.210
18-2-2	3.05.220
18-2-3	3.05.230
18-2-4	3.05.240
18-2-5	3.05.250
18-3	3.15.010

Resolution List and Disposition Table

This table lists all resolutions. If the resolution is codified and cited in the code, its disposition is cited by chapter number at the end of the resolution description.

Number	Passage Date	Subject
1	12-8-58	Request for amendment of order of incorporation
2	12-8-58	Federal enumeration – accurate census
3	12-8-58	Accrual of Social Security benefits
4	12-11-58	Planning and zoning – building permits
5	12-18-58	Adoption of Ord. 5, planning and zoning
6	1-8-59	Adoption of Ord. 2, civil defense
7	2-5-59	Gas franchise – APS
8	3-30-59	Adoption of Ord. 4, gas franchise – APS
9	3-30-59	Adoption of Ord. 10, business and occupational license
10	4-9-59	Adoption of official city map
11	4-9-59	Establishment of zoning districts
12	4-23-59	Adoption of Ord. 11, regulation of livestock
13	5-1-59	Adoption of Ord. 6, zoning districts
14	5-1-59	Adoption of Ord. 7, building codes
15	5-1-59	Adoption of Ord. 8, plumbing code
16	5-1-59	Adoption of Ord. 9, electrical code
17	5-14-59	Adoption of Ord. 12, animal licensing
18	5-28-59	Record of official returns, biennial general elections
19	5-28-59	Opening of account, First National Bank
20	6-25-59	Application for sewer funds
21	8-13-59	Adoption of budget 1959-1960
22	10-8-59	Adoption of Ord. 13, storage of trailers
23	6-1-60	Application of sewer funds public bill 560
24	7-14-60	Adoption of budget 1961-1962
25	7-14-60	Check signature authorization

26	7-14-60	Adoption of budget 1960-1962 (1960-1961)
27	7-28-60	Adoption of Arizona Civil Defense and Mutual Aid Agreement
28	7-28-60	Acquisition of civil defense property – state surplus
29	8-5-60	Tax levy 1960-1961
30	3-9-61	Purchase of police car (loan from National Bank)
31	6-8-61	Check signature authorization
32	6-22-61	City Hall lease agreement
33	7-13-61	Authorization of landfill contract with Sierra Vista
34	9-8-61	Taxy levy 1961-1962
35	11-26-61	Check signature authorization
36	11-30-61	Check signature authorization
37	1-15-62	Check signature authorization
38	1-25-62	Appearance of Artic Water Company before Arizona Corp. Commission
39	1-22-62	Authorization to apply for state land
40	4-26-62	Check signature authorization
41	5-22-62	Authorization to apply to HEW for federal property
42	5-24-62	Authorization to apply for federal fund
43	5-24-62	SSVEC franchise
44	8-3-62	Tax levy 1962-1963
45	8-23-62	Adoption of Ord. 21, SSVEC
46	8-23-62	Establishment of parks and recreation commission (2.80)
47	8-23-62	Authorization to construct City Hall
48	1-11-63	Check signature authorization
49	4-29-63	Notice of special bond election – issue/sell bonds for sewer fund
50	4-29-63	Notice of special bond election – water system/Artic Water Co.
51	7-11-63	Check signature authorization
52	8-1-63	Adoption of budget 1963-1964
53	9-12-63	Authorization to enter into an appraisal contract with Warren Walker, civil engineer
54	9-26-63	Check signature authorization

55	8-6-64	Tax levy 1964-1965 – tentative budget
56	9-10-64	Deficit spending
57	10-8-64	Authorization to accept agreement for public works plan preparation
58	10-22-64	Check signature authorization
59	5-27-65	Approval of sewer system planning documents
60	5-27-65	Declaration of intent to apply for federal sewage treatment grant
61	6-10-65	Check signature authorization
62	7-22-65	Award of sewer line contract to Cyr and Evans Construction Co.
63	8-5-65	Tax levy 1965-1966
64	8-26-65	Investment funds – sewer line across Hwy. 90-92, Martin Construction Co.
65	8-26-65	Award contract to Martin Construction Co.
66	9-29-65	Deficit spending
67	10-28-65	Authorization to accept U.S. public health service grant – sewage pond/recept
68	12-9-65	Authorization to contract for police car
69	2-4-66	Authorization to apply for federal funds
70	4-28-66	Authorization to issue a letter of intent – Artic Water Co. purchase
71	8-4-66	Tax levy 1966-1967
72	9-8-66	Develop water/sewer plan CC board of supervisors
73	11-10-66	Application for urban planning assistance project
74	3-14-67	Authorization to issue water system revenue bonds
75	4-10-67	Authorization to contract with Artic Water Co. – purchase
76	4-13-67	Naming of Arizona Street
77	4-27-67	Corporate resolution – First National Bank
78	8-3-67	Adoption of budget 1967-1968
79	10-11-67	Increasing budget limitation
80	4-25-68	Notice of special bond election – integrated sewage disposal system
81	7-5-68	Issuance of sewer revenue bonds
82	8-8-68	Adoption of budget 1968-1969
83	9-26-68	Application of urban planning assistance program

84	12-26-68	Authorization to accept certificate of purchase for state land
85	7-23-69	Authorization to advertise for bids on sewer construction
86	1-23-69	Authorization to hold regular primary election, 1969
87	2-27-69	Authorization to act in matter with the U.S. Public Health Service
88	3-3-69	Withdrawal from Region IV justice planning agency and affiliation with Region I
89	3-13-69	Amendment of Res. 81
90	3-27-69	Establishment of the city of Huachuca city library
91	3-27-69	Justice planning agency representation
92	3-27-69	Rights-of-way for sewer lines and roadways
93	4-24-69	Establishment of sewer accounts
94	5-22-69	Increasing budget limitation
95	6-8-69	Authorization to enter into agreements with Farmers Home Administration
96	6-12-69	Corporate resolution
97	6-26-69	Naming of Leffingwell Park
98	7-22-69	Designation of Valley National Bank as a depository
99	7-22-69	Authorization to request an additional grant
100	7-31-69	Adoption of budget 1969-1970
101	8-14-69	Authorization to enter into agreements with Cochise County and the city of Sierra Vista
102	12-11-69	Cochise organization of government
103	7-23-70	Naming of Lon Hunt Park
104	7-23-70	Naming of Kimbrell Field
105	8-6-70	Tax levy 1970-1971
106	8-27-70	Planning executive board of the state of Arizona
107	1-14-71	Authorization to hold the regular primary election, 1971
108	3-11-71	Southeastern Arizona governments organization SEAGO
109	3-25-71	Retention of special council
110	4-8-71	Declaration of public record – city code
111	4-8-71	Designation of traffic controls

112	5-27-71	Increasing budget limitation
113	6-10-71	Street assessment No. 1
114	7-8-71	Authorization for invitation to bid – street assessment No. 1
115	7-15-71	Adoption of tentative budget
116	7-26-71	Street assessment No. 1
117	8-5-71	Tax levy 1971-1972
118	8-20-71	Paving improvement district No. 1
119	10-28-71	Paving improvement district No. 2
120	12-1-71	Paving improvement district No. 2
121	12-23-71	Flood insurance
122	2-10-72	Adoption of an amendment (voting) to the by-laws of SEAGO
123	3-9-72	Urging the construction of Charleston Dam
124	3-9-72	Review of building permits for control measures against flooding
125	4-18-72	Rabies quarantine
126	5-11-72	Adoption of SEAGO – Region VI intergovernmental agreement
127	5-8-72	Assessment and proceedings – paving improvement district No. 1
128	5-25-72	Sewer grant
129	6-8-72	Assessment and proceedings – paving improvement district No. 1
130	6-28-72	Approving assessment paving improvement district No. 2
131	6-28-72	Assessment and proceedings – paving improvement district No. 2
132	6-28-72	Adoption of tentative budget 1972-1973
133	7-20-72	Issuance of bonds – pavement improvement district No. 1
134	7-20-72	Approving assessment paving improving district No. 2
135	8-3-72	Tax levy 1972-1973
136	8-10-72	Water master plan
137	9-14-72	Issuance of bonds – paving improvement district No. 2
138	9-14-72	Coronado Resource Conservation and Development Project
139	10-26-72	Establishment of traffic controls
140	12-14-72	Authorization expenditure of federal revenue sharing funds
141	12-14-72	American Revolution bicentennial commemoration

142	1-11-73	Authorization for primary election, April 23, 1973
143	1-11-73	Authorization expenditure of federal revenue sharing funds
144	6-7-73	Designation of depository
145	6-7-73	Authorization expenditure of federal revenue sharing funds
146	6-7-73	Sewer grant
147	6-14-73	Board of deposit
148	7-12-73	Adoption of tentative budget 1973-1974
149	7-12-73	Adoption of final budget 1973-1974
150	10-25-73	Establishment of traffic controls
151	12-27-73	Designation of depository
152	3-28-73	Acceptance of sewer pond facilities
153	4-25-73	Closing of School Road
154	5-22-74	Authorization for increase in members of volunteer fire department
155	3-17-74	Adoption of tentative budget 1974-1975
156	3-28-74	Adoption of final budget 1974-1975
157	7-11-74	Commendation – members of Antioch Baptist Church
158	8-12-74	Providing for the posting of meeting notices
159	9-12-74	Changes in numbering of ordinances and resolutions
160	9-23-74	Withdrawing the authority of the attorney general
161	9-26-74	Amending §§ 7-3-4 and 7-3-5 of the city code
162	10-10-74	Establishment of the community environmental committee
163	4-11-74	Providing for a public hearing – cable television system
164	11-14-74	Expressing opposition to the financial disclosure requirement
165	11-21-74	Computation of wages and overtime pay
166	1-9-75	Authorization for primary election, April 15, 1975
167	1-9-75	Granting signatory power – Agreement No. 75-308-002
168	1-9-75	Study proposed – SEAGO – need for improved transportation
169	1-30-75	Prescribing standards of financial disclosure
170	2-13-75	Supporting the amendment of the public deposits law
171	2-13-75	Providing for the erection of traffic control signs

172	2-13-75	Naming of Howard Street
173	2-27-75	Authorization to file water system improvement grant application with HUD
174	3-13-75	Providing zoning regulations
175	3-13-75	Prescribing trailer park regulations
176	3-27-75	Requirements for the location of a secondary school facility
177	4-10-75	Prescribing subdivision regulations
178	5-22-75	Authorization to sign documents – Farm Home Administration
179	6-12-75	Identifying agents empower to sign financial documents
180	6-26-75	Providing for the deposit of active and inactive city funds
181	7-10-75	Adopting tentative budget 1975-1976
182	7-24-75	Adopting final budget 1975-1976
183	7-23-75	Establishing rates of pay for volunteer firemen and volunteer policemen
184	8-10-75	Prescribing building regulations
185	8-10-75	Pertaining to distribution of revenues – transaction privilege taxes
186	8-28-75	Institution of Affirmative Action Program
187	8-28-75	Appointment of state of Arizona as tax agent
188	9-30-75	Result of special bond election
189 A	9-11-75	Chief of police issue permits section 11-1-54 B2
189 B	9-30-75	Adopting certificate of results of special bond election, seeking authorization
190	10-23-75	Supporting the certification of Cochise Airlines
191	11-21-75	Ordering the sale of city garbage and rubbish collection revenue bonds
192	11-26-75	Supporting the establishment of the SERI in the San Pedro River Basin
193	12-29-75	Designating persons to Sign ASPA Form 12
194	12-19-75	Garbage and rubbish collection revenue bonds
195	12-19-75	Contract for the purchase of garbage and rubbish collection revenue bonds
196	12-29-75	Authorizing the establishment of bank accounts of resolutions
197	1-22-76	Authorizing the establishment of a health system agency
198	1976	Establishing community beautification committee
199	2-11-76	Appointment of the industrial development authority board of directors
200	2-11-76	Identifying agents empowered to sign financial documents

201	2-26-76	Prescribing fire and housing regulations
202	2-26-76	Restriction of parking on certain city streets
203	3-11-76	Setting forth project unanticipated expenditures and revenue
204	3-11-76	Setting speed limits for alleys and easements
205	1976	Indicating the intent to participate in a joint planning
206	6-22-76	Supporting the IDA and the CHC, Sierra Vista, Southern Pacific Transportation Company abandonment
207	7-19-76	Adopting tentative budget 1976-1977
208	1976	Pertaining to the regulation of traffic
209	7-26-76	Establishing a new expenditure base
210	1976	Adopting final budget 1976-1977
211	1976	Adopting final budget 1976-1977
212	8-12-76	Declaring support and effort in obtaining a financial facility
213	8-12-76	Appointing county of Cochise as HUD Housing Assistance Program agents
214	9-1-76	Declaring intent to apply for sewer treatment and works federal grant
215	9-9-76	Authorizing mayor to sign civil rights assurance
216	10-28-76	Establishing the council's support of the defeat of Proposition 200
217	11-24-76	Appointing a management team
218	12-9-76	Authorization for primary election, March 21, 1977
219	1977	Question to voters regarding council member term of office
220	1977	Specifying the numbers of publications required of ordinances (Repealed by 286)
221	3-10-77	Identifying agents legally empowers to sign checks, warrants, and other documents
222	5-25-77	Authority to sign all documents
223	5-25-77	Authority to sign all documents required to apply for grant funds
224	6-9-77	Consider CDBG amendment
225	7-14-77	Arizona Service – investigation before the CA board
226	7-14-77	Tentative budget 1977-1978
227	7-15-77	Final budget 1977-1978

228	8-4-77	Final budget 1977-1978
229	7-28-77	Establishing rates of pay for volunteer firemen and volunteer policemen
230	8-11-77	Accepting resignations and appointing new board directors
231	8-11-77	Alley to be closed off, vacated and abandoned
232	8-11-77	Approving and accepting a legal services contract
233	8-29-77	Identifying agents legally empowered to sign checks
234	10-13-77	Names of agents legally empowered to sign checks
235	10-27-77	Floodplain management program
236	12-8-77	Airport development
237	12-22-77	Waste treatment works
238	1-12-78	Accepting resignations and appointing new directors of the IDA board
239	1-12-78	Pledge of support to the IDA
240	5-24-78	Municipal multi-use courts
241	5-24-78	Incorporation of the "city of Huachuca City" true name, the "town of Huachuca City"
242	6-8-78	Extension of School Road through real property
243	7-13-78	Declaring intent to apply for sewage treatment works federal grant
244	7-17-78	Adoption of tentative budget 1978-1979
245	8-10-78	Adoption of final budget 1978-1979
246	8-10-78	Authorization for borrowing funds from garbage and rubbish
247	8-17-78	Adoption of budget 1978-1979
248	8-24-78	Supporting the Huachuca Del Norte Chamber of Commerce
249	1-11-79	Granting of cable television franchise to Jim R. Smith and Company
250	1-11-79	Authorization of the holding of the regular primary election on March 19, 1979
251	3-8-79	Senior citizens discount program
252	5-10-79	Identifying those agents legally empowered to sign checks
253	5-23-79	Establishing and maintaining a payroll deduction plan
254	5-23-79	Acknowledging desire for continued, expanded library service from the county of Cochise
255	7-12-79	Adoption of budget and fiscal year plans

256	7-12-79	Approving and accepting a legal services contract
257	7-30-79	Landfill contract – Eads Construction/Redi Mix
258	8-9-79	Enforcement of mobile home installation standards
259	8-16-79	Adoption of budget 1979-1980
260	8-16-79	Authorization to borrow from the landfill fund and to draw warrants in favor of garbage and rubbish revenue
261	1979	Establishing separate accounts outside of general fund considerations
262	9-27-79	Accepting an agreement for computer services
263	10-1-79	Establishing separate account outside general fund
264	10-25-79	Agreement to participate in Sierra-Huachuca Association for Retarded Citizens (SHARC)
265	11-20-79	Check authorization signatures
266	12-13-79	Surplus property to be utilized for senior center/public library
267	1-10-80	Uniform Code for the Abatement of Dangerous Buildings
268	1-10-80	Establishing rates of pay for volunteer firemen and policemen
269		(Number not used)
270	2-28-80	Identifying agents legally empowered to sign checks, warrants, and order documents
271	3-4-80	Appointing new directors of the IDA board
272	5-8-80	Identifying agents legally empowered to sign checks, warrants, and other documents
273	5-29-80	Contract with DES for providing services under CETA Title IV-C
274	6-12-80	Identifying agents legally empowered to sign checks, warrants, and other documents
275	6-26-80	Purchasing additional land for landfill
276	6-26-80	Landfill contract – Eads Construction
277	7-10-80	Contract with DES for providing services under the youth employment program
278	7-10-80	Identifying agents legally empowered to sign checks, warrants, and other documents
279	7-18-80	Adoption of tentative budget 1980-1981

280	7-24-80	Contract with DES for providing services under the senior community service employment program
281	8-4-80	Adoption of budget 1980-1981
282	8-4-80	Authorization to file application for wastewater treatment works federal grant
283	8-28-80	Appointing emergency services director and assistant emergency services director
284	9-26-80	Authorization preparations for a water line installation contract
285	11-26-80	Approving and accepting a legal service contract
286	12-5-80	Repeals Res. 220
287	12-11-80	Declaring a commitment to promote fair housing on the sale
288	12-23-80	Approving a contract with the Babacomari Volunteer Fire District for fire protection
289	1-8-81	Authorizing regular primary election
290	1-8-81	Authorizing filing application for water system improvement federal grant
291	3-16-81	Amends Res. 289
292	3-16-81	Proposing an alternative local expenditure limitation
293	3-26-81	Intergovernmental agreement with state of Arizona for Highway 90 maintenance
294	4-9-81	Ratifying existing contracts
295	4-23-81	Appointing new IDA board directors
296	6-2-81	Calling special election for issuance and sale of general obligation and water revenue bonds
297	4-30-81	Appointing election officials for special bond election, June 2, 1981
298	5-14-81	Extending qualification date of registered electors
299	6-6-81	Contract with DES for providing services under the senior community service employee program
300	6-11-81	Establishing M.C. Cray and Howard Street as arterial streets
301	6-15-81	Declaring results of special bond election
302	7-16-81	Adopting tentative budget 1981-1982
303	8-4-81	Water system improvement loan
304	8-6-81	Adoption of budget 1981-1982

305	8-6-81	Approving and accepting a legal services contract
306	8-27-81	Appointing member to library board
307	8-27-81	Appointing a police chief
308	8-27-81	Approving contract with Babacomari volunteer fire department
309	8-27-81	Approving intergovernmental agreement with Cochise County
310	10-29-81	Establishing rates of pay for volunteer firemen and reserve police
311	10-29-81	Applying for local government transportation assistance funds
312	10-8-81	Accepting resignation of Gadbois from library board
313	11-25-81	Authorizing settlement of a lawsuit filed by Louise Wolverton
314	12-10-81	Approving intergovernmental agreement with Cochise County for using county manpower and equipment
315	11-25-81	Authorizing the public sale of surplus property
316	12-10-81	Accepting resignation of Jackie Hunt
317	12-10-81	Authorizing a revision of the town code
318	12-10-81	Adopting policy personnel procedures
319	1981	Authorizing intergovernmental agreement with Cochise County for highway construction, improvement and maintenance
320	1-14-82	Appointing new board of adjustment members
321	1-14-82	Appointing a deputy town clerk
322	2-11-82	Approving landfill agreement with the city of tombstone
323	3-25-82	Accepting the resignation of Wm. Gadbois from IDA
324	3-25-82	Accepting the resignation of E. Urda from fire department
325	3-25-82	Appointing Joseph Hunter to planning and zoning commission
326	3-25-82	Appointing Ruth Stolzmayr to the library board
327	5-13-82	Authorizing submission of a state CDBG
328	5-27-82	CDBG for water system improvement
329	6-24-82	Amending contract with senior community service employment program
330	6-24-82	Requesting ADOT to authorize transportation assistance funds
331	7-8-82	Appropriating monies in contingency fund for 1981-1982 budget
332	7-8-82	Authorizing contract with DES under Title V

333	7-15-82	Adopting tentative budget 1982-1983
334	7-22-82	Authorizing advertising for water improvement project bids
335	7-22-82	Ordering sale of \$50,000 general obligation bonds
336	7-22-82	Ordering sale of \$550,000 water revenue bonds
337	8-5-82	Identifying check signers
338	8-5-82	Adopting budget 1982-1983
338A	8-26-82	Authorizing issuance and sale of \$50,000 general obligation bonds
339	8-26-82	Awarding contract for purchase of \$50,000 general obligation bonds
340	8-26-82	Authorizing issuance and sale of \$550,000 water revenue bonds
341	8-26-82	Awarding contract for purchase of \$550,000 water revenue bonds
342		(Number not used)
343	9-23-82	Authorizing contract with DES under Title V
344	10-14-82	Authorizing contract with KE & G Development
345	10-14-82	Authorizing contract with MCA Engineering for HUD grant
346	10-14-82	Authorizing contract with OEPAD for HUD grant
347	10-14-82	Authorizing contract with Schuff Steel
348	10-21-82	Authorizing contract with SEAGO on HUD grant
349	10-28-82	Authorizing execution of notice to proceed on water improvement project
350	10-28-82	Authorizing execution of requests for funds on water improvement project
351	11-11-82	Authorizing \$50,000 loan for FmHA
352	11-11-82	Authorizing \$550,000 loan from FmHA
353	11-11-82	Approving and accepting legal services contract
354	11-24-82	Establishing primary election, general election, polling place, etc.
355	12-9-82	Authorizing advertising for bids for water system
356	12-23-82	Establishing rates of pay for firemen, policemen and dispatchers
357	1-27-83	Authorizing execution of contract with KE & G for water system
358	2-10-83	Authorizing intergovernmental agreement for CDBG grant
359	2-24-83	Authorizing notice to proceed on CDBG funded improvements to KE & G
360	6-14-83	Authorizing Title V contract – senior community employment
360A	4-28-83	Authorizing officials to sign checks

361	4-28-83	Designating Bank of Cochise as depository
362	5-12-83	Authorizing purchase of additional landfill property
363	5-12-83	Appropriating funds for library account
364	6-9-83	Requesting removal of traffic islands for highway
365	6-9-83	Requesting lottery funds for town use
366	7-5-83	Authorizing application for CDBG grant
367	7-5-83	Authorizing joint submission of CDBG grant
368	7-14-83	Adopting tentative budget 1983-1984
369	8-5-83	Adopting budget 1983-1984
370	9-22-83	Renewing contract with Eads Construction
371	10-20-83	Increasing fees charged for police reports
372	11-10-83	Accepting water works project
373	12-8-83	Opposing legislation to use peace officer training funds
374	12-8-83	Prescribing standards of financial disclosure for elected officials
84-001	1-18-84	APS gas franchise left to the vote of the people
84-002	1-18-84	Adopting town code
84-003	3-8-84	Adopting policy and procedure
84-004	4-12-84	Accepting water works project beyond the corporate town limits
84-005	5-10-84	Adopting use of lottery funds for street repair
84-006	5-10-84	Authorizing intergovernmental agreement with DPS
84-007	5-10-84	Authorizing Title V agreement with DES for senior community service
84-008	7-12-84	Authorizing agreement with surplus property division
84-009	7-12-84	Adopting tentative budget 1984-1985
84-010	8-9-84	Adopting budget 1984-1985
84-0011	8-1-84	Authorizing basic services contract with SEAGO
84-0012	8-1-84	The National Flood Insurance Act of 1968 Title V Chapter 10 Art. 4 ARS
84-0013	8-23-84	Applying for CDBG grant
84-0014	8-23-84	Identifying community development and housing needs
84-0015	8-23-84	Committing local funds to CDBG grant (Rescinded by 84-0017)
84-0016	8-23-84	Adopting a plan to minimize displacement and assisting displaced

84-0017	9-13-84	Committing leverage funds to CDBG grant and rescinding Resolution No. 84-0015
84-0018	9-27-84	Establishing rates of pay for volunteer firemen, volunteer police officers and volunteer public safety dispatchers
84-0019	12-27-84	Supporting change in UDAG funding selection criteria by HUD
85-001	3-14-85	Adoption of home rule expenditure limitation
85-001 A	4-24-85	No parking zone along Highway 90, mile post 312-314
85-002	5-9-85	Allocation of lottery funds
85-003	5-23-85	Adoption of Title V contract – senior community service employment
85-004	6-26-85	Legal services contract with Gary Ramaeker as town attorney and Thomas Rondeau as deputy town attorney
85-005	6-26-85	Approval and acceptance of magistrate employment contract
85-006	6-26-85	Approval and acceptance of SEAGO contract
85-007	7-11-85	State CDBG
85-008	7-11-85	Identifying housing needs CDBG grant – community center construction
85-009	7-11-85	Displacement plan CDBG recommended by OEPAD
85-0010	7-11-85	Committing local funds for \$40,000 CDBG grant (Rescinded by 85-0015)
85-0011	7-11-85	Adoption of personnel rules and regulations
85-0012	7-11-85	Adoption of tentative budget 1985-1986
85-0013		(Number not used)
85-0014	8-8-85	Adoption of budget 1985-1986
85-0015	8-8-85	Rescinding Res. No. 85-0010, setting leveraged funds for CDBG grant at \$50,000
85-0016	10-10-85	Supporting federal government’s Desertron particle collider project at Whetstone Site
85-0017	10-10-85	Amendment of Article XI of incorporation of industrial development authority (IDA)
85-0018	11-14-85	Amending personnel rules and regulations
86-001	4-10-86	Declaring an abandonment of a portion of Arizona Street back to owners
86-002	4-10-86	Identifying check signers
86-003	4-10-86	Economic development grant to install paving on Mustang Road and water

		and sewer lines to Quail Hills Industrial Park
86-004	4-24-86	Application for LTAF (lottery funds) for transportation
86-004 A	5-22-86	Authorizing Title V contract – senior community service employment
86-005	6-12-86	Adopting tentative budget 1986-1987 and fixing tax levy
86-006	6-26-86	Adopting budget 1986-1987
86-007	6-26-86	Renewing landfill contract with Eads
86-008	7-10-86	Rates of pay for firemen
86-009	7-31-86	Application for state CDBG grant funds
86-010	7-31-86	Identifying housing needs – Urban Renewal Recovery Act
86-011	7-31-86	Adopting displacement plan – CDBG grant funds
86-012	7-31-86	Committing \$52,000 to the 1986 CDBG program
86-013	8-14-86	U.S. Dept. of Commerce grant, \$429,000, Project 07-01-02917
87-001	2-12-87	Offering SSVEC franchise, election on March 16, 1987
87-002	1-30-87	Resolution No. 86-016 declared intention to improve portions of Huachuca Canyon Drive, Quail Ridge Drive, etc., with construction of paving, curbs, gutters, street lights, fire hydrants, domestic water lines and 200,000 water storage tanks
87-003	2-12-87	Adding Policy 8337, no alcoholic beverages in any building or town property
87-004	2-26-87	Granting franchise to Jim R. Smith and Company to FC Cable TV of AZ
87-005	2-26-87	Abandoning streets and roadways in Cochise Vista Subdivision to property owners per ARS Section 28-1902(3)(a)
87-006	4-23-87	Lottery funds to be used for street repair and \$1,800 for education purposes
87-007	4-23-87	Related items as described in Resolution of Intention No. 86-016; sealed bids received and inviting sealed proposals for the improvement known as Town of Huachuca City Campstone and Huachuca Commercial Center
87-008	5-14-87	Authorization of Title V – senior community service employment program
87-009	5-14-87	Accepting legal services – Gary Ramaeker, town attorney
87-0010	5-14-87	Accepting magistrate contract – George R. Kirmse
87-0011	5-14-87	Renewal of landfill contract with Eads Construction and Redi Mix from July 1, 1987, to June 30, 1988
87-0012	5-27-87	Renewal of contract with Whetstone Fire District to perform dispatch services and fee increase

87-0013	5-27-87	Authorizing the NARFE organization to develop a project to commemorate the bi-centennial of the U.S. Constitution
87-0014	6-11-87	Affirmative action plan added to the personnel policy (IRCA) of 1986
87-0015	7-9-87	Identifying agents empowered to sign checks
87-0016	7-9-87	Appointing alternate town magistrate, Eugene Murphy
87-0017	7-9-87	Adopting tentative budget 1987-1988
87-0018	7-9-87	Opposing closure of Southern Pacific Rail service
87-0019	7-23-87	Contract between Huachuca City and Cochise County to operate an animal shelter
87-0020	8-7-87	Adopting budget 1987-1988
87-0021	8-13-87	Accepting an agreement to join the Cochise County library district
87-0022	7-23-87	Authorizing the submission of and application for state CDBG funds for the low and moderate benefit requirements
87-0023	7-23-87	Senior center construction
87-0024	7-23-87	\$52,500 commitment to the 1987 CDBG program for Res. No. 87-0022
87-0025	8-28-87	Roadway abandoned to adjoining landowner, Lawrence C. Geare, lying within the Campstone and the Commercial Center, subject to all existing easements
87-0026	9-24-87	Authorizing personal property donation program and nondiscrimination assurance with the Arizona Dept. of Administration, Surplus Property Division
87-0027	9-24-87	The dedication of a portion of the southwest quarter of Section 5, Town Site 20 South, Range 20 East as a public roadway known as Skyline Drive
87-0028	9-24-87	CDBG grant displacement resolution
87-0029	10-23-87	Insurance companies in Arizona to write short-term motor vehicle insurance for Mexican nationals for the purpose of legally operating a motor vehicle within the state of Arizona
87-030	12-10-87	Support construction of the Huachuca Triangle Housing for the Elderly by Landmark Development
88-001	1-21-88	Empowered to sign checks
88-002	1-28-88	Renewal of contract with the Babacomari Volunteer Fire District
88-003	4-28-88	Amendments to tax code

88-004	4-14-88	ADOT authorization request of transportation funds – 90 percent for street repair, 10 percent for library expansion
88-005	4-28-88	Title V – senior community service employment program
88-006	5-12-88	PD training fund established by town clerk, administered by police chief
88-007	5-12-88	Legal service contract – Gary Ramaeker, P.C.
88-008	5-25-88	Renewing Eads contract
88-009	7-14-88	Amending personnel rules and regulations, salary schedule
88-010	7-14-88	Adopting tentative budget 1988-1989 and fixing tax levy
88-011		(Missing)
88-012	8-11-88	Adopting budget 1988-1989
88-013	11-10-88	Designating primary and general election dates, election purpose, deadline for voter registration, and place and last date for candidates to file nomination papers
88-014	11-10-88	Providing notice of election date (primary and general), appointing election officials and fixing their compensation
89-01	1-11-89	Home rule expenditure limitation
89-02	1-26-89	Empowered to sign checks, warrants and other documents
89-03	3-23-89	Opposing the transfer of water from Cochise County basins to Phoenix and Tucson
89-04	4-13-89	LTAf – repair of streets and educational purposes
89-05	4-13-89	Execution of \$8,771 contract for Title V senior community employment program
89-06	4-13-89	Authorizing EDA grant – paving Mustang Road, installing sewer and water lines to Huachuca Commercial Center and Industrial Park at Campstone
89-07	5-24-89	Rates of pay for volunteer firemen, police and dispatchers
89-08	5-24-89	Renew Eads Construction landfill contract
89-09		(Missing)
89-10	6-8-89	Authorization to sign checks
89-11	6-22-89	Authorization of submission of an application for CDBG for low and moderate benefit requirements eliminating slum and blight
89-12	7-13-89	Adopting tentative budget 1989-1990 and fixing tax levy
89-13	8-10-89	Adopting budget 1989-1990

89-14	7-13-89	Construct a library and enhance the educational opportunities of low and moderate income
89-15	7-13-89	CDBG residential antidisplacement and relocation assistance plan
89-16	12-28-89	CDBG commitment of \$4,100 leveraged funds
89-16	7-27-89	Magistrate employment contract with Eugene Murphy
89-18	8-10-89	Joint venture for affordable housing – Dept. of Housing and Urban Development
89-19	9-28-89	Amending personnel rules and regulations, salary schedule
89-20	9-28-89	CDBG program for low to moderate income; opposition to changes to the non-entitlement CDBG program
89-21	9-28-89	Opposes desecration of the American flag and supports the amendment to the Constitution of the United States for prosecution or punishment for desecrating the flag.
89-22	9-28-89	Resists state's effort to balance the budget by reducing shared revenues to cities and towns
89-23	9-28-89	Declares support for the restoration of local regulatory authority over cable television systems
89-24	10-4-89	Endorses and approves the submittal of an application to the Housing Trust Fund Program of the state of Arizona
89-25	11-9-89	Authorization to participate in the Arizona Business Retention and Expansion Program of Sierra Vista
89-26	11-9-89	Supporting SEAGO as an economic development district
90-01	2-22-90	Adopting a Fair Housing Policy of the amended Community Development Act of 1974; the Civil Rights Act of 1968 Amendments Act of 1988.
90-02	2-22-90	Authorizing an application of and setting forth the commission members for the enterprise zone and naming the town clerk the administrator of the zone
90-03	4-12-90	Authorizing Title V contract with DES
90-04	4-26-90	Requesting ADOT to authorize LTAF for police car and library
90-05	4-26-90	Amending personnel rules and regulations, salary schedule
90-06	4-26-90	IGA to develop and implement and integrate countywide solid waste disposal system
90-07	5-10-90	Support of border crossing at the Coronado National Monument

90-008	5-24-90	1990 tax code amendment
90-009 A	5-24-90	IGA with the state for receipt of economic strength project funds for construction of an extension of Skyline Drive
90-010	6-28-90	Adopting 1990-1991 tentative budget, tax levy
90-009	6-28-90	Authorizing the implementation by the Material Resource Recovery Facility of a negotiated tip fee system
90-011		(Number not used)
90-012	7-12-90	Authorizing CDBG funds for 51% of low income-moderate income aiding in blight and elimination of slum
90-013	7-12-90	CDBG funds for low and moderate income, a new fire truck, improvements to the park and renovation of the Community Center
90-014	7-12-90	CDBG adoption of antidisplacement and relocation assistance plan
90-015	7-12-90	CDBG commitment of local funds as leverage in the amount of \$5,000
90-016	7-12-90	Rates of pay for volunteer firemen, police officers and dispatchers
90-017	7-12-90	Renewal of Eads Construction and Redi-Mix landfill contract
90-018	7-12-90	Adopting 1990-1991 budget
90-019	7-12-90	Authorizing improvements for portions of the streets and rights-of-way for Campstone development
90-020	7-26-90	Accepting legal service contracts: town attorney, Gary Ramaeker, and deputy town attorney, Biagio Gingo
90-021	9-27-90	Urging the board of supervisors of Cochise County to schedule meetings more accessible to the people, and expanding the board from three to five
90-021	9-13-90	Endorsement of the application to ADOT to grant historical designation to State Routes 82 and 83 to I-10
90-022	9-27-90	Certification and agreement to participate in federal surplus property
90-023	11-8-90	Designating the election date, deadline for registration, and date and place to file nomination forms
90-024	11-8-90	Notice of elections date, polling places and election officials
90-025	10-25-90	Contract in the amount of \$10,381 with Arizona Dept. of Public Safety
91-001	1-10-91	Repealing Policy No. 38 of the PD. Amending portions adopted on July 11, 1998, and July 14, 1998
91-002	2-14-91	Support for managing solid waste throughout Cochise County

91-003	2-28-91	Contract with Cochise County Landfill Recycling Center
91-004	2-28-91	Interagency solid waste steering committee
91-005	1991	Establishment of an enterprise zone commission, town clerk as administrator, the common council as commission
91-006	3-14-91	Support HB 2260 passage for a correctional facility in Duncan, Arizona
91-007	3-28-91	Fair housing policy
91-008	3-28-91	LTAF for PD car, street repair, library
91-009	3-28-91	Support Free Trade Agreement between the United States and Mexico
91-0010	4-3-91	Declaring and adopting the results of the primary election held March 19, 1991
91-0011	5-9-91	Contract with DES for the senior community development program
91-0012	5-23-91	Support of Cochise County board of supervisors, membership change from three to five
91-0013	6-27-91	Amends salary schedule
91-0014	7-1-91	Amends personnel rules and regulations
91-0015	7-25-91	Missing (intergovernmental landscape)
91-0016	8-22-91	Missing (magistrate contract)
91-0017	7-15-91	Adopting tentative budget 1991-1992 and tax levy
91-017	8-8-91	Adopting 1991-1992 budget
91-0018	7-25-91	Amends salary schedule
91-0019	8-22-91	Missing (attorney's contract)
91-0020	8-22-91	Adopting residential antidisplacement plan
91-0021	8-22-91	Authorizing submission of CDBG application for low/moderate income
91-0022	8-22-91	CDBG needs: housing on Hunt Road, Grant Street project, Gila Street completion and construct new fire station
91-0023	8-22-91	CDBG committing local funds of \$10,000
91-024	9-12-91	Support Southwest Municipal Recycling Association
91-025	10-10-91	Rates of pay for volunteer firemen, police officers and dispatchers
91-026	10-11-91	Adopt solid waste fees at the landfill
91-027	10-11-91	IGA with Cochise County relating to tipping fees
91-028	11-27-91	Renewal of Eads Construction contract

92-001	3-12-92	Requesting Arizona Department of Transportation to authorize transportation assistance funds pursuant to Section 28-2602 ARS and senior center furniture
92-002		(Missing)
92-003	5-7-92	Authorizing ground lease and town lease
92-004	5-28-92	Amendment to Commerce CDBG Contract No. 159-90
92-005	7-9-92	Adopting tentative budget 1992-1993
92-006	7-23-92	Adoption of budget 1992-1993
92-007	8-13-92	Adopting a residential antidisplacement and relocation assistance plan
92-008	8-13-92	Authorizing the submission of an application for 1993 state CDBG funds and certifying that said application meets the low and moderate income benefit requirements of the state CDBG program
92-009	8-13-92	Identifying 1993 community development and housing needs and activities to be undertaken to meet such needs: housing on Hunt Road, Grant Street project, completion of Gila Street and paving community facility parking lots
92-010	8-13-92	Committing local funds as leverage for the 1993 CDBG application, \$5,000
92-011	8-13-92	Adopting a fair housing policy
92-012	8-13-92	Authorizing submission of an application for 1992 home funds for very low and low housing program
92-013	8-13-92	Supporting and participation of growing connections project with Arizona Department of Environmental Quality on reuse or recycling of solid waste
92-014	9-10-92	Amending personnel policy, adding Rule XX on establishing a drug and alcohol free workplace
92-015	9-10-92	Establishing a complaint resolution procedure of complaints alleging town violations of the Americans with Disabilities Act
92-016	10-8-92	Authorizing transfer of surplus landfill funds to the landfill restricted fund account
92-017	10-8-92	Authorizing IGA with Arizona Department of Transportation, Highways Division, for landscape of areas within the right-of-way on State Route 90
92-018	10-22-92	Identifying 1993 community development and housing needs and activities to be undertaken to meet such needs: housing on Hunt Road, Grant Street project, completion of Gila Street, paving community facility parking lots and improving Huachuca Desert Grove Park

92-019	10-22-92	Designating election date and purpose, deadline for voter registration, and the place and the last date for candidates to file nomination papers
92-020	11-12-92	Amending Res. No. 92-019 for adoption of home rule
92-021	1-14-93	Proposing an extension of the alternative local expenditure limitation – home rule option
92-022	1-14-93	Providing notice of the regular primary election, establishing polling places and hours and voting districts, and appointing election officials and fixing their compensation
93-001	2-11-93	Support for enacting SB 1055, fair legal system
93-002	2-25-93	Authorizing participation in personal property donation program and nondiscrimination assurance with the Arizona Department of Administration, Surplus Property Division
93-003	3-11-93	Supporting police department application for a 402 alcohol/drug incentive grant
93-004	3-18-93	Declaring and adopting the results of the primary election held March 9, 1993
93-005	3-25-93	Commitment to fair housing
93-006	4-8-93	Requesting the Arizona Department of Transportation to authorize transportation assistance funds pursuant to Section 28-2602 ARS; LTAF funds street construction and repairs
93-007	4-8-93	Authorizing renewal and amendment of Eads Construction contract, recycling
93-008	7-8-93	Adopting tentative budget 1993-1994
93-009	7-22-93	Adoption of budget 1993-1994
93-010	7-28-93	Amending personnel rules and regulations
93-011	9-6-93	Supporting police department application for a 402 fire department rescue equipment grant
93-012	Tabled	Abandoning alley adjacent to 207 Grant Street, Huachuca City Annex
93-013		(Number not used)
93-014	12-9-93	Adopting lease agreement with Jay Bar Communications
93-015	12-9-93	Annexation
94-001	1-13-94	Desires to establish animal shelter volunteer program and set rate of pay
94-002	1-27-94	Commitment to fair housing

94-003	3-10-94	Agreement with the State of Arizona Department of Commerce Office of Housing Development Home Program/Housing Trust Fund pursuant to ARS 11-952
94-004	4-28-94	Requesting Arizona Department of Transportation to authorize transportation assistance funds pursuant to Section 28-2602 ARS; LTAF funds for street repairs and maintenance
94-005	5-12-94	Policy and program to buy recycled products and reduce waste
94-006	5-25-94	Approving and adopting personnel rules and regulations, classes of salary
94-007	6-23-94	Amending personnel rules and regulations
94-008	7-14-94	Adopting tentative budget 1994-1995
94-009	8-5-94	Adoption of budget 1994-1995
94-010	7-28-94	IGA with Arizona Governor's Office of Drug Policy pursuant to ARS 41-101.01 and 11-952
94-011	9-22-94	Approving of magistrate and assistant magistrate to hear juvenile matters pursuant to ARS 8-232
94-012	11-10-94	Designating election date and purpose, deadline for voter registration, and place and last date for candidates to file nomination papers
94-013	12-8-94	Reaffirming settled policy supporting legislation beneficial to the town for the 1995 special census reimbursing
94-014	12-8-94	1995 tax code amendments
94-015	2-9-95	IGA with the Arizona Department of Corrections for and on behalf of the Arizona State Prison Complex-Douglas-Papago Unit, utilization of inmates
95-002	1-12-95	IGA with ADOT SPR program grant amount of \$800
95-003	3-23-95	Adopting a fair housing policy
95-004	1-26-95	Legal service contract for Biagio Gingo, town attorney
95-005	1-26-95	Notice of primary election to be held on March 14, 1995
95-006	3-9-95	Amending policies and procedures; control of the town's finances, purchase order
95-007	4-13-95	LTAF for maintenance and repair of town streets; chip and seal overlay
95-008	7-13-95	Renewing magistrate contract with Eugene Murphy
95-009	7-13-95	Adopting 1995-1996 tentative budget and tax levy
95-010	7-27-95	IGA with the county and Huachuca City Animal Shelter

95-011	7-27-95	Public hearing to increase water, sewer, garbage and landfill fees
95-012	8-10-95	Adopting 1995-1996 budget
95-013		(Number not used)
95-014	8-7-95	Proposed site for the large binocular telescope and calling for an immediate congressional action to resolve the conflict
95-015	9-28-95	Lease agreement with Jaybar Communications
95-016	10-26-95	Amending the Endangered Species Act
95-017	10-26-95	Continuation of enterprise zone; town clerk to act as administrator
96-001	3-28-96	Fair housing policy
96-002	3-28-96	LTAF for maintenance and repair of town streets and educational (library)
96-003	5-9-96	Support of SEAGO
96-004	6-13-96	Notice of public hearing to increase water rates
96-005	7-11-96	Tentative budget and tax levy 1996-1997
96-006	8-8-96	Adopting budget and tax levy 1996-1997
96-007	8-8-96	Amending personnel rules and regulations, schedule of classes, and solid waste group job descriptions
96-009	10-24-96	Call of election, March 11, 1997
96-010	11-14-96	Identifying agents legally empowered to sign checks, warrants and other documents
96-011	12-12-96	Proposal of an extension of the alternative local expenditure limitation home rule option
96-012	12-12-96	Providing notice of the regular primary election
96-013	12-12-96	1996 tax code amendments
96-014	11-26-96	Designating Jim Johnson as building official
96-015	12-12-96	ADA guidelines for buildings and facilities
97-001	3-13-97	Adopting fair housing policy
97-002	3-25-97	Declaring and adopting the results of the primary election held on March 11, 1997
97-003	4-10-97	Approving and renewing contract with Babocomari Volunteer Fire District
97-004	7-10-97	Amending IGA contract with the Department of Corrections
97-005	7-10-97	Adopting tentative budget and tax levy 1997-1998

97-006	7-24-97	Adopting the residential antidisplacement and relocation assistance plan for 1997
97-007	7-24-97	CDBG application for 1997, two-inch asphalt overlay
97-008	8-7-97	Adopting 1997-1998 budget
97-008A	12-11-97	Terminating existing IGA enterprise zone and approving IGA creating enterprise zone commission
97-009	12-11-97	Renew magistrate contract with Eugene Murphy
97-010	12-11-97	Contract with Biagio Gingo, town attorney
98-001	1-8-98	Adopting the municipal court filing fees established by HB 2102, Chapter 79
98-002	3-12-98	Grant agreement with the Arizona Criminal Justice Commission
98-003	3-12-98	Extension of agreement with Arrow Construction for subdivision improvements
98-004	4-9-98	Submission of projects for consideration in Arizona's 1998 Highway Safety Plan, Chief Fenimore appointed agent
98-005	4-23-98	Submission of projects for consideration in Arizona's 1998 Highway Safety Plan, Chief Grey appointed agent
98-006	5-14-98	1998 tax code amendments
98-007	6-25-98	Tentative 1998-1999 budget and tax levy
98-008	7-23-98	Adoption of 1998-1999 budget
98-009	9-24-98	Identifying those empowered to sign checks
98-010	11-25-88	General election to be held May 18, 1999
98-011	12-23-98	Notice of the regular primary election for March 9, 1999
99-001	1-14-99	Affirming support of Arizona Office of Tourism and encouraging state legislators to increase marketing related funding to Arizona Office of Tourism
99-002	2-11-99	Adopting grant agreement (LLBG-98-114) with Arizona Criminal Justice Commission
99-003	2-25-99	Amending Res. No. 98-011, primary election
99-004	4-8-99	Submission of projects for consideration in Arizona's 1999 Highway Safety Plan
99-005	4-22-99	Change of planning and zoning commission from seven members to five members

99-006	4-22-99	Authorizing an application to the Greater Arizona Development Authority for technical assistance pursuant to ARS Title 41, Chapter 10, Article 8
99-007	4-28-99	Authorizing supplemental ground lease and town lease
99-008	5-5-99	Ratifying Res. No. 99-007, supplemental ground lease and town lease
99-009	7-22-99	Identifying those agents legally empowered to sign checks, warrants and other documents
99-010	7-22-99	Authorization to submit application and implement CDBG projects
99-011	7-22-99	Planning and zoning committee to change monthly meeting day
99-012	8-12-99	Adoption of budget 1999-2000
99-013	9-9-99	Authorizing gift and transfer of \$17,008 excess funds from CDBG Contract No. 113-98 to City of Bisbee CDBG Contract No. 069-98
99-014	11-24-99	1999 tax code amendments
00-001	Tabled	Approving and accepting a magistrate employment contract
00-002	1-27-00	Notice of special election, establishing polling places and hours, and appointing election officials and fixing their compensation
00-003	Tabled	Adopting lease agreement with Tower COM, L.L.C.
00-004	1-31-00	Appointing alternate town magistrate
00-005	4-13-00	Adopting grant agreement (LLBG98-114) with Arizona Criminal Justice Commission
00-006	4-27-00	Approving and accepting magistrate employment contract
00-007	8-10-00	Adoption of budget 2000-2001
00-008		Approving installation of a wind turbine (Rescinded by 00-011)
00-009	Tabled	Proposing revised zoning allowing for commercial wind turbines
00-010	8-24-00	Approving legal services contract with Biagio Gingo, town attorney
00-011	9-21-00	Rescinding Res. No. 00-008, installation of wind turbine
00-012	10-26-00	Proposing to suspend budget retroactive to June 30, 1999, covering fiscal year 1998-1999
00-013	11-16-00	Recall election results held November 7, 2000
00-014	12-14-00	Agents legally empowered to sign checks
01-001	3-14-01	Proposal of an extension of the alternative local expenditure limitation
01-002	3-22-01	Declaring and adopting results of the primary election held March 13, 2001

01-003	3-22-01	Arizona Department of Commerce Section 8 vouchers for low income housing
01-004	3-22-01	Arizona Department of Commerce Growing Smarter matching funds of \$20,000
01-005	4-12-01	Performance bond, closure and/or post-closure care of landfill
01-006	4-12-01	Agents empowered to sign checks
01-007	4-12-01	Adds Policy 8326-2; amends Policy 8326-1, town clerk, landfill department
01-008	4-12-01	Credit card merchant processing agreement with Nova Information Systems
01-009	5-10-01	WIFA technical assistance request and matching fund grants for Water Infrastructure Finance Authority of Arizona
01-010	5-10-01	Authorize magistrate to hear nonfelony and/or non-alcohol-related juvenile traffic offenses (2.40)
01-011	5-10-01	Magistrate employment contract, Donald Thomson
01-012	5-16-01	Lease with Empire for landfill equipment
01-013	5-24-01	Declaring and adopting the results of the general election, May 15, 2001
01-014	6-14-01	Check signing authority
01-015	6-14-01	Authorizing free dumping once per month with paid water bill, July to September 2001
01-016	6-14-01	New garbage truck purchase approval
01-017	7-26-01	CDBG grant application for library ADA compliance
01-018	7-26-01	Adopts 2001-2002 budget
01-019	7-26-01	Fair Housing month, August 2001
01-020	7-26-01	Personnel Policy 8400, health insurance plan opt-out option
01-021	8-23-01	Proclaiming September 2001 as Arizona Alcohol and Drug Addiction Recovery Month
01-022	8-23-01	Opposition to redistricting plan
01-023	9-13-01	Investigative fund – relieving town clerk of responsibility
01-024	9-27-01	JS & K drilling for the wastewater treatment facility
01-025	9-27-01	Purchase order with Tombstone Tumbleweed for publication of legal notices
01-026	9-2001	Preliminary steps for participation in public safety personnel retirement system

01-027	10-25-01	Regular meeting date change
01-028		(Pulled)
01-029	10-25-01	Amends Policy 8333.1, mileage reimbursement
01-030	11-8-01	2001 tax code amendments
01-031		(Number not used)
01-032	11-8-01	Amends TowerCom site lease
01-033	12-10-01	Approving 2001-2002 budget cuts
01-034	11-20-01	Authorizing procurement of insurance
01-035	12-10-01	Adopting elections results held May 15, 2001 (opened for true count of recall)
01-036	12-10-01	Cancel December 27, 2001, meeting due to holiday
01-037	12-10-01	Support of ADOT budget reduction plan
01-038	12-10-01	Audit acceptance for 2000-2001
02-001	1-24-02	Library use policy
02-002	1-24-02	General plan for the town – growing smarter grant (\$10,000 matching fund)
02-003	1-24-02	BECC request for technical assistance
02-004	2-14-02	IGA with Cochise County, crack fill and chip seal
02-005	2-14-02	Grant writing contract with M.L. Johnson and Associates
02-006	Tabled	Growth and development liaison committee
02-007	2-14-02	Amends Policy 8315.3, re-establishment of parks and recreation commission (2.80)
02-008	2-28-02	Empire lease contract for 60 months
02-009	3-28-02	Approval of library advisory board by-laws (2.50)
02-010	3-28-02	Library advisory board appointments
02-011	3-28-02	Dennis Grey severance pay, COBRA health care provisions
02-012	3-28-02	Joe Glowacki appointed interim police chief
02-013	3-28-02	Special election adoption of results
02-014	3-28-02	Economic development and commitment of funds and authorization of an application for a grant for rural development funds
02-015	3-28-02	Prevention of discontinuance of IGA with Department of Corrections
02-016	4-11-02	Fair housing month

02-017	4-11-02	Approves full-time police dispatchers
02-018	4-11-02	Joanne Ruffner appointed to parks and recreation board
02-019	6-13-02	Adopts tentative 2002-2003 budget
02-020	6-13-02	Adopts Policy 8401, electronic communication
03-001	7-11-02	Adopts 2002-2003 budget
03-002	7-11-02	Approves IGA with Cochise County to authorize the creation of a joint development plan for a portion of the Upper San Pedro River Basin
03-003	9-26-02	Recall election results
03-004	9-26-02	Check signing authority
03-005	10-10-02	Supporting regional enterprise zone establishment
03-006	Tabled	Approval to proceed with additional roadwork through Cochise County IGA
03-007	10-10-02	Request to ADOT for traffic improvements
03-008	12-5-02	Insurance procurement
03-009	Not passed	Civilian militias, vigilantism
03-010	2-13-03	CDBG No. 131-02 H and 062-02 H amendments
03-011	2-27-03	Check signing authority
03-011	3-27-03	Freedom Park dedication
03-012	3-27-03	Acceptance of military equipment from the Department of Defense for Freedom Park
03-013	4-24-03	2002 tax code amendments
03-014	4-21-03	Adopting results of the primary election held March 11, 2003
03-015	Not passed	Interim town attorney, James F. Miller
03-016	5-8-03	Authorizing town flag adoption
03-017	6-9-03	Posting council meeting agendas (2.20)
03-018	3-25-04	Colonia identification, application for CDBG funds
03-019	7-10-03	Residential antidisplacement and relocation assistance plan
03-020	7-10-03	City pool and spray court CDBG funds application
03-021	8-14-03	Adopts 2003-2004 budget
03-022	10-23-03	Supports free enterprise zone
03-023	12-11-03	Check signing authority

04-001		(Number not used)
04-002		(Number not used)
04-003	4-22-04	Low income housing tax credit program application
04-004	4-22-04	Highway safety plan 2004-2005
04-005	5-13-04	Supports recharge project
04-006	6-10-04	Check signing authority
04-007	6-28-04	Adopts tentative 2004-2005 budget
04-008	7-22-04	Adopts 2004-2005 budget
05-001	1-20-05	Alternative local expenditure limitation extension
05-002	3-31-05	Water infrastructure CDBG
05-003	5-25-05	Adopts results of general election held May 17, 2005
05-004	7-14-05	Adopts 2005-2006 budget
05-005	7-28-05	Magistrate pro-tem Kenneth Curfman
05-006	8-11-05	Check signing authority
05-007	8-25-05	Stuart Jantzen appointed to vacant council seat
05-008	10-31-05	IGA with Sierra Vista Fire Department for FEMA grant handheld radios
05-009	10-27-05	Abandonment of public rights-of-way
05-010	11-10-05	NIMS recognition
06-001	3-9-06	HCBS support of funding for aging services
06-002	3-9-06	March 12-19, 2006, declared Safe Place Week
06-003	3-23-06	Moratorium on floodplain applications and zoning changes
06-04	3-23-06	Fair housing policy (2.90)
06-05	5-11-06	IGA with school districts for use of swimming facility
06-06	6-15-06	Amends landfill tipping fees (8.30)
06-07	6-15-06	Amends Ch. 17-22, planning and zoning fees
06-08	6-22-06	Fire department joins Collaborative Border Region Alliance
06-09	6-22-06	Adopts multi-hazard mitigation plan
06-10	6-22-06	2006 tax code amendments
06-11	7-13-06	Adopts 2006-2007 budget
06-12	7-27-06	Adopts swimming pool policies (2.100)

06-13	8-10-06	Requests ADOT to make signage change
06-14	11-2-06	Camp Newell property purchase authorization
06-15	11-22-06	2007 tax code amendments
06-16	12-14-06	Approves conditional use permit
06-17	12-22-06	Historic Preservation Heritage Fund application
07-01	3-8-07	Support of state legislation to create Upper San Pedro Water District
07-02	4-26-07	CDBG for a new fire truck and recreational activities improvements
07-03	5-10-07	Commits local funds as leverage for pool/park improvement CDBG
07-04	6-8-07	Grants authority to magistrate to hear juvenile matters (2.40)
07-05	6-14-07	Personal use of town vehicle mileage reimbursement
07-06	7-12-07	Approves 2007-2008 budget
07-07	7-26-07	Tax levy
07-08	7-26-07	Employee uniforms, reimbursement
07-09	7-26-07	Town vehicle use regulations (Repealed by Ord. 13-09)
07-10	11-8-07	Supports National League of Cities stand on media violence
07-11	11-8-07	Adopts town flag (1.05)
07-12	12-5-07	Fire department IGA
07-13	12-20-07	Transfers floodplain management to county (15.75)
08-01	1-24-08	Preliminary steps for participation in public safety personnel retirement system
08-02	1-24-08	IGA with the Arizona Department of Revenue
08-03	2-28-08	IGA with the Military Installation Fund
08-04	3-27-08	Campstone development agreement
08-05	5-8-08	Deed dedication for public roadway access
08-06	5-8-08	Creates liaison commissioner position for the senior center (not a resolution – voted on at the May 8, 2008, regular meeting)
08-07	5-22-08	2008 tax code amendments
08-08	7-10-08	Amends Policy 8333.1, mileage reimbursement
08-09	7-24-08	Tax levy
08-10	9-11-08	Amends Policy 8310, council meeting agenda

08-11	10-6-08	Supports establishment of enterprise zone with county
08-12	10-9-08	Adds Policy 0801, town facility use (2.85)
08-13	10-9-08	Adds Policy 0802, canine officer pay (2.55)
08-14	12-11-08	Historic Preservation Heritage Fund application
09-01	1-15-09	Alternative expenditure limitation extension
09-02	4-9-09	CDBG application
09-03	5-5-09	Adopts residential antidisplacement and relocation assistance plan
09-04	7-9-09	Approves ADOT Transportation Enhancement Program application
09-05	7-23-09	Tax levy
09-06	8-13-09	Electrical right-of-way easement
09-07	8-13-09	Appoints interim police chief Joe Glowacki
09-08	9-10-09	Library conference room named Harold Murray Children's Room
09-09	10-8-09	Library aids job description
09-10	10-29-09	2008 tax code amendments
10-01	2-11-10	Amends personnel rules and regulations (Repealed by Ord. 18-04)
10-02	2-25-10	Amends personnel rules and regulations (Repealed by Ord. 18-04)
10-03	5-13-10	Renews franchise agreement with Cox Communications
10-04	5-13-10	Approves ADOT Transportation Enhancement Program application
10-05	6-10-10	CDBG Contract 122-10 for police station renovations
10-06	6-10-10	Supports border security resolution of the League of Arizona Cities and Towns
10-07	6-10-10	Adopts tentative 2010-2011 budget
10-08	6-24-10	Tax levy
10-09	8-12-10	Michael Lockett appointed building official
10-10	9-9-10	Preliminary steps for participation in public safety personnel retirement system
10-11	Defeated	Supports creation of Upper San Pedro Water District
10-12	10-12-10	Approves Camp Naco brownfields cleanup grant application
10-13	10-12-10	Approves Camp Naco brownfields cleanup grant application
10-14	12-9-10	Amends personnel rules and regulations (Repealed by Ord. 18-04)

11-01	1-27-11	Authorizes joinder agreement with the public safety personnel retirement system
11-02	1-27-11	Verizon contract for landfill cell phones
11-03	3-10-11	Amends CDBG Contract 122-10, Skyline water loop
11-04	3-10-11	Amends CDBG Contract 122-10, senior center heating and cooling system construction
11-05	3-24-11	Amends magistrate court fine and fee policy and procedure
11-06	4-14-11	Adopts results of primary election held March 8, 2011
11-07	4-14-11	Amends landfill fees (8.30)
11-08	5-26-11	Adopts results of general election held May 17, 2011
11-09	5-26-11	Authorization to submit CDBG applications and implement programs
11-10	7-14-11	Adopts tentative 2011-2012 budget
11-11	7-28-11	Adopts 2011-2012 budget
11-12	7-28-11	Committing local funds as leverage for CDBG grant
11-13	8-4-11	Tax levy
12-01	1-12-12	IGA with ADOT for sidewalk
12-02	1-26-12	Adopts transit program policies (2.95)
12-03	3-8-12	2010-2011 tax code amendments
12-04	6-28-12	Adopts tentative 2012-2013 budget
12-05	7-12-12	Tax levy
12-06	7-12-12	Adopts 2012-2013 budget
12-07	8-14-12	Agreement to purchase property
12-08	8-23-12	Adopts credit card policies (3.10)
12-09	8-23-12	Updates banking procedures, closes stagecoach account
12-10	Not passed	Board of appeals creation
13-01		(Number not used)
13-02	4-25-13	Authorizes CDBG application
13-03	6-10-13	Declares and adopts general election results
13-04	6-13-13	Designates slum and blighted properties
13-05	4-3-13	Declares and adopts primary election results

13-05B	7-15-13	Adopts tentative 2013-2014 budget
13-06	8-8-13	Adopts 2013-2014 budget
13-07	8-8-13	Tax levy
13-08	8-8-13	Amends landfill fees (8.30)
13-09		(Number not used)
13-10		(Number not used)
13-11	12-19-13	Authorizes CDBG application
14-01	3-27-14	Adds nepotism policy to personnel rules and regulations (Repealed by Ord. 17-05)
14-02	4-10-14	Check signing authority
14-03	6-26-14	Approves submission of Gila River Indian Community grant application
14-04	6-26-14	Adopts records retention schedules
14-05	6-26-14	Adopts schedule for 2014-2015 budget
14-06	7-10-14	Declares town code Chapter 18, procurement and investment, as public record
14-07	8-4-14	Adopts 2014-2015 budget
14-08	8-4-14	Tax levy
15-01	1-8-15	Declares support for placement of “No Parking” signs along State Route 90
15-02	2-12-15	Declares “International Building Code, 2012 Edition, With Supplements” as public record
15-03	2-12-15	Parliamentary procedure (2.20)
15-04	2-12-15	Declares “Code of the Town of Huachuca City, Arizona” as public record
15-05	3-26-15	Canvasses results of mayoral recall election
15-06	3-26-15	Identifies agents empowered to sign checks and warrants
15-07	5-14-15	Intergovernmental agreement with Tombstone Unified School District No. 1 for sharing of facilities
15-08	5-14-15	Adopts 2015-2016 budget schedule
15-09	7-23-15	Tax levy
15-10	9-10-15	Intergovernmental agreement for mutual aid in providing public safety services
15-11	11-25-15	Amends fee schedule for disposing of waste at the Huachuca City Landfill

15-12	12-10-15	Intergovernmental agreement with Cochise County for 911 address system
16-01	1-28-16	Intergovernmental agreement with Santa Cruz County for incarceration services
16-02	2-11-16	Declares "Amendments to 2012 International Building Code" as public record
16-03	2-11-16	Declares "International Fire Code, 2012 Edition, With Amendments" as public record
16-04	2-11-16	Authorizes town magistrate to adjudicate juvenile matters (2.40)
16-05	2-11-16	Declares "International Residential Code, 2012 Edition, With Amendments" as public record
16-06	2-11-16	Declares "National Electrical Code, 2014 Edition, With Amendments" as public record
16-07	2-11-16	Declares "International Existing Building Code, 2012 Edition, With Amendments" as public record
16-08	2-11-16	Declares "International Plumbing Code, 2012 Edition, With Amendments" as public record
16-09	2-11-16	Declares "International Mechanical Code, 2012 Edition, With Amendments" as public record
16-10	2-11-16	Declares "International Energy Conservation Code, 2012 Edition, With Amendments" as public record
16-11	2-11-16	Declares "International Property Maintenance Code, 2012 Edition, With Amendments" as public record
16-12	3-10-16	Declares "The Flood Insurance Study for Cochise County, Arizona and Incorporated Areas dated August 28, 2008" and "Cochise County Floodplain Regulations" as public record
16-13	3-24-16	Authorizes CDBG application
16-14	3-24-16	Adopts residential antidisplacement and relocation assistance plan
16-15	4-28-16	Intergovernmental agreement with Arizona State Forester for cooperation in fighting fires
16-16	7-14-16	Intergovernmental agreement with Department of Revenue
16-17	7-28-16	Adopts 2016-2017 budget
16-18	8-11-16	Tax levy
16-19	8-11-16	Proposes extension of alternative expenditure limitation
16-20	8-11-16	Intergovernmental agreement with Cochise County for election services

16-21	8-11-16	Placed franchise proposition on ballot for November 8, 2016 election
16-22	9-8-16	Authorizes acquisition of pumper truck
16-23	9-8-16	Canvasses results of primary election
16-24	10-27-16	Adopts wage range schedule
16-25	11-23-16	Identifies officers empowered to sign checks and warrants
16-26	11-23-16	Canvasses results of general election
16-27	12-8-16	Financial disclosure standards
17-01	3-9-17	Intergovernmental delegation agreement with Arizona Department of Environmental Quality for burn permit issuance authority
17-02	3-23-17	Rates of pay for volunteer firefighters, police officers and dispatchers
17-03	3-23-17	Fair housing policy (2.90)
17-04	5-25-17	Terminates cable television license agreement and license of Cox Communications
17-05	5-25-17	Adopts update to general development plan
17-06	6-8-17	Adopts fee schedule for providing fire, rescue and emergency medical services outside town's corporate limits
18-01	1-25-18	Intergovernmental agreement with the city of Douglas for intercity bus services
18-02	1-25-18	Identifies officers empowered to sign checks and warrants
18-03	2-8-18	Declares "Noise Ordinance: Reasonable Person Standard" as public record
18-04	2-8-18	Authorizes acquisition of equipment for public benefit
19-01	1-10-19	Declares "2018 Sign Regulations" as public record
19-02	1-10-19	Declares "2018 Manufactured Home Parks Regulations" as public record
19-03	1-10-19	Declares "2018 Recreational Vehicle Parks Regulations" as public record

Ordinance List and Disposition Table

This table lists all ordinances. If an ordinance is codified, its location in the code is cited by chapter number at the end of the ordinance description. Ordinances are codified if they are general, permanent, and/or include penalty provisions for noncompliance. "Not codified" indicates that the ordinance could have been codified but was not for some reason (e.g., superseded by a later ordinance, codified in a separate publication). "Special" means the ordinance was special in nature or for a specific period of time (e.g., budget, annexation, tax levy, street vacation). If an ordinance's current status and/or location in the code is unknown, no disposition is included.

Number	Passage Date	Subject
1		(Number not used)
2	12-8-58	Establishes civil defense organization
3	2-5-59	Voter registration
4	3-30-59	Grants natural gas franchise (Special)
5	6-1-59	Establishes zoning commission (Repealed by 30)
6	6-1-59	Establishes zoning districts and board of adjustment (Repealed by 48)
7	6-1-59	Establishes building regulations, fire zones
8	6-1-59	Establishes plumbing and drainage system regulations
9	6-1-59	Establishes electrical system regulations
10	3-30-59	Establishes business regulations and license taxes
11	5-23-59	Prohibits running at large or keeping of livestock, certain fowl
12	6-14-59	Provides for animal destruction, licensing, inoculation
13	9-8-59	Establishes trailer regulations
14	12-10-59	Provides for the organization of a volunteer fire department
15	3-10-60	Annexation (Special)
16	8-25-60	Establishes police regulations
17	10-27-60	Amends Ord. 7, building code
18	11-9-61	Establishes council meeting rules
19	11-9-61	Amends § 4 of Ord. 2 establishing a civil defense organization
20	11-9-61	Amends § 12 and repeals § 11 of Ord. 3, voter registration
21	7-12-62	Grants electricity franchise (Special)
22	8-23-62	Amends Ord. 10, business regulations (Repealed by 27)

23	8-23-62	Defining offenses, public nuisances
24	9-26-63	Establishes election regulations
25	9-26-63	Provides for traffic-control device placement and maintenance
26	7-9-64	Establishes volunteer police reserve
27	9-10-64	Amends Ord. 10; repeals Ord. 22, business regulations
28	1-28-65	Provides for garbage preparation, storage and collection
29	1-28-65	Establishes truck routes
30	5-12-66	Establishes planning and zoning commission; repeals Ord. 5
31	10-27-66	Establishes parking and traffic regulations
32	4-27-67	Amends Ord. 31, parking restrictions
33	5-11-67	Establishes water department regulations
34	6-8-67	Establishes subdivision standards
35	7-11-68	Provides for sewer administration and control
36	8-22-68	Amends Ord. 28, garbage removal
37	4-8-71	Adopts city code
38	9-23-71	Amends § 16-6-5, water line construction
39	10-14-71	Amends §§ 7-2-2 and 7-3-4 and Art. 7-3, dogs running at large
40	3-09-72	Amends §§ 429, 901B, 901E and Art. 14 of Ord. 6, trailer parks
41	5-11-72	Amends Ord. 36, garbage removal fees (Repealed by 62)
42	3-22-73	Amends Ch. 6, department of emergency services
43	4-30-73	Annexation (Special)
44	6-27-74	Amends Ch. 13, flood control (Repealed by 80)
45	2-28-74	Changes name of Highway 90 Access Rd. to L.F. Gonzales Blvd. (Special)
46	1-09-75	Grants cable television franchise; amends Ch. 9, cable television
47	2-13-75	Adopts provisions of Res. 169, financial disclosure standards for elected officials
48	3-13-75	Adopts provisions of Res. 174; adds Ch. 17; repeals Ord. 6, zoning regulations (Title 18)
49	3-13-75	Adopts provisions of Res. 175; repeals and replaces Ch. 15, trailer park regulations

50	3-27-75	Amends § 4-3-2(B)
51	4-10-75	Adopts provisions of Res. 177; repeals Arts. 13-1 and 13-2, subdivisions
52	4-24-75	Adds §§ 2-3-10 and 2-3-11; amends § 2-3-6, elections
53	5-22-75	Adds §§ 9-3-13 and 9-3-14; amends § 9-3-6, cable television regulations
54	8-28-75	Adds Art. 9-4, transaction privilege tax
55	8-28-75	Amends § 17-8-1, permitted uses in R-3 zones (Title 18)
56	8-28-75	Repeals and replaces § 8-1-1, Art. 8-2 and § 8-3-1, building code regulations
57	10-09-75	Renumbers § 9-3-4 and references in §§ 9-4-3(B)(5) and 9-4-6(B); amends § 9-4-3(A)(8)
58	10-23-75	Amends Ch. 13, 50-year flood inundation levels (Repealed by 80)
59	1-8-76	Amends Ch. 13, refuse containers
60	1-8-76	Adds Art. 8-5, plan review
61	1-8-76	Amends Ch. 17, open storage, fence heights, board of adjustments (Title 18)
62	2-26-76	Provides for garbage removal fees; repeals Ord. 41 (Repealed by 87)
63	3-11-76	Amends Ch. 17, zoning regulations, permitted uses (Title 18)
64	3-11-76	Amends Ch. 8, uniform fire code and housing code adoption
65	3-25-76	Amends § 7-3-2(A), dog licensing fees
66	3-25-76	Amends § 16-6-5(A); repeals § 16-6-5(B), extension of service lines and water meter installation
67	5-13-76	Amends §§ 13-3-2(D), 13-3-4(C) and 13-3-6(C), floodplain management (Repealed by 80)
68	6-10-76	Amends § 16-6-1(A), water rates
69	7-76	Amends § 15-2-3, trailer park licensing
70	7-76	Amending Ch. 17, dwellings, boarding houses, rooming houses, and tourist courts (Title 18)
71	8-12-76	Amends Art. 4-3; repeals Art. 4-6, fire department functions
72	8-76	Amends § 3-4-4, planning and zoning commission powers and duties
73	1-27-77	Extends city corporate limits (Special)
74	5-77	Establishing expense accounts for common council members (Special)
75		(Not adopted)
76	5-25-77	Establishes rules and regulations for park and swap operations

77	5-25-77	Amends Art. 2-4, council meeting agenda
78	8-25-77	Amends § 16-5-1, water rates
79	10-13-77	Authorizes placement or removal of traffic control devices at selected intersections (Special)
80	10-27-77	Adds floodplain management program adopted by Res. 235 to Ch. 13; repeals Ords. 44, 58 and 67, floodplain management
81	12-22-77	Amends Ch. 9, sales tax on contracting provisions
82	2-16-78	Amends § 9-3-6, cable television rates
83	3-9-78	Sets rates for the use of city facilities which require the use of utilities
84	1-11-79	Grants cable television franchise (Special)
85	1-11-79	Adds § 14-3-7, parking restrictions
86	4-26-79	Rezone (Special)
87	4-26-79	Establishes garbage removal definitions and fees; repeals Ord. 62
88	6-14-79	Amends Art. 3-4, community development advisory committee
89	6-28-79	Amends § 2-1-1, elected officers
90	6-28-79	Amends §§ 7-2-9 and 7-3-4, fees for redemption and impoundment of stray animals and dogs
91	8-16-79	Tax levy (Special)
92	8-16-79	Amends § 14-3-2, parking in front of a garbage container
93	6-26-80	Adds Art. 8-8, building code regulations
94	3-27-80	Amends § 7-3-5(B), fees for redemption and impoundment of biting animals
95	4-24-80	Amends § 17-11-1(B), mini warehouses (Title 18)
96	7-10-80	Amends § 9-4-5 to conform with Arizona Revised Statutes
97	8-28-80	Tax levy (Special)
98	9-25-80	Repeals a portion of Ord. 51, subdivisions
99	11-13-80	Amends Ord. 97, tax levy (Special)
100	11-26-80	Adds paragraph to § 9-4-3, imposition of tax – tax schedule
101	3-2-81	Amends § 2-3-11
102	7-23-81	Amends § 2-1-7, common council expense accounts
103	8-13-81	Tax levy (Special)

104	1-28-82	Amends § 9-3-6, cable television rates
105	2-25-82	Amends Ch. 17, zoning (Title 18)
106	4-22-82	Adopts 1982-1983 budget (Special)
107	7-15-82	Amends Ord. 78 § 1, water rates
108	8-12-82	Tax levy (Special)
109	11-24-82	Amends § 3-4-2(A), planning and zoning commission members
110	12-23-82	Adds Art. 8-8, building valuation schedule (Repealed by 85-09)
111	4-14-83	Adds Art. 5-3-3, rate of pay for court appointed attorneys
112	4-28-83	Adopts 1983-1984 budget (Special)
113	5-9-83	Property acquisition (Special)
114	7-5-83	Suspends effect of Ord. 112, authorizes excess expenditures (Special)
115	8-12-83	Tax levy (Special)
84-01	1-18-84	Adopts town code
84-02	3-19-84	Annexation (Special)
84-03	8-9-84	Tax levy (Special)
84-04	4-26-84	Grants franchise to Arizona Public Service (Special)
84-05	5-2-84	Adopts 1984-1985 budget (Special)
84-06	8-1-84	Rezone (Special)
84-07	8-1-84	Repeals and replaces Art. 13-3, flood damage prevention (Repealed by 87-03)
84-08	9-13-84	Amends Arts. 15, 15-1 and 15-2, trailers and mobile homes (Repealed by 16-19)
84-09	8-23-84	Amends § 17-3-4(B); repeals §§ 17-6-1 (E) and 17-6-3(C), zoning (Title 18)
84-10	10-11-84	Adds Ch. 18, cabarets
84-11	11-8-84	Rezone (Special)
84-12	11-8-84	Amends § 2-4-1, regular meetings (2.20)
84-13	12-14-84	Amends § 17-11-1(B), zoning (Title 18)
84-14	1-10-85	Amends §§ 3-4-3 and 3-4-6(A) (2.45)
85-01	2-14-85	Amends Ord. 84-07, flood damage prevention (Repealed by 87-03)
85-02	3-28-85	Adds Art. 17-26, planned area development district (Title 18)

85-03	4-11-85	Repeals §§ 2-3-1, 2-3-2, 2-3-3 and 2-3-5 (Repealer)
85-04	6-13-85	Adopts 1985-1986 budget (Special)
85-05	7-25-85	Amends § 10-1-4, garbage rates (8.05)
85-06	8-14-85	Tax levy (Special)
85-07	10-10-85	Repeals and replaces § 12-4-11, sewer tap fees (14.20)
85-08	10-10-85	Repeals and replaces § 8-1-1
85-09	10-24-85	Adds Art. 8-9; repeals Ord. 110, building valuation (Repealed by 95-009)
85-10	10-24-85	Repeals and replaces § 16-6-5, water meter installation fee (13.30)
86-01	7-3-86	Tax levy (Special)
86-01A	5-22-86	Adopts 1986-1987 budget (Special)
86-02	8-14-86	Amends Ch. 17, zoning (Title 18)
87-01	4-9-87	Grants electricity franchise (Special)
87-02	4-23-87	Adopts tax code; repeals Art. 9-4 (Special)
87-03	4-23-87	Repeals and replaces Art. 13-3, floodplain management (15.75)
87-04	5-28-87	Adopts 1987-1988 budget (Special)
87-05	9-10-87	Rezone (Special)
87-06	8-14-87	Tax levy (Special)
87-07	9-10-87	Rezone (Special)
88-01	4-28-88	Adopts 1988 tax code amendments (Special)
88-02	5-25-88	Amends § 5-3-3, rate of pay for court appointed attorneys
88-03	5-25-88	Adopts 1988-1989 budget (Special)
88-04	8-18-88	Tax levy (Special)
88-04A	6-15-88	Annexation (Special)
89-01	7-13-89	Amends § 17-11-1(B), zoning (Title 18)
89-02	9-28-89	Amends Ch. 11, firearms (Repealed by 18-07)
89-03	9-14-89	Property exchange (Special)
89-04	8-17-89	Tax levy (Special)
89-05	12-28-89	Amends Ch. 12, sewer deposits (14.10 , 14.15 , 14.20)
90-01	2-8-90	Adds Ch. 19, municipal purchasing
90-02	4-12-90	Adds §§ 17-16-1 through 17-16-5, sign code (Title 18)

90-03	2-22-90	Amends Ch. 7, animals (6.15)
90-04	4-12-90	Amends Ch. 12, sewer rates (14.10)
90-004	6-14-90	Adopts 1990 tax code amendments (Special)
90-05	7-26-90	Amends Art. 1-8, violation, penalty
90-06	7-26-90	Tax levy (Special)
90-07	8-23-90	Amends Art. 4-4, uniform fire code (2.65)
90-08	10-11-90	Adds § 11-1-24, drug paraphernalia (9.05)
90-09	9-27-90	Adds § 7-2-12; amends § 7-2-6, animal adoption (6.10)
91-001	7-11-91	Tombstone School District No. 1 improvement benefits (Special)
91-002	8-8-91	Tax levy (Special)
91-003		(Missing)
91-004	10-29-91	Establishes fees for solid waste services (8.30)
91-005	1-9-92	Adds Art. 14-5, operation of motor vehicles on private and town property (10.25)
91-006	6-25-92	Amends § 10-1-4, garbage removal fees (8.05)
92-007	7-30-92	Tax levy (Special)
92-008	5-13-93	Property exchange (Special)
93-001	7-29-93	Tax levy (Special)
93-002 – 93-012		(Missing)
93-013	11-24-93	Amends Art. 14-4, parks (10.30)
94-001	1-27-94	Adds Art. 16-11, water conservation plumbing requirements (13.55)
94-002	3-10-94	Cable communications franchise (Special)
94-003	3-24-94	Adds Art. 4-5, fees chargeable for criminal background check before transfer of firearm (2.55)
94-004	4-14-94	Property purchase (Special)
94-005	8-25-94	Amends § 10-1-4, garbage removal fees (8.05)
94-006	8-25-94	Amends Ch. 12, sewer fees (14.10)
94-007	8-25-94	Amends § 16-5-1, water fees (13.25)
94-008	8-11-94	Tax levy (Special)

94-009	5-12-94	Street dedication (Special)
94-010	7-14-94	Adds § 11-1-25, bicycle helmets for minors (9.25)
94-011	6-23-94	Adds Art. 16-11, backflow prevention and cross-connection control (13.50)
94-012	8-25-94	Extends cable communications system franchise expiration date (Special)
94-013	10-13-94	Amends Ch. 8, building code (15.05)
94-014	9-22-94	Amends § 16-5-1, water fees (13.25)
94-015	12-8-94	Adds Art. 8-10, fences (15.70)
95-001	4-13-95	Amends Ord. 90-07 and Art. 4-4, uniform fire code (2.65)
95-002	4-27-95	Rezone (Special)
95-003	9-14-95	Amends § 16-5-1, water fees (13.25)
95-004	9-14-95	Amends Ch. 12, sewer fees (14.10)
95-005	9-14-95	Amends § 10-1-4, garbage removal fees (8.05)
95-006	9-14-95	Amends Ord. 91-004 § 3, landfill (8.30)
95-007	8-10-95	Amends § 17-18-2, board of adjustments (Title 18)
95-008	8-17-95	Tax levy (Special)
95-009	11-9-95	Amends Art. 8-9; repeals Ord. 85-09, building valuation schedule (15.65)
96-001	2-22-96	Amends Ch. 8, building code (15.05)
96-002	2-22-96	Amends Ord. 95-001 and Art. 4-4, uniform fire code (2.65)
96-003	3-14-96	Rezone (Special)
96-004	7-25-96	Amends § 16-5-1, water fees (13.25)
96-005	8-15-96	Tax levy (Special)
96-006	8-8-96	Adds Art. 10-5, removal of debris and dilapidated structures (Repealed by 20-02)
96-007		Nerhan property (Tabled)
96-008	10-24-96	Amends § 2-3-6, primary election date (2.15)
96-009	12-12-96	Adopts 1996 tax code amendments (Special)
96-010		(Number not used)
96-11	12-23-96	Adopts "Arizonans with Disabilities Act" and "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" by reference (15.05)
97-001	6-12-97	Amends Ord. 95-006 § 3, landfill (8.30)

97-002	6-12-97	Property purchase (Special)
97-003	7-10-97	Adds Art. 11-3, minors prohibited from carrying or possessing firearms (9.20)
97-004	7-10-97	Adds Art. 7-5, cleaning up after pets (6.25)
97-005	7-10-97	Adds § 11-1-25, junked motor vehicles (9.30)
97-006	8-14-97	Tax levy (Special)
97-007	8-7-97	Amends Ch. 8, pool/spa fence (15.05 , 15.15 , 15.25 , 15.30 , 15.35 , 15.45 , 15.60)
97-008	8-7-97	Amends Art. 17-16, uniform sign code (Title 18)
97-009	8-28-97	Amends § 10-1-4, garbage removal fees (8.05)
97-010	9-11-97	Amends Ord. 97-002, property purchase (Special)
97-011	10-30-97	Amends § 7-3-3, livestock prohibited (6.15)
97-012	12-11-97	Adopts 1997 tax code amendments (Special)
98-001	5-28-98	Adopts 1998 tax code amendments (Special)
98-002	5-28-98	Amends § 10-1-4, garbage removal fees (8.05)
98-003	5-28-98	Amends §§ 16-5-3 and 16-5-5, water service (13.25)
98-004	5-28-98	Adds §§ 9-2-20 and 9-2-21; amends § 9-2-4, business licenses (5.05)
98-005	9-24-98	Combines §§ 11-1-23 and 11-1-24, weapons and weapon control (Repealed by 18-07)
98-006	7-30-98	Tax levy (Special)
98-007	8-13-98	Amends Art. 11-8, penalties (1.05)
98-008	12-10-98	Designates the town building official as an appointed officer of the town (2.35)
99-001	1-14-99	Adds Art. 9-4, telecommunications license requirement (5.20)
99-002	4-22-99	Adds § 17-22-2.1; amends § 17-22-2, fee schedule for reclassification of property (Title 18)
99-003	6-24-99	Adds Art. 9-4, telecommunications license requirement
99-004	8-26-99	Tax levy (Special)
99-005	12-9-99	Adopts 1999 tax code amendments (Special)
00-001	4-27-00	Amends Ch. 5, town magistrate (2.40)
00-002		(Defeated)

00-003	6-22-00	Mayor term of office, direct election
00-004	8-24-00	Tax levy (Special)
00-005	9-28-00	Adds § 17-17-10, home-based business guidelines (Title 18)
00-006	10-12-00	Imposes incarceration fee; amends town code (1.05)
00-007	10-12-00	Imposes administrative fee; amends town code (1.05)
00-008	10-12-00	Imposes default fee for default judgments on civil traffic violation cases (1.05)
00-009		Adds new article to code establishing telecommunications license requirement (Tabled)
01-001	3-22-01	Amends Art. 17-18, board of adjustments (Title 18)
01-002	3-22-01	Amends §§ 2-2-1 and 2-2-2, selection of mayor and mayor pro tem (2.10)
01-003	4-12-01	Adds §§ 2-3-8 and 2-3-9, election of officials (2.15)
01-004	4-12-01	Adds §§ 2-1-9 through 2-1-12; repeals § 2-2-5, rules governing council and elected officials (2.05)
01-005	4-12-01	Amends §§ 2-4-6, council meeting order of business (2.20)
01-006	4-12-01	Adds § 17-17-12, wireless communication facilities guidelines (Title 18)
01-007	6-28-01	Amends §§ 2-1-1 and 2-2-1, election of mayor and officers (2.05 , 2.10)
01-008	6-28-01	Amends § 2-2-2, mayor pro tem (2.10)
01-009	6-28-01	Adds §§ 3-2-8 and 3-2-9, department and director of library services (2.35)
01-010	9-27-01	Adds § 17-17-11, wind turbines (Title 18)
01-011	7-26-01	Adds §§ 7-3-3(B), 7-3-8, Arts. 7-6 and 7-7; amends §§ 7-1-1, 7-1-2, 7-1-4, 7-1-5, 7-1-7, 7-2-3, 7-2-6, 7-2-8, 7-2-12, 7-4-1, 7-4-2, 7-4-3 and 7-4-4, animals (6.05 , 6.10 , 6.15 , 6.20 , 6.30 , 6.35)
01-012		(Number not used)
01-013	8-09-01	Tax levy (Special)
01-014	9-13-01	Amends tax code (Special)
01-015	9-13-01	Amends Arts. 1-8, 4-5, §§ 7-4-1, 7-4-4, 7-5-2, 8-3-2, Art. 8-9, §§ 9-2-14, 9-2-16, 9-2-19, 9-2-20, 9-3-8, 9-5-3, 10-1-4, 10-1-5, 10-4-3, 10-4-4, 10-4-5, 10-4-8, 10-4-9, 10-4-10, 10-5-1, 10-5-3, 10-5-4, 10-5-5, 10-5-6, 10-6-2, 10-6-3, 10-6-5, 10-6-6, 10-6-7, 11-1-23, 11-1-25, 11-1-26, 11-1-27, 11-2-12, 11-3-4, 11-3-5, 11-3-6, 12-2-2, 12-2-3, 12-3-3, 12-3-4, 12-4-2, 12-4-11, 13-2-7, Art. 13-3, §§ 14-4-1, 14-4-2, 14-4-3, 14-5-5, 15-4-3, 15-4-4, 16-3-1, 16-5-1, 16-5-2,

16-5-3, 16-5-5, 16-5-6, 16-5-7, 16-6-5, 16-6-8, 16-6-9, 16-7-2, 16-7-3, 16-7-5, 16-8-2, 16-11-15, 16-11-17, Art. 17-16, §§ 17-16-3, 17-17-10, 17-21-4, 17-21-5, Art. 17-22 and § 17-22-2.1, penalties ([1.05](#), [2.55](#), [5.05](#), [5.15](#), [5.25](#), [6.20](#), [6.25](#), [8.05](#), [8.30](#), [9.05](#), [9.10](#), [9.20](#), [9.25](#), [9.30](#), [10.25](#), [10.30](#), [13.15](#), [13.25](#), [13.30](#), [13.35](#), [13.40](#), [13.50](#), [14.10](#), [14.15](#), [14.20](#), [15.65](#), [15.75](#), Titles 17 and 18)

01-016	9-27-01	Adds Art. 3-6, purchasing (Repealed by 14-06)
01-017	10-25-01	Adds Art. 2-6, council-town clerk relations (Repealed by 03-004)
01-018	11-8-01	Amends § 2-4-6, council order of business (2.20)
01-019	11-20-01	Adopts 2001 tax code amendments (Special)
01-020	12-10-01	Amends § 10-1-3(C), dump truck rental (8.05)
02-001	2-14-02	Adds Art. 3-7, library advisory board (2.50)
02-002	2-28-02	Adds § 17-17-13, mobile/manufactured home installation standards (Title 18)
02-003	3-14-02	Adds Art. 3-8, naming and renaming public memorials (2.120)
02-004	3-14-02	Amends § 2-2-6, failure to sign documents (2.10)
03-001	7-25-02	Tax levy (Special)
03-002	8-22-02	Amends § 17-16-6, adoption of international sign code (Title 18)
03-003	8-22-02	Adds § 8-1-4, Art. 8-2, §§ 8-9-1 and 8-9-2; amends §§ 8-1-1, 8-3-1, Arts. 8-4, 8-5, 8-11 and 8-12; repeals and replaces § 8-3-2, building codes (15.05 , 15.10 , 15.15 , 15.25 , 15.30 , 15.35 , 15.40 , 15.60 , 15.65)
03-004	10-10-02	Repeals Art. 2-6, council-town clerk relations (Repealer)
03-005	2-13-03	Amends § 2-4-6, council order of business (2.20)
03-006		(Missing)
03-007	1-23-03	Amends § 2-2-1(B), mayor's term of office (2.10)
03-008	4-24-03	Adopts 2002 tax code amendments (Special)
03-009		Amends § 7-3-3, rabbits kept in town (Not on agenda)
03-010	12-11-03	Amends § 2-4-10, council meeting rules of decorum (2.20)
03-011	12-11-03	Amends Ch. 17-27, single residence zone (Title 18)
04-001		Establishes general commercial trade area (Not adopted)
04-002	4-22-04	Amends § 2-2-6, failure to sign documents (2.10)
04-003	5-13-04	Adds Art. 18, abandoned vehicles (10.20)

04-004	9-27-04	Amends § 7-3-3, keeping of livestock (6.15)
04-005	9-27-04	Amends Ch. 17-27, single residence zone (Title 18)
04-006	9-27-04	Rezone (Repealed by 06-03)
04-007	11-10-04	Adds Ch. 19, general development plan (Not codified)
04-008	1-13-05	Establishes general commercial trade area (Title 18)
04-009		Repeals and replaces § 17-17-13(C), mobile/manufactured home installation standards (Not adopted)
04-010	1-13-05	Repeals § 2-1-9, meeting attendance required for receipt of monthly expense (Repealer)
05-001	3-24-05	Amends § 8-9-1, building permit fee table (15.65)
05-002	4-14-05	Amends § 1-8(C), penalties (1.05)
05-003	7-14-05	Tax levy (Special)
05-004	8-25-05	Repeals § 10-2-1(D), appliances and vehicles (8.10)
05-005	8-25-05	Adds Art. 8-13, building code violations and penalties (15.80)
05-006		Adds § 2-4-10, cancellation of council meetings (Not codified)
06-01	4-13-06	Amends Art. 4-4, §§ 8-1-1, 8-1-4, and Art. 8-11, building and fire codes (2.65 , 15.05 , 15.10 , 15.35)
06-02	4-13-06	Amends Ch. 13-3, floodplain management (15.75)
06-03	5-25-06	Clarifies general plan application; repeals Ord. 04-006 (Not codified)
06-04	5-25-06	Amends § 17-11-1(B), adult oriented businesses (Title 18)
06-05	7-13-06	Adopts 2006 tax code amendments (Special)
06-06	7-13-06	Amends Ch. 13-3, floodplain management (15.75)
06-07	6-22-06	Amends Arts. 13-1 and 13-2, subdivisions (17.05 , 17.10 , 17.15 , 17.20 , 17.25 , 17.30 , 17.35 , 17.40)
06-08	7-13-06	Tax levy (Special)
06-09	8-10-06	Amends § 2-1-8, expense accounts (2.05)
06-10	8-24-06	Amends § 17, zoning (18.05 , 18.10 , 18.15 , 18.20 , 18.25 , 18.30 , 18.35 , 18.40 , 18.45 , 18.50 , 18.55 , 18.60 , 18.65 , 18.70 , 18.75 , 18.80 , 18.85 , 18.90 , 18.95 , 18.100 , 18.105 , 18.110 , 18.115 , 18.120 , 18.125 , 18.130 , 18.135 , 18.140 , 18.145 , 18.150)
06-11	9-14-06	Amends §§ 8-9-1 and 8-9-2; amends and renumbers Art. 8-9 as § 8-9-3, building permit and plan fees (15.60 , 15.65)

06-12	9-14-06	Amends Ch. 13-3, floodplain management (15.75)
06-13	11-22-06	Amends § 7-4-1(A), dog and cat adoption fees (6.20)
06-14	12-14-06	Authorizes deed of easement conveyance to Christin and Larry Petersen (Special)
06-15	12-14-06	Adopts 2007 tax code amendments (Special)
06-16	12-14-06	Rezone (Special)
07-01	5-10-07	Amends § 3-4-2, planning and zoning commission membership (2.45)
07-02	6-28-07	Adds § 7-3-1(E); amends § 7-1-1(H), vicious animals (6.05 , 6.15)
07-03	10-11-07	Adds § 17-23-11(E), billboards (18.110)
08-01	2-28-08	Amends § 7-4-1(B), fee schedule (6.20)
08-02	2-28-08	Adds Art. 4-7, volunteer animal control reserve (Repealed by 10-05)
08-03	3-27-08	Adds Art. 4-6, animal control department (2.70)
08-04	4-7-08	Repeals § 17-13-4(B), MDR zone requirements (18.65)
08-05	4-7-08	Rezone (Special)
08-06	4-24-08	Rezone (Special)
08-07	5-29-08	Adopts 2008 tax code amendments (Special)
08-08	7-10-08	Amends commercial landfill fees (8.30)
08-09	7-10-08	Amends wastewater rates (14.10)
08-10	9-25-08	Amends Ord. 04-003, abandoned vehicles (10.20)
08-11	10-23-08	Amends § 3-4-2, planning and zoning member appointment (2.45)
08-12	11-13-08	Amends § 2-1-10, office vacancy defined (2.05)
08-13	1-8-09	Amends § 2-5-7, signatures required (2.25)
08-14	1-8-09	Amends Ch. 8, adoption of building codes (15.05 , 15.10 , 15.15 , 15.20 , 15.25 , 15.35 , 15.40 , 15.45 , 15.50)
09-01	2-12-09	Amends Ch. 8, building code amendments (15.05 , 15.10 , 15.15 , 15.20 , 15.25 , 15.30 , 15.35 , 15.40 , 15.45 , 15.50)
09-02	2-27-09	Amends § 2-4-1, council meetings (2.20)
09-03	6-11-09	Adds § 14-4-4, skate parks (10.30)
09-04	9-10-09	Amends §§ 8-9-2 and 8-9-3, plan check fees, building valuation fee schedule (15.60 , 15.65)

09-05	10-8-09	Adds § 8-1-1(K), property maintenance code (15.55)
09-06	10-22-09	Establishes Fort Huachuca effluent transfer project setback requirements (Special)
09-07	10-22-09	Adopts 2009 tax code amendments (Special)
09-08	1-14-10	Adds § 3-9, sale by public auction of impounded/confiscated vehicles (10.20)
10-01	1-28-10	Adopts magistrate court fees (2.40)
10-02	1-28-10	Adds Art. § 18-3, library fees (3.15)
10-03		Amends § 2-4-2, special council meetings (Defeated)
10-04		Adds Art. 2-6, council-town clerk relations (Withdrawn)
10-05	9-23-10	Repeals Art. 4-7, volunteer animal control reserve (Repealer)
10-06	11-10-10	Adds §§ 17-15-2(N) and 17-15-10; amends §§ 17-2-1, 17-16-4, 17-16-6 and 17-17-1, medical marijuana dispensaries (18.10 , 18.75 , 18.80 , 18.85)
10-07	1-13-11	Adds Art. 4-7, volunteer animal control reserve (2.75)
10-08	12-23-10	Leases property to Dusk to Dawn (Special)
11-01	6-23-11	Grants easement to Naco Water Company (Repealed by 12-02)
11-02		Amends § 2-2-1(B), mayor's term of office (Defeated)
11-03	9-22-11	Adds § 11-1-28, child safety zones (9.35)
11-04	10-27-11	Amends § 2-2-1(B), mayor's term of office (2.10)
11-05	11-10-11	Amends § 2-1-4, council vacancies (2.05)
12-01	3-22-12	Adopts 2010-2011 tax code amendments (Special)
12-02	4-12-12	Grants easement to Naco Water Company; repeals Ord. 11-01 (Special)
12-03		Adds § 2-3-5; amends §§ 2-2-1, 2-3-6 and 2-3-7, elections (Rescinded)
13-01	1-24-13	Amends § 5-3-3, rate of pay for court appointed attorneys (2.40)
13-02	4-3-13	Grants electrical system franchise (Special)
13-03		(Number not used)
13-04		(Number not used)
13-05		(Number not used)
13-06		(Number not used)
13-07		(Number not used)
13-08		(Number not used)

13-09	9-26-13	Adds § 3-3-5; repeals Res. 07-09, use of town vehicles (2.125)
13-10	1-14	Adds §§ 1-3-32 and 1-3-33, town right-of-way, town easement definitions (1.05)
13-11	1-23-14	Amends § 17-23-10(g) [18.110.110(E)], political signs (18.110)
14-01	1-23-14	Amends §§ 2-3-6 and 2-3-7, election dates; lengthens terms of currently seated mayor and councilmembers (2.15)
14-02	1-23-14	Adds § 2-4-6(K) [2-4-6(L)], council order of business (2.20)
14-03	3-27-14	Amends § 14-5-3, parking lots (10.25)
14-04	4-24-14	Amends §§ 10-1-4, 12-2-3 and 16-5-1, garbage, sewer and water rates (8.05 , 13.25 , 14.10)
14-05	6-12-14	Adds § 7-7-4, feeding and attracting wildlife prohibited (6.35)
14-06	7-10-14	Adds Ch. 18; repeals Arts. 3-5 and 3-6, procurement and investment (3.05)
14-07	7-10-14	Adds Art. 18-2, investment of town funds (3.05)
14-08	11-13-14	Amends Art. 16-12, water conservation and plumbing requirements (13.55)
15-01	2-12-15	Amends Art. 8-1, building code (15.05)
15-02	2-26-15	Readopts official code (1.01 , 1.05)
15-03	7-23-15	Amends §§ 2.85.050, 2.85.060, title to Ch. 10.30 and §§ 10.30.010 and 10.30.030, town parks and facilities (2.85 , 10.30)
15-04	8-27-15	Amends §§ 2.20.020 and 2.20.050, council procedure (2.20)
15-05	9-24-15	Amends § 2.35.070, town building official and zoning administrator (2.35)
15-06	10-22-15	Amends § 1.05.100, town seal (1.05)
15-07	10-22-15	Adds § 2.40.080; amends § 2.40.070, magistrate (2.40)
15-08		(Number not used)
15-09	11-23-15	Amends § 6.20.010, animals fee schedule (6.20)
16-01	2-11-16	Amends §§ 15.05.020 and 15.80.010, building code (15.05 , 15.80)
16-02	2-11-16	Adds § 2.65.150; amends §§ 2.65.130, 2.65.140, 15.50.010 and 15.50.020, fire code (2.65 , 15.50)
16-03	2-11-16	Amends §§ 15.10.010 and 15.10.020, residential code (15.10)
16-04	2-11-16	Amends §§ 15.15.010 and 15.15.020, electrical code (15.15)
16-05	2-11-16	Amends §§ 15.20.010 and 15.20.020, existing building code (15.20)
16-06	2-11-16	Amends §§ 15.25.010 and 15.25.020, plumbing code (15.25)

16-07	2-11-16	Amends §§ 15.30.010 and 15.30.020, dangerous buildings code (15.30)
16-08	2-11-16	Amends §§ 15.35.010 and 15.35.020, mechanical code (15.35)
16-09	2-11-16	Amends §§ 15.40.010 and 15.40.020, energy conservation code (15.40)
16-10	2-11-16	Amends § 15.45.020, housing code (15.45)
16-11	2-11-16	Amends §§ 15.55.010 and 15.55.020, property maintenance code (15.55)
16-12	2-25-16	Adds § 2.15.015; amends §§ 2.05.010 and 2.10.010; repeals and replaces § 2.15.010, elections (2.05 , 2.10 , 2.15)
16-13	3-10-16	Amends § 15.75.010, floodplain management (15.75)
16-14	4-14-16	Adds § 2.35.015; amends §§ 2.30.010 and 2.35.010, town officers (2.30 , 2.35)
16-15	4-14-16	Amends § 18.105.070(H), parking lot improvements and maintenance (18.105)
16-16	4-14-16	Adds § 18.35.035; amends § 18.10.010; repeals §§ 18.35.030(E) and (F), trailers and accessory vehicles (18.10 , 18.35)
16-17	4-14-16	Adds § 18.155.010; amends §§ 18.135.080, 18.145.100(B) and 18.150.010, zoning fees and violations (18.135 , 18.145 , 18.150 , 18.155)
16-18		(Failed)
16-19	7-28-16	Adds Ch. 5.30; repeals Title 12, manufactured home parks and recreational vehicle parks (5.30)
16-20	10-27-16	Adds § 9.05.240, permitting or encouraging underage drinking (9.05)
17-01	4-27-17	Amends § 2.65.070, providing fire protection outside the town (2.65)
17-02	6-22-17	Amends § 9.30.010, junked motor vehicles definitions (9.30)
17-03	7-27-17	Adds § 18.155.010(B)(5), court ordered restitution in zoning enforcement cases (18.155)
17-04	7-27-17	Adds § 15.80.010(B)(5), court ordered restitution in building code enforcement cases (15.80)
17-05	7-27-17	Adds § 2.125.025; repeals Res. 14-01, nepotism and conflicts of interest (2.125)
17-06	9-28-17	Adds § 18.110.070(M); amends § 18.110.020, electronic message displays (18.110)
18-01	1-11-18	Adds Ch. 3.20, surplus property (3.20)
18-02	1-11-18	Amends § 2.130.350, background check (Repealed by 18-04)

18-03	3-8-18	Amends § 2.20.060, council order of business (2.20)
18-04	2-8-18	Repeals Ch. 2.130, personnel policies and procedures (Repealer)
18-05	2-22-18	Amends § 9.05.100, noise (9.05)
18-06	2-22-18	Amends §§ 2.35.015(G)(2) and 2.35.080, officers (2.35)
18-07	2-22-18	Repeals Ch. 9.15, weapons (Repealer)
18-08	2-22-18	Amends §§ 2.45.20(A) and 2.45.050, planning and zoning commission (2.45)
18-09	4-26-18	Amends § 8.05.040(C), dump truck rental (8.05)
18-10	4-26-18	Amends § 9.05.050, fireworks (9.05)
18-11	7-12-18	Amends §§ 8.10.010, 8.10.020, 8.10.050 and 8.10.090, refuse collection (8.10)
18-12	5-24-18	Amends §§ 5.05.160 and 5.05.180; repeals § 5.05.190, business license fees (5.05)
18-13	5-24-18	Amends § 3.15.010, library fees (3.15)
18-14	5-24-18	Amends § 10.30.030, use of community center (10.30)
18-15	7-12-18	Amends § 2.40.050, court fees (2.40)
18-16		(Number not used)
18-17	7-12-18	Amends § 2.20.010, council meetings (2.20)
18-18	9-13-18	Adopts use tax; amends town tax code (Not codified)
18-19	9-13-18	Amends § 2.20.060, council procedure (2.20)
18-20	9-13-18	Amends §§ 8.10.010, 8.10.020 and 8.10.090, refuse collection (8.10)
18-21	9-13-18	Amends § 8.10.050, refuse collection (8.10)
18-22		(Number not used)
18-23	9-27-18	Amends Title 6, animals (6.05 , 6.10 , 6.15 , 6.20 , 6.25 , 6.30 , 6.35)
18-24	9-27-18	Amends § 1.05.110, general penalty (1.05)
18-25	10-25-18	Amends § 8.05.040, garbage and trash collection (8.05)
18-26	11-8-18	Amends § 2.85.060, town facility use policy (2.85)
18-27	11-8-18	Amends § 9.05.150, plastic bags (9.05)
18-28	12-13-18	Amends §§ 2.10.010, 2.15.010, 2.15.015 and 2.15.020, elections (2.10 , 2.15)
19-01	1-10-19	Amends §§ 18.10.010 and 18.100.210, home occupations (18.10 , 18.100)
19-02	1-10-19	Amends §§ 18.35.040, 18.40.020, 18.45.010(F) and 18.50.010(B) through (D), manufactured and mobile homes (18.35 , 18.40 , 18.45 , 18.50)

19-03	1-10-19	Amends Ch. 18.110, sign regulations (18.110)
19-04	1-24-19	Amends Ch. 18.115, manufactured home parks (18.115)
19-05	1-10-19	Amends Ch. 18.120, recreational vehicle parks (18.120)
19-06	1-10-19	Adds § 18.135.035, citizen review process (18.135)
19-07	1-10-19	Amends §§ 2.85.050 and 10.30.030(C) and (F), town parks and facilities (2.85 , 10.30)
19-08	2-14-19	Adds § 13.20.030; amends §§ 13.05.010, 13.10.010, 13.10.030, 13.15.010, title of Ch. 13.20, §§ 13.25.010(A), 13.25.030, 13.25.050, 13.30.050, 13.30.070, 13.30.080 and 13.30.090, water (13.05 , 13.10 , 13.15 , 13.20 , 13.25 , 13.30)
19-09	2-14-19	Adds § 14.20.010(F); amends §§ 14.10.020(A) and 14.10.030(D), (E), (G) and (H), sewers (14.10 , 14.20)
19-10		(Pending)
19-11	5-9-19	Amends §§ 2.35.015(F) and (H), town manager (2.35)
19-12	5-9-19	Adds § 9.30.060; amends §§ 9.30.010 and 9.30.020, junked motor vehicles (9.30)
19-13	5-9-19	Amends §§ 10.20.030(B) and 10.20.090(B), abandoned vehicles (10.20)
19-14	10-10-19	Amends §§ 2.30.020, 2.35.020, 2.55.010, 2.55.020, 2.55.030, 2.70.020 and 2.70.030; repeals § 2.55.080, administration and personnel (2.30 , 2.35 , 2.55 , 2.70)
19-15	9-12-19	Adds Ch. 2.135, PSPRS local board (2.135)
19-16	10-24-19	Adds Title 16, neighborhood preservation and vacant property registry (16.05 , 16.10 , 16.15 , 16.20 , 16.25 , 16.30 , 16.35 , 16.40 , 16.45 , 16.50 , 16.55 , 16.60)
20-01	1-23-20	Amends § 2.45.010, planning and zoning commission (2.45)
20-02	1-23-20	Repeals Chs. 8.20 and 8.25, health and safety (Repealer)