

ORDINANCE NO. 839

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ADOPTING BY REFERENCE A DOCUMENT ENTITLED "TOWN CODE AMENDMENTS - UPDATING CITATIONS" (DECLARED BY RESOLUTION NO. 2036 TO BE A PUBLIC RECORD) WHICH AMENDS CERTAIN SECTIONS OF THE TOWN CODE TO UPDATE CITATIONS TO OTHER TOWN CODE SECTIONS, THE ARIZONA REVISED STATUTES AND OTHER STATUTES AND TO CORRECT A SCRIVNER'S ERROR; PROVIDING THAT ALL OTHER ARTICLES, SECTIONS, AND SUBSECTIONS OF THE TOWN CODE, NOT HEREIN AMENDED; SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, certain sections of the Town Code contain citations to other Town Code sections, the Arizona Revised Statutes and other statutes and regulations; and

WHEREAS, over the years, some of the cited Town Code sections and statutes have been renumbered or repealed; and

WHEREAS, it is important for the purpose of enforcing Town Code provisions to ensure that such citations remain current; and

WHEREAS, staff has recently compared all of the Town Code, statutory and regulatory citations in the Town Code to current Town Code sections, statutes and regulations and proposes to update the citations accordingly; and

WHEREAS, staff also proposes to correct a scrivener's error found in one section of the Town Code; and

WHEREAS, ARS §9-802 provides for adoption by reference of particularly lengthy or complex ordinances when they are declared to be "public records"; and

WHEREAS, ARS §9-803 requires penalty clauses in such public records to be set forth in full in the adopting ordinance; and

WHEREAS, the document "Town Code Amendments – Updating Citations" adopted herein by reference was first declared by Resolution No. 2036 to be a "public record";

WHEREAS, the Town Council finds that these refinements and clarifications are in the best interests of the community and are designed to further the health, safety and welfare of its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That that certain document known as "Town Code Amendments – Updating Citations" declared to be a "public record" by Resolution No. 2036 (and available for

public inspection in the Office of the Town Clerk, 7501 East Civic Circle, Prescott Valley, Arizona, 86314), is hereby referred to, adopted and made a part hereof as if fully set forth herein.

SECTION TWO. That the following penalty clause, Section 1-08-040 “Default Judgment; Collection of Judgments” in Article 1-08 “PENALTIES AND ENFORCEMENT” in Chapter 1 “GENERAL” of the Town Code of the Town of Prescott Valley, is hereby amended and set forth as follows:

1-08-040 Default Judgment; Collection of Judgments.

- A. In addition to any civil sanction imposed, the Hearing Officer shall assess a default fee of not less than fifty (\$50), unless another amount is specified in this Code, for:
 - 1. Each default judgment entered upon a failure of the defendant to appear for any civil violation unless such default judgment is set aside under Rule 23 of the Arizona Rules of Court Procedure ~~infor~~ Civil Traffic and Civil Boating Violations Cases; or
 - 2. A failure to pay any civil sanction imposed by the Hearing Officer.
- B. The Hearing Officer may waive all or part of the default fee if the Hearing Officer expressly finds that payment thereof would cause a financial hardship for the defendant.
- C. No judgment may be entered against a fictitiously identified defendant unless the citation is amended to reveal the true identity of the defendant who receives the citation.
- D. The Town may enforce collection of delinquent fines, fees and penalties as may be provided by law. Any judgment or civil sanction pursuant to this Article may be collected as any other civil judgment.

(Ord. No. 539, Enacted, 02/27/03; Ord. No. 839, Amended, 02/22/18)

SECTION THREE. That the following penalty clause, Section 9-04b-030 “Prohibiting Application of Graffiti to Private or Public Property and Possession of Graffiti Implements” in Article 9-04b “GRAFFITI” in Chapter 9 “HEALTH AND SANITATION” of the Town Code, is hereby amended to read as follows:

9-04b-030 Prohibiting Application of Graffiti to Private or Public Property and Possession of Graffiti Implements.

- A. No person may write, paint, draw, etch or otherwise apply any inscription, figure, or mark of any type on any public or private building or other real or personal property, owned, operated, or maintained by any person, firm, corporation, or governmental entity or agency or instrumentality thereof unless the express permission of the owner or operator of the property has been obtained.
- B. No person may possess any Graffiti Implement with the intent to violate the requirements of Subsection 9-04b-030(A) above.

- C. No person may possess any Graffiti Implement on any private property unless the owner, agent, manager, or other person having control of the property consented to the presence of the Graffiti Implement.
- D. No person under the age of eighteen years may possess any Graffiti Implement on any public property unless accompanied by a parent, guardian, employer, teacher or other adult in any similar relationship and such possession is for a lawful purpose.
- E. A person convicted of a violation of Subsections 9-04b-030(A), (B) and (C) above is guilty of a class 1 misdemeanor punishable by a term of not less than forty-eight hours in jail and not less than eighty hours community service involving participation in the removal of Graffiti. In addition to any other punishment, the court shall order restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense, or to any person or entity (including a political subdivision) that has incurred expense to repair or abate such damage or loss to the victim's property, in an amount to be determined by the court. A person guilty of a violation of Subsection 9-04b-030(D) above is guilty of a class 1 misdemeanor punishable as provided in ARS §8-101201 et seq. (as amended).

(Ord. No. 684, Enacted, 06/21/08; Ord. No. 839, Amended, 02/22/18)

SECTION FOUR. That the following penalty clause, Section 9-05-065 "Wastewater System Maintenance" in Article 9-05 "WASTEWATER TREATMENT SERVICE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code, is hereby amended to read as follows:

9-05-065 Wastewater System Maintenance.

...

- D. Prohibition Against Damaging Wastewater Treatment System. No Customer, User, or person shall knowingly or negligently damage the wastewater treatment system (including, but expressly not limited to, damage caused by unlawful discharge to the wastewater system, improper connection to the wastewater system, and negligent excavation or other construction in, on, or around the wastewater system).
 - 1. Enforcement Options. Knowing or negligent damage to the wastewater treatment system is subject to vigorous pursuit of any and all remedies available to the Town, including (but expressly not limited to) injunction, abatement, discontinuation of service, actions for damages, civil penalties, and criminal penalties. [Note: exemption from civil penalty or liability for gardening or tilling with hand tools on own property; ARS §40-360.28(D)(3)(F)(3)] Procedures for discontinuing wastewater service in the event of damage to the wastewater system shall be established from time to time by regulations adopted by resolution.

(Ord. No. 510, Enacted, 08/23/01; Ord. No. 839, Amended, 02/22/18)

SECTION FIVE. That the following penalty clause, Section 9-05a-075 “Domestic Water System Maintenance” in Article 9-05a “DOMESTIC WATER SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code, is hereby amended to read as follows:

9-05a-075 Domestic Water System Maintenance.

...

- D. Prohibition Against Damaging Domestic Water System. No Customer, User, or person shall knowingly or negligently damage the domestic water system (including, but expressly not limited to, damage caused by improper connection to the water system and negligent excavation or other construction in, on, or around the water system).
1. Enforcement Options. Knowing or negligent damage to the domestic water system is subject to vigorous pursuit of any and all remedies available to the Town, including (but expressly not limited to) injunction, abatement, turn-off of service, actions for damages, civil penalties, and criminal penalties. [Note: exemption from civil penalty or liability for gardening or tilling with hand tools on own property; ARS §40-360.28~~(D)~~~~(3)~~~~(F)~~~~(3)~~] Procedures for turning-off water service in the event of damage to the water system shall be established from time to time by regulations adopted by resolution.

(Ord. No. 510, Enacted, 08/23/01; Ord. No. 839, Amended, 02/22/18)

SECTION SIX. That the following penalty clause, Section 9-05b-080 “Reclaimed Water System Maintenance” in Article 9-05b “RECLAIMED WATER SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code, is hereby amended to read as follows:

9-05b-080 Reclaimed Water System Maintenance.

...

- D. Prohibition Against Damaging Reclaimed Water System. No Customer, User, or person shall knowingly or negligently damage the reclaimed water system (including, but expressly not limited to, damage caused by improper connection to the reclaimed water system and negligent excavation or other construction in, on, or around the reclaimed water system).

1. Enforcement Options. Knowing or negligent damage to the reclaimed water system is subject to vigorous pursuit of any and all remedies available to the Town, including (but expressly not limited to) injunction, abatement, turn-off of service, actions for damages, civil penalties, and criminal penalties. [Note: exemption from civil penalty or liability for gardening or tilling with hand tools on own property; ARS §40-360.28~~(D)(3)~~(F)(3)] Procedures for turning-off reclaimed water service in the event of damage to the reclaimed water system shall be established from time to time by regulations adopted by resolution.

(Ord. No. 510, Enacted, 08/23/01; Ord. No. 839, Amended, 02/22/18)

SECTION SEVEN. That the following penalty clause, Section 10-03-110 “Subsequent Nuisance Parties on Posted Properties, Civil Violations, Responsible Persons” in Article 10-03 “UNDERAGE DRINKING; NUISANCE PARTIES” in Chapter 10 “OFFENSES” of the Town Code, is hereby amended to read as follows:

10-03-110 Subsequent Nuisance Parties on Posted Properties, Civil Violations, Responsible Persons.

- A. The occurrence of a nuisance party on premises posted as a nuisance property more than once in any one hundred and eighty (180) day period constitutes a civil violation. The following parties, if found responsible for such a violation, are liable for the civil penalties provided in Section 10-03-120:
 1. The owner of the property where the subsequent nuisance party occurred, if either:
 - a. The owner was present when the property was posted, or
 - b. Notification of posting was mailed or delivered to the owner of the property per Section ~~10-03-080~~10-03-070, and the subsequent nuisance party occurred not less than two (2) weeks after the mailing of such notification.
 2. The occupant or tenant of the property where the subsequent nuisance party occurred.
 3. The person or persons who organized or sponsored the event constituting the subsequent nuisance party.

...

(Ord. No. 156, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 9-07-110; Ord. No. 295, Rep&ReEn, 07/22/93; Ord. No. 559, Rep&ReEn, 07/10/03; Ord. No. 762, Rep&Amd, 09/08/2011; Ord. No. 839, Amended, 02/22/18)

SECTION EIGHT. That the following penalty clause, Section 15-08-020 “Reconstruction of Units” in Article 15-08 “RECONSTRUCTION - REHABILITATION” in Chapter 15 “MANUFACTURED HOMES, MOBILE HOMES,

FACTORY-BUILT BUILDINGS, AND ACCESSORY STRUCTURES” of the Town Code, is hereby amended to read as follows:

15-08-020 Reconstruction of Units.

In accordance with ARS ~~§41-2194(5)~~41-4047(5), it shall be unlawful for any person to reconstruct any unit within the Town of Prescott Valley unless such person is licensed as a manufacturer by the Office of Administration of the Arizona Department of Fire, Building and Life Safety. Violation of this section will result in the revocation of any and all manufacturing and/or rehabilitation certifications of compliance including, but not limited to, HUD certifications and any certificate of compliance issued by the Arizona Department of Fire, Building and Life Safety. Upon revocation of any certificate of compliance, the Building Official will issue an Order to Vacate and a Notice of Violation and will commence with abatement procedures pursuant to the 2012 International Property Maintenance Code, as adopted and amended by the Town Council.

(Ord. No. 789, Enacted, 04/24/14; Ord. No. 839, Amended, 02/22/18)

SECTION NINE. That all other Articles, Sections and Subsections of the Town Code of the Town of Prescott Valley, Arizona, not herein amended, shall remain in full force and effect.

SECTION TEN. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION ELEVEN. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 22nd day of February, 2018.

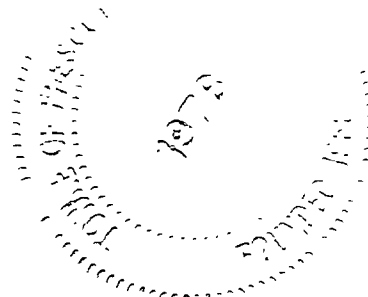
For Lara Sue Nye
HARVEY C. SKOOG, Mayor

ATTEST:

Diane Russell
Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler
Ivan Legler, Town Attorney



TOWN CODE AMENDMENTS - UPDATING CITATIONS

SECTION 1. That Section 1-08-050 “Rules of Procedure” in Article 1-08 “PENALTIES AND ENFORCEMENT” in Chapter 1 “GENERAL” of the Town Code of the Town of Prescott Valley, is hereby amended to read as follows:

1-08-050 Rules of Procedure.

The Arizona Rules of Court Procedure ~~infor~~ and Civil Boating ~~Violations~~ Cases shall govern hearings, appeals, default by defendant and rules of evidence in all actions to hear and determine civil offenses except as modified by or inconsistent with the provisions of this Code.

(Ord. No. 539, Enacted, 02/27/03; Ord. No. 839, Amended, 02/22/18)

SECTION 2. That Section 6-01-120 “Biting Animals and Animal Bites” in Article 6-01 “GENERAL ANIMAL CONTROL” in Chapter 6 “ANIMALS” of the Town Code, is hereby amended to read as follows:

6-01-120 Biting Animals and Animal Bites.

...

C. A dog or cat that is impounded as the result of biting any person shall not be released from the pound to its owner unless one of the following applies:

1. The dog has a current dog license pursuant to ARS §11-1008 at the time the dog entered the pound.

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(Ord. No. 746, Enacted, 09/09/10; Ord. No. 770, Amended, 10/25/12; Ord. No. 824, Amended, 02/23/17; Ord. No. 839, Amended, 02/22/18)

SECTION 3. That Section 7-11-030 “Definitions” in Article 7-11 “DEVELOPMENT FEES” in Chapter 7 “BUILDING” of the Town Code, is hereby amended to read as follows:

7-11-030 Definitions.

A. When used in this Article, the terms listed below shall have the following meanings unless the context requires otherwise. Singular terms shall include their plural.

...

6. Category of Necessary Public Service: A category of Necessary Public Services for which the Town is authorized to assess development impact fees, ~~as~~

~~further defined in Section 7-11-080(A)(1) of this Article.~~

...

(Ord. No. 357, Enacted, 03/23/95; Ord. No. 764, Rep&ReEn, 01/12/12; Ord. No. 839, Amended, 02/22/18)

SECTION 4. That Section 8-02-020 “Definitions” in Article 8-02 “BUSINESS LICENSES” in Chapter 8 “BUSINESS” of the Town Code, is hereby amended to read as follows:

8-02-020 Definitions.

The following definitions apply to this Article 8-02.

...

- B. “Casual Sales” means sales of miscellaneous merchandise of such volume or frequency as to indicate that the seller is not a dealer in merchandise (typically not more than three (3) such sales per annum). Yard sales ~~as defined in Town Code Article 9-04 and (held no more than three (3) times in a year and subject to the requirements set forth in Town Code Section 9-04-020(B)(5))~~ are an example of casual sales.

...

- F. “Home Occupation” includes the activities defined in Town Code Subparagraph 13-02-010(B)(88) (as amended), subject to the requirements set forth in Subparagraph 13-06-020(A)(8) (as amended).

...

(Ord. No. 234, Enacted, 07/26/90; Ord. No. 553, Amended, 05/22/03; Ord. No. 603, Amended, 08/26/04; Ord. No. 709, Amended, 02/14/08; Ord. No. 839, Amended, 02/22/18)

SECTION 5. That Section 8-02-030 “License Required, Exemptions” in Article 8-02 “BUSINESS LICENSES” in Chapter 8 “BUSINESS” of the Town Code, is hereby amended to read as follows:

8-02-030 License Required, Exemptions.

- A. It is unlawful for any person to carry on any trade, calling, profession, occupation or business without having procured a license from the Town and otherwise complying with any and all regulations of such trades, callings, professions, businesses or occupations set forth in this Article. Business license applications should be obtained from the Town fifteen (15) business days prior to commencement of business within the Town limits. The following exemptions from Town licensing apply:

...

- 5. Any exemptions to local licenses and fees provided by federal statutes and regulations, Arizona Revised Statutes, and the Arizona Administrative Code.

This includes (but is not limited to) insurance companies and agents per ARS §20-167(C) (as amended), spirituous liquor wholesalers per ARS §4-223(A), real property rentals (residential) per ARS §9-1304(B), and real estate brokers/salespersons licensed pursuant to title 32, chapter 20, article 24 AND licensed to do business in the city or town in which the broker/salesperson's primary place of business is located per ARS §9-491.01.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 8-03-010; Ord. No. 234, Ren&Amd, 07/26/90, 8-02-010; Ord. No. 553, Amended, 05/22/03; Ord. No. 709, Amended, 02/14/08; Ord. No. 784, Amended, 01/23/14; Ord. No. 808, Amended, 10/08/15; Ord. No. 839, Amended, 02/22/18)

SECTION 6. That Section 9-04-010 "Definitions" in Article 9-04 "PROPERTY MAINTENANCE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code, is hereby amended to read as follows:

9-04-010 Definitions.

In this Article, unless the context requires otherwise:

...

C. "Nuisance" means any condition or use of property-(including areas adjacent thereto) that by its nature is a hazard to public health and safety, damaging to the property of others, or causes or tends to cause substantial diminution in the value of other property in the neighborhood. This includes, but is not limited to, placing, keeping, depositing, or allowing to remain on, property or areas adjacent thereto any of the following:

1. Rubbish (including trash, garbage, related debris, and dilapidated buildings).
2. Appliances and vehicles, building material, soil & concrete, brush and other yard waste, sewage, any other dangerous byproduct or waste, and snow or ice.

Nothing herein shall classify as a nuisance the conducting (or the allowing to be conducted) on property one (1) yard sale (subject to the requirements set forth in Town Code Section 9-04-020(B)(5))~~as defined in Section 9-04-020(B)(6) herein~~ during the period from January 1st to April 30th, another during the period from May 1st to August 31st, and another during the period from September 1st to December 31st, in a calendar year.

...

(Ord. No. 117, Enacted, 09/05/85; Ord. No. 158, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 5-04-010, 9-09-030; Ord. No. 396, Amended, 08/08/96; Ord. No. 559, Amended, 07/10/03; Ord. No. 785, Amended, 01/23/14; Ord. No. 810, Amended, 01/14/16; Ord. No. 839, Amended, 02/22/18)

SECTION 7. That Section 9-05-020 "Abbreviations and Definitions" in Article 9-05 "WASTEWATER TREATMENT SERVICE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code, is hereby amended to read as follows:

9-05-020 Abbreviations and Definitions.

...

B. Definitions. In this Article, unless the context otherwise requires:

...

22. "New Source" means:

...

- b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, unit, structure, facility, or installation meeting the criteria of subparagraph ~~19(a)(2) or 19(a)(3)~~(22)(a)(2) or (22)(a)(3) above, but otherwise alters, replaces, or adds to existing process or production equipment.
- c. Construction of a new source as defined under this subparagraph ~~19~~22 has commenced if the owner or operator has:
 - (1) Begun, or caused to begin as part of a continuous onsite construction program
 - (a) any placement, assembly, or installation of facilities or equipment; or
 - (b) significant site preparation work, including clearing, excavation, or removal of existing buildings, units, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subparagraph ~~19(e)~~22(c).

...

36. "Significant Industrial User" means

...

- c. Upon a finding that a User meeting the criteria in subparagraph

~~34(b)~~36(b) has no reasonable potential for adversely affecting the wastewater system's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from a User [and in accordance with procedures in 40 CFR 403.8(f)(6)] determine that such User should not be considered a Significant Industrial User.

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(Ord. No. 284, Enacted, 10/08/92; Ord. No. 391, Amended, 06/27/96; Ord. No. 510, Amended, 08/23/01; Ord. No. 815, Amended, 04/28/16; Ord. No. 839, Amended, 02/22/18)

SECTION 8. That Section 9-05-080 "Discharge Prohibitions" in Article 9-05 "WASTEWATER TREATMENT SERVICE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code, is hereby amended to read as follows:

9-05-080 Discharge Prohibitions.

...

D. **Local Limits.** The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following (in milligrams per liter):

Total grease, oil, etc.	100.0	Copper	1.6
Dissolved Sulfides	0.5	Cyanide	0.4
Cyanide	1.3	Fluoride	Reserved
Arsenic	0.5	Lead	0.3
Antimony	Reserved	Mercury	0.001
Barium	Reserved	Molybdenum	Reserved
Beryllium	Reserved	Nickel	Reserved
Cadmium	0.1	Selenium	0.2
Chromium (total)	Reserved <u>3.0</u>	Silver	0.5
Chromium VI	Reserved <u>3.0</u>	Thallium	2.2
		Zinc	2.9

...

...

(Ord. No. 284, Enacted, 10/08/92; Ord. No. 391, Amended, 06/27/96; Ord. No. 510, Amended, 08/23/01; Ord. No. 815, Amended, 04/28/16; Ord. No. 839, Amended, 02/22/18)

SECTION 9. That Section 9-05a-045 "Water Conservation" in Article 9-05a "DOMESTIC WATER SERVICE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code, is hereby amended to read as follows:

9-05a-045 Water Conservation.

...

- D. Water Conservation Levels are considered effective for all purposes twenty-four (24) hours after posting of a writing declaring the same and signed by the Town Manager or the Mayor (as the case may be) at the locations established in accordance with ARS §38-431.02(A)~~(3)~~(4), and after said writing has been faxed, e-mailed or hand-delivered to a newspaper of general circulation within the Town limits and to a radio station whose signal is generally received within the Town limits.

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(Ord. No. 523, Enacted, 05/09/02; Ord. No. 815, Amended, 04/28/16; Ord. No. 839, Amended, 02/22/18)

SECTION 10. That Section 9-05b-045 “Water Conservation” in Article 9-05b “RECLAIMED WATER SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code, is hereby amended to read as follows:

9-05b-045 Water Conservation.

...

- D. Water Conservation Levels are considered effective for all purposes twenty-four (24) hours after posting of a writing declaring the same and signed by the Town Manager or the Mayor (as the case may be) at the locations established in accordance with ARS §38-431.02(A)~~(3)~~(4), and after said writing has been faxed, e-mailed or hand-delivered to a newspaper of general circulation within the Town limits and to a radio station whose signal is generally received within the Town limits.

...

(Ord. No. 523, Enacted, 05/09/02; Ord. No. 815, Amended, 04/28/16; Ord. No. 839, Amended, 02/22/18)

SECTION 11. That Section 9-07-040 “License Application” in Article 9-07 “SEXUALLY-ORIENTED BUSINESS STANDARDS” in Chapter 9 “HEALTH AND SANITATION” of the Town Code, is hereby amended to read as follows:

9-07-040 License Application.

...

- B. All applicants must be qualified according to the provisions of this Article. Each applicant for a license pursuant to this Article shall submit a full set of fingerprints to the Prescott Valley Police Department for the purpose of obtaining a state and Federal criminal records check pursuant to ARS §41-1750 and 42 USC ~~44614~~40311 *et seq.* The Department of Public Safety is authorized to exchange this fingerprint data with the Federal Bureau of Investigation to determine whether the applicant meets the

qualifications established in this Article.

- C. The following information provided pursuant to this Article shall not be deemed to be a public record:
1. Criminal history information obtained pursuant to ARS §41-1750 and/or 42 USC ~~44611~~40311 *et seq.*
 2. Information required and provided pursuant to Subparagraphs (E) (8) and (10), and (F) (4), (6), and (7) of this Section.

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(Ord. No. 552, Enacted, 03/13/03; Ord. No. 614, Amended, 02/10/05; Ord. No. 708, Amended, 01/24/08; Ord. No. 839, Amended, 02/22/18)

SECTION 12. That Section 10-02-040 “Prohibited Activities in Parks, Playgrounds and Outdoor Recreational Areas” in Article 10-02 “TOWN PROPERTY” in Chapter 10 “OFFENSES” of the Town Code, is hereby amended to read as follows:

10-02-040 Prohibited Activities in Parks, Playgrounds and Outdoor Recreational Areas.

- A. The following activities are prohibited at all times within all Town parks, playgrounds and outdoor recreational areas, unless otherwise expressly permitted by authorized Town officials:
1. The possession of any open container of, or the consumption of "spirituous liquor" as defined in ARS §4-101(~~34~~), as amended;

...

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(Ord. No. 271, Enacted, 01/09/92, Ord. No. 533, Amended, 11/07/02; Ord. No. 614, Amended, 02/10/05; Ord. No. 651, Amended, 03/23/06; Ord. No. 747, Amended, 07/08/10; Ord. No. 759, Amended, 05/12/11; Ord. No. 824, Amended, 02/23/17; Ord. No. 839, Amended, 02/22/18)

SECTION 13. That Section 10-02-050 “Prohibited Activities on Other Property Owned or Operated by the Town” in Article 10-02 “TOWN PROPERTY” in Chapter 10 “OFFENSES” of the Town Code, is hereby amended to read as follows:

10-02-050 Prohibited Activities on Other Property Owned or Operated by the Town.

The following activities are prohibited at all times on or within any other property owned or operated by the Town, including the buildings, parking areas, sidewalks and surrounding grounds, unless otherwise expressly permitted by authorized Town officials:

- A. The possession of any open container of, or the consumption of "spirituous liquor" as defined in ARS §4-101(~~34~~), as amended.

(Ord. No. 175, Enacted, 04/28/88; Ord. No. 216, Amended, 11/09/89; Ord. No. 344, Rep&ReEn, 11/17/94; Ord. No. 614, Amended, 02/10/05; Ord. No. 759, Amended, 05/12/11; Ord. No. 759, Amended, 05/12/11; Ord. No. 839, Amended, 02/22/18)

SECTION 14. That Section 10-02-060 “Permit to Possess or Consume Spirituous Liquor” in Article 10-02 “TOWN PROPERTY” in Chapter 10 “OFFENSES” of the Town Code, is hereby amended to read as follows:

10-02-060 Permit to Possess or Consume Spirituous Liquor.

A. Upon application to the Town Clerk, the Town Council may, at its sole discretion, authorize the applicants and their invitees to possess and/or consume "spirituous liquor" as defined in ARS §4-101(~~31~~) (as amended) in, on or within Town parks, playgrounds, outdoor recreational areas, or other property owned or operated by the Town.

...

(Ord. No. 175, Enacted, 04/28/88; Ord. No. 216, Amended, 11/09/89; Ord. No. 344, Rep&ReEn, 11/17/94, Ord. No. 533, Amended, 11/07/02; Ord. No. 614, Amended, 02/10/05; Ord. No. 759, Amended, 05/12/11; Ord. No. 759, Amended, 05/12/11; Ord. No. 839, Amended, 02/22/18)

SECTION 15. That Section 13-02-010 “Definitions” in Article 13-02 “DEFINITIONS” in Chapter 13 “ZONING” of the Town Code, is hereby amended to read as follows:

13-02-010 Definitions.

...

B. The following definitions apply:

...

17. **Automobile Garage:** A structure or part thereof, other than a private garage, which provides for all aspects of automobile repair, servicing and equipping (but not including auto body and paint shops). The temporary storage of junked motor vehicles as defined in Subsection ~~10-03-020(A)~~9-04a-020(A) of this Code, if completely enclosed by a screen wall, is considered accessory to this use. Temporary storage in this context means storage for not longer than ninety (90) days. Five (5) or fewer such vehicles may be stored and parked on the property for an indefinite period as an accessory use so long as each vehicle is completely covered at all times during storage with an opaque car covering or is completely enclosed within a screen wall as defined in Subsection 13-26-050(B).

...

22. **Automobile Service Station:** A place of business having pumps and/or storage

tanks from which liquid fuel and/or lubricants are dispensed at retail directly into the motor vehicle. Includes service, inspections and minor repairs (but not body and fender works, engine overhauling or other similar activities) which are considered accessory to the sale of such fuel and lubricants. The temporary storage of junked motor vehicles as defined in Subsection ~~10-03-020(A)~~9-04a-020(A) of this Code, if completely enclosed by a screen wall, is considered accessory to the sale of such fuel and lubricants. Temporary storage in this context means storage for not longer than ninety (90) days. Five (5) or fewer such vehicles may be stored and parked on the property for an indefinite period as an accessory use so long as each vehicle is completely covered at all times during storage with an opaque car covering or is completely enclosed within a screen wall as defined in Subsection 13-26-050(B).

23. Automobile Storage Garage: Includes storage of automobiles incident to a lawful towing business (but does not include automobile salvage or wrecking). The temporary storage of junked motor vehicles as defined in Subsection ~~10-03-020(A)~~9-04a-020(A) of this Code, if completely enclosed by a screen wall, is considered accessory to this use. Temporary storage in this context means storage for not longer than one hundred eighty (180) days. Five (5) or fewer such vehicles may be stored and parked on the property for an indefinite period as an accessory use so long as each vehicle is completely covered at all times during storage with an opaque car covering or is completely enclosed within a screen wall as defined in Subsection 13-26-050(B).

...

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 9, Enacted, 06/28/79; Ord. No. 27, Amended, 04/24/80; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 47A, Amended, 11/25/80; Ord. No. 58, Amended, 09/24/81; Ord. No. 82, Amended, 05/26/83; Ord. No. 115, Amended, 08/08/85; Ord. No. 161, Amended, 11/12/87; Ord. No. 162, Amended, 11/12/87; Ord. No. 178, Ren&Amd, 05/26/88, 14-01-040,,13-02-010; Ord. No. 185, Amended, 10/27/88; Ord. No. 279, Amended, 06/25/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 361, Amended, 04/13/95; Ord. No. 362, Amended, 04/13/95; Ord. No. 375, Ren&Amd, 12/28/95, 13-02; Ord. No. 392, Amended, 06/27/96; Ord. No. 403, Amended, 10/24/96; Ord. No. 439, Amended, 06/25/98; Ord. No. 458, Amended, 04/08/99; Ord. No. 552, Amended, 03/13/03; Ord. No. 559, Amended, 07/10/03; Ord. No. 588, Amended, 03/25/04; Ord. No. 603, Amended, 08/26/04; Ord. No. 619, Amended, 03/24/05; Ord. No. 647, Amended, 01/26/06; Ord. No. 676, Amended, 01/11/07; Ord. No. 809, Amended, 09/24/15; Ord. No. 820, Amended, 09/22/16; Ord. No. 839, Amended, 02/22/18)

SECTION 16. That Section 13-06-020 “Use Regulations” in Article 13-06 “R1L (RESIDENTIAL; SINGLE FAMILY LIMITED)” in Chapter 13 “ZONING” of the Town Code, is hereby amended to read as follows:

13-06-020 Use Regulations.

A. Uses Permitted:

...

8. Home occupations as defined in Article 13-02 and which shall conform to the following conditions or be subject to immediate termination:

...

- c. Prohibited Home Occupations - The following uses are expressly prohibited as home occupations because of the potential adverse impact to the surrounding neighborhood. These include (but are not necessarily limited to):

...

- (11) On-going garage sales (except those permitted under Sections ~~9-04-010(D)~~9-04-020(B)(5) and ~~9-04-020(C)~~ of the Town Code)

...

...

- 10. Model Homes and Model Homes Complexes approved pursuant to the Planned Area Development Process in Article 13-19 or the Use Permit process in Section 13-21-110. The Use Permit process in Section 13-21-110 applies to Model Homes and Model Home Complexes that are not part of a Development Plan or that are proposed after the Final Development Plan has been approved. The Use Regulations in Section 13-06-020(B)(4) ~~(a-i)~~(B)(3)(a-j) apply to all Model Homes and Model Home Complexes approved pursuant to the Planned Area Development Process in Article 13-19 or the Use Permit process in Section 13-21-110.

- 11. Vacation Rental/Short-Term Rental, as defined in ARS ~~§9-500.38(D)(2)~~9-500.39(D)(2), subject to the following:

...

...

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 78, Amended, 03/11/83; Ord. No. 112, Amended, 06/06/85; Ord. No. 136, Amended, 08/28/86; Ord. No. 137, Amended, 08/28/86; Ord. No. 167, Amended, 12/10/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 187, Amended, 10/27/88; Ord. No. 279, Amended, 06/25/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 392, Amended, 06/27/96; Ord. No. 439, Amended, 06/25/98; Ord. No. 603, Amended, 08/26/04; Ord. No. 638, Amended, 10/13/05; Ord. No. 647, Amended 01/26/06; Ord. No. 785, Amended, 01/23/14; Ord. No. 809, Amended, 09/24/15; Ord. No. 816, Amended, 05/26/16; Ord. No. 820, Amended, 09/22/16; Ord. No. 839, Amended, 02/22/18)

SECTION 17. That Section 13-14-020 “Use Regulations” in Article 13-14 “C2 (COMMERCIAL; GENERAL SALES AND SERVICES)” in Chapter 13 “ZONING” of the Town Code, is hereby amended to read as follows:

13-14-020 Use Regulations.

- A. Permitted Uses: The following uses are permitted in C2 district as conditioned in Subparagraph (A)(6) below.

...

5. Medical Marijuana Dispensaries (no onsite cultivation/infusion facilities), subject to the regulations in Subsection 13-14-080(B) herein and subject to the following definitions:

...

- k. Qualifying Patient: A person who has been diagnosed by a physician as having a debilitating medical condition as defined in ARS §36-2801-43 (as amended).

...

...

...

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 23, Amended, 02/13/80; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 260, Amended, 06/27/91; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 303, Amended, 07/08/93; Ord. No. 304, Amended, 07/08/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 361, Amended, 04/13/95; Ord. No. 392, Amended, 06/27/96; Ord. No. 434, Amended, 01/22/98; Ord. No. 439, Amended, 06/25/98; Ord. No. 521, Amended, 05/09/02; Ord. No. 608, Amended, 12/02/04; Ord. No. 648, Amended, 01/26/06; Ord. No. 705, Amended, 12/20/07; Ord. No. 753, Amended, 02/10/11; Ord. No. 839, Amended, 02/22/18)

SECTION 18. That Section 13-14-080 “Performance Standards” in Article 13-14 “C2 (COMMERCIAL; GENERAL SALES AND SERVICES)” in Chapter 13 “ZONING” of the Town Code, is hereby amended to read as follows:

13-14-080 Performance Standards.

...

- B. In addition to the prohibitions set forth in Subsection 13-14-080(A) above, all medical marijuana dispensaries in the district shall be subject to the following conditions:

...

7. The total maximum floor area of a medical marijuana dispensary shall not exceed one thousand (1,000) square feet. Maximum dispensary square footage may be expanded subject to Use Permit application and hearing procedures set forth under Section 13-21-110.2

...

(Ord. No. 753, Enacted, 02/10/11; Ord. No. 839, Amended, 02/22/18)

SECTION 19. That Section 13-19-060 “Plans Required and PAD Procedures” in Article 13-19 “PAD (PLANNED AREA DEVELOPMENT)” in Chapter 13 “ZONING” of the Town Code, is hereby amended to read as follows:

13-19-060 Plans Required and PAD Procedures.

...

C. Preliminary Development Plan: The applicant for a proposed PAD shall prepare a Preliminary Development Plan which shall contain necessary written and graphic information describing the general nature of the proposed development as required by the Town of Prescott Valley. The Preliminary Development Plan shall contain, at a minimum, the following information:

...

9. All proposed Model Homes and Model Home Complexes, to include information as to their proposed location in relation to other residential properties as well as proposed parking, lighting and landscaping. The Use Regulations in Section 13-06-020(B)(4)(a-i)(B)(3)(a-j) apply to any Model Homes and Model Home Complexes approved in a Development Plan.

...

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 442, Amended, 08/27/98; Ord. No. 647, Amended, 01/27/06; Ord. No. 751, Amended, 08/12/10; Ord. No. 772, Amended, 03/28/13; Ord. No. 801, Amended, 02/12/15; Ord. No. 839, Amended, 02/22/18)

SECTION 20. That Section 13-27-060 "Fees and Charges" in Article 13-27 "ENFORCEMENT" in Chapter 13 "ZONING" of the Town Code, is hereby amended to read as follows:

13-27-060 Fees and Charges.

Fees and charges for zoning permits, zoning clearances, hearing applications, etc. shall be in accordance with the following schedule (except where such are waived by the Town Council). Any such fee shall be doubled for failure to apply prior to commencing construction or sale of lots.

A. Zoning Permits:

- 1. Signs, which do not require a building permit: Fee shall be in accordance with Subsection ~~13-23-110(A)(4)~~13-23-100(A)(4) of this Code
- 2. Accessory Buildings (144 sq. ft. or less): \$16.05
- 3. Fences/walls (four (4) feet in height or greater): Fees shall be in accordance with Section ~~7-01-0307-01-200~~13-23-100(A)(4) of this Code

...

...

(Ord. No. 241, Enacted, 09/27/90; Ord. No. 337, Amended, 10/13/94; Ord. No. 398, Amended, 09/12/96; Ord. No. 439, Amended, 06/25/98; Ord. No. 527, Amended, 07/25/02; Ord. No. 607, Amended, 12/02/04; Ord. No. 780, Amended, 11/21/13; Ord. No. 837, Amended, 11/16/17; Ord. No. 839, Amended, 02/22/18)

SECTION 21. That Section 15-01-010 “Installation Standards and Codes” in Article 15-01 “INSTALLATION STANDARDS AND CODES” in Chapter 15 “MANUFACTURED HOMES, MOBILE HOMES, FACTORY-BUILT BUILDINGS, AND ACCESSORY STRUCTURES” of the Town Code, is hereby amended to read as follows:

15-01-010 Installation Standards and Codes.

...

- C. No mobile home shall be installed in the Town unless it is a relocation of a mobile home previously permitted in the Town or it is a mobile home that is rehabilitated in accordance with rehabilitation rules adopted by the Office of Manufactured Housing pursuant to ~~ARS §41-2195(C)~~41-4048(C) and is relocating to an existing mobile home park, as defined in Section 13-02-010(B)~~(128)~~ of the Town Code, within the Town limits.

...

(Ord. No. 21, Enacted, 02/13/80; Ord. No. 94, Rep&ReEn, 04/12/84; Ord. No. 178, Ren&Amd, 05/26/88, 16-01, 16-01-010, 020, 030, 040, 050 & 060; Ord. No. 282, Amended, 10/22/92; Ord. No. 375, Renumbered, 12/28/95, 15-01; Ord. No. 789, Amended, 04/24/14; Ord. No. 839, Amended, 02/22/18)

SECTION 22. That Section 15-08-010 “Definitions” in Article 15-08 “RECONSTRUCTION - REHABILITATION” in Chapter 15 “MANUFACTURED HOMES, MOBILE HOMES, FACTORY-BUILT BUILDINGS, AND ACCESSORY STRUCTURES” of the Town Code, is hereby amended to read as follows:

15-08-010 Definitions.

...

- C. “Mobile home park” shall have the same meaning as “Mobile/Manufactured Home Park” as defined in Section 13-02-010(B)~~(128)~~ of the Town Code.

...

(Ord. No. 789, Enacted, 04/24/14; Ord. No. 839, Amended, 02/22/18)

SECTION 23. That Section 15-08-030 “Rehabilitation of Mobile Homes” in Article 15-08 “RECONSTRUCTION - REHABILITATION” in Chapter 15 “MANUFACTURED HOMES, MOBILE HOMES, FACTORY-BUILT BUILDINGS, AND ACCESSORY STRUCTURES” of the Town Code, is hereby amended to read as follows:

15-08-030 Rehabilitation of Mobile Homes.

- A. Pursuant to ARS ~~§41-2195(C)~~41-4048(C), a person shall not move a mobile home from one mobile home park in this state to another mobile home park in the Town unless it has been rehabilitated in accordance with rehabilitation rules adopted by the Office of Manufactured Housing and displays the appropriate insignia of approval.

...

(Ord. No. 789, Enacted, 04/24/14; Ord. No. 839, Amended, 02/22/18)

SECTION 24. That Section 16-02-010 “Off-Site Improvements” in Article 16-02 “OFF-SITE IMPROVEMENT STANDARDS” in Chapter 16 “ENGINEERING” of the Town Code, is hereby amended to read as follows:

16-02-010 Off-Site Improvements.

- A. Off-site improvements shall be required for:

...

- 2. All development or improvements subject to a development agreement as defined in Section 7-11-030(A) requiring a “development permit” as defined in ~~§7-11-020(C)~~ of the Town Code (as amended), except as exempted hereinafter.

...

(Ord. No. 457, Enacted, 04/08/99; Ord. No. 839, Amended, 02/22/18)