Article 1-01 HOW CODE DESIGNATED AND CITED

1-01-010 How Code Designated and Cited.

The ordinances embraced in the following Chapters and Sections, including amendments and additions thereto, shall constitute and be designated "The Code of the Town of Prescott Valley, Arizona," and may be so cited. Such Code may also be cited as the "Prescott Valley Town Code."

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 1-02 CONSTRUCTION OF ORDINANCES

1-02-010 Construction of Ordinances.

The rules and the definitions set forth in this Chapter 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 Town Council or the context of this Code or the ordinances of the Town.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)
CHAPTER 1.   GENERAL

Article 1-01 HOW CODE DESIGNATED AND CITED
Article 1-02 CONSTRUCTION OF ORDINANCES
Article 1-03 DEFINITIONS
Article 1-04 REFERENCE TO CHAPTERS, ARTICLES OR SECTIONS OR OTHER STATUTES AND REGULATIONS: CONFLICTING PROVISIONS
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Article 1-08 PENALTIES AND ENFORCEMENT
Article 1-09 REPEAL OF EXISTING ORDINANCES
Article 1-10 EFFECTIVE DATE OF CODE
Article 1-11 OFFICIAL MAPS
Article 1-03 DEFINITIONS

1-03-010 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-020 Acts by Agents.
When this Code or 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-030 Code.

The words “the Code” or “this Code” shall mean “The Code of the Town of Prescott Valley, Arizona,” unless the context indicates otherwise.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-040 Council.

Whenever the word “Council” is used, it shall be construed to mean the Common Council of the Town of Prescott Valley, Arizona.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-050 Day.

A “day” is the period of time between any midnight and the midnight following.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-060 Daytime, Nighttime.

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

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-070 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-080 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.
1-03-090 In the Town.

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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-100 Joint Authority.

All words purporting to give a joint authority to three (3) or more Town 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-110 Month.

The word "month" shall mean a calendar month.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-120 Oath.

"Oath" includes affirmation or declaration.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-130 Or, And.

"Or" may be read "and," and "and" may be read "or," if the sense requires it.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-140 Person.

The word "person" shall extend and be applied to firms, corporations or voluntary associations, as well as to individuals, unless plainly inapplicable.
1-03-150 Personal Property.

"Personal property" includes every species of property, except real property as defined in this Article.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-160 Preceding, Following.

The words "preceding" and "following" mean next before and next after, respectively.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-170 Property.

The word "property" shall include real and personal property.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-180 Real Property.

Real property shall include lands, tenements and hereditaments.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-190 Shall, May.

"Shall" is mandatory and "may" is permissive.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-200 Shall Have Been.

The words "shall have been" include past and future cases.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)
1-03-210 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 or subscription to a sworn statement only when two (2) witnesses so sign their own names thereto.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-220 State.

The words "the State" shall be construed to mean the State of Arizona.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-230 Tenant or Occupant.

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

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-240 Tenses.

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

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-250 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)
1-03-260  Time--Reasonable.

In all cases where any Section of this Code shall require 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-270  Town.

Whenever the word "Town" is used, it shall be construed to mean the Town of Prescott Valley, Arizona.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-280  Week.

A "week" consists of seven (7) consecutive days.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-290  Writing.

"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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-03-300  Year.

The word "year" shall mean a calendar year, except where otherwise provided.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 1-04 REFERENCE TO CHAPTERS, ARTICLES OR SECTIONS OR OTHER STATUTES AND REGULATIONS: CONFLICTING PROVISIONS

1-04-010 Additional Rules of Construction.

In addition to the rules of construction specified in Articles 1-2 and 1-3, the rules set forth in this Article shall be observed in the construction of this Code.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-04-020 References to this Code.

All references to Chapters, Articles or Sections are to the Chapters, Articles and Sections of this Code, including amendments and additions thereto, unless otherwise specified.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-04-025 References to Statutes and Regulations.

All references in this Code to the Arizona Revised Statutes and other statutes and regulations include amendments and additions thereto unless otherwise specified.

(Ord. No. 614, Enacted, 02/10/05)

1-04-030 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

1-04-040 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.
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(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 1-05 SECTION HEADINGS

1-05-010 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 1-06 EFFECT OF REPEAL

1-06-010 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 1-07 SEVERABILITY OF PARTS OF CODE

1-07-010 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, and, 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 1-08 PENALTIES AND ENFORCEMENT

1-08-010 Penalty.

A. Whenever in this Code or in any ordinance of the Town any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be a class 1 misdemeanor and shall be punished as class 1 misdemeanors in accordance with ARS §§13-707 and 13-802 (as amended from time to time). Where reference is made to a misdemeanor, but no class is specified, the violation shall be a class 1 misdemeanor and shall be punished as a class 1 misdemeanor in accordance with ARS §§13-707 and 13-802 (as amended from time to time). Where reference is made to a misdemeanor and a class is specified, the violation shall be punished for that class in accordance with ARS §§13-707 and 13-802 (as amended from time to time). Each day that any violation of this Code or of any ordinance continues shall constitute a separate offense, punishable as hereinabove described.

B. Any violation of the provisions of this Code shall also constitute a civil offense, and any person who is served with a citation charging such violation and who admits, or is found responsible for such offense shall be liable to pay to the Town a civil sanction not to exceed two thousand five hundred dollars ($2,500). Each day that a violation continues shall be a separate offense, except as otherwise provided, punishable as described herein.

C. Any violation or failure to do or perform any act required by Articles 11-02, 11-03 and 11-04 of this Code constitutes a civil traffic violation. Civil traffic violations are subject to the provisions of Title 28, Chapter 5, Arizona Revised Statutes and amendments thereto.

D. Payment of Costs of Confinement.

1. Any person who is convicted of a misdemeanor criminal offense in the municipal court and who, as a consequence, is incarcerated in the Yavapai County jail may, as part of any sentence imposed by the municipal court, be required to reimburse the Town for the actual expenses incurred by the Town
by reason of such confinement; such expenses to be determined by the per
diem amount which currently, at the time of sentencing, is being charged by
Yavapai County for housing a prisoner.

2. No person shall be required to pay the fee established by this Subsection D who
is found by the municipal court to be indigent.

3. In addition to any other remedies which may be allowed by law, the Town
Attorney is authorized to institute any appropriate civil suit in a court of
competent jurisdiction for recovery of the fee referred to hereinabove.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 232, Amended, 07/12/90; Ord. No.
539, Amended, 02/27/03; Ord. No. 600, Amended, 07/22/04; Ord. No. 614, Amended, 02/10/05)

1-08-020 Commencement of Civil Action - Citation.

A. Issuance of Citation. An action to hear and determine a civil offense may be
commenced by the issuance and filing of a citation. The citation shall be in the
form of or substantially similar to the uniform Arizona Traffic Ticket and Complaint Form
and shall cite to the particular subsection of this Code applicable to the alleged
violation. Each subsection of this Code cited in the complaint shall be deemed a
separate offense. The citation shall contain the date and time of the alleged violation
and shall direct the defendant to appear before the Hearing Officer at a specified time
to enter a plea either admitting or denying the complaint. The citation will state that
if the defendant fails to appear before the Hearing Officer on the date and time
specified therein, a default judgment will be entered against the defendant and a civil
sanction will be imposed.

B. Authority to Issue Citation. Any peace officer, Code enforcement officer or other duly
authorized agent of the Town who observes a violation of any provision of this Code is
empowered to issue a citation. Prior to issuing a citation, the officer, official or agent
may, in his discretion, issue a written notice of violation allowing the violator ten (10)
days to remedy the violation. If the violation is not remedied in ten (10) days, a
citation may be issued. Nothing in this Section shall require the issuance of a notice of
violation prior to the commencement of civil or criminal violation proceedings.

C. Service of Citation. The citation shall be served by delivering a copy to the defendant
as follows:

The citation may be signed by the resident/occupant or owner of record with his/her
promise to appear within thirty (30) days of the issuance of the citation. If the
occupant or owner is unavailable at the time the violation is noted or refuses to sign
the citation, service may be accomplished and will be deemed proper and complete by
any of the following:

1. Upon the resident/occupant of the premises where the violation occurred by
posting a copy of the citation on or about an entrance to the dwelling unit.
2. By hand delivering a copy of the citation to the owner of record or resident/occupant.

3. By certified or registered mail, return receipt requested. Service by mail is deemed complete upon deposit in the U.S. Mail.

4. In the same manner prescribed for alternative methods of service by the Arizona Rules of Civil Procedure.

(Ord. No. 539, Enacted, 02/27/03)

1-08-030 Appearance; Payment by Mail.

A. The defendant shall, within thirty (30) days of the issuance of the citation, appear in person before the Hearing Officer and shall either admit or deny the allegations contained in the citation. Or, the defendant may proceed as provided in Subsection B herein. If the defendant admits the allegations, the Hearing Officer shall immediately enter judgment against the defendant and shall impose the appropriate sanction. If the defendant denies the allegations contained in the citation, the Hearing Officer shall set a date for a hearing of the matter.

B. The defendant may admit the allegations in the citation and pay the fine indicated by mailing the citation together with a check or money order made payable to the Town of Prescott Valley. If payment is not received by the appearance date indicated on the citation, a default judgment will be entered.

C. Any defendant appearing before the Hearing Officer and denying the allegations as provided in Subsection A herein shall be deemed to have waived any objection to service of the citation, unless such objection is affirmatively raised by the defendant at the time of the first appearance in relation to the citation.

(Ord. No. 539, Enacted, 02/27/03)

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 for Civil Traffic and Civil Boating Violations; 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.
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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)

1-08-050 Rules of Procedure.

The Arizona Rules of Court Procedure for Civil Traffic and Civil Boating Violations 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)

1-08-060 Non-exclusive Remedies.

A. Nothing contained in this Article shall be construed to require the selection of an exclusive remedy for violations of this Code. In the event a defendant fails to comply with any civil enforcement action commenced under this Article, the Town may file a criminal charge against the defendant. Notwithstanding, a civil enforcement action shall not be a prerequisite to the filing of a criminal charge.

B. Nothing contained in this Article shall be construed to preclude the Hearing Officer from, in addition to imposing civil sanctions, ordering the abatement of any violation pursuant to A.R.S. §9-499 and related Town Code provisions (all as amended).

(Ord. No. 539, Enacted, 02/27/03)

1-08-070 Judicial Review.

Judicial review of the final decisions of the Hearing Officer shall be in the Superior Court in and for Yavapai County pursuant to A.R.S. §12-124.

(Ord. No. 539, Enacted, 02/27/03)
Article 1-09 REPEAL OF EXISTING ORDINANCES

1-09-010 Effective Date of Repeal.
1-09-020 Ordinances Exempt from Repeal.

1-09-010 Effective Date of Repeal.

All ordinances of the Town, except those specifically exempted in this Article, now in force and effect are hereby repealed upon the effective date of Ordinance No. 178 adopting this Code, 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

1-09-020 Ordinances Exempt from Repeal.

The adoption and enactment of this Code shall not be construed to repeal or in any way to modify or affect:

A. Any special ordinance or ordinances regarding franchises, annexations, dedications or zoning.

B. Any ordinance making an appropriation.

C. Any ordinance affecting any bond issue or by which any bond issue may have been authorized.

D. The running of the statute of limitations in force at the time this Code becomes effective.

E. The continued existence and operation of any department, agency, commission or office heretofore legally established or held.

F. Any bond of any public officer.

G. Any taxes, fees, assessments or other charges incurred or imposed.

H. Any ordinances 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.

I. Any ordinance previously adopted which is not specifically superseded or amended by a provision of this Code.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 1-10 EFFECTIVE DATE OF CODE

1-10-010 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 the effective date of Ordinance No. 178 adopting this Code, except that where a later effective date is provided it shall prevail.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)
Article 1-11 OFFICIAL MAPS

1-11-010 Official Town Maps.

A. The following official Town maps shall be established and maintained:

1. A map or maps showing current corporate boundaries of the Town.

2. A map or maps showing locations of currently designated "streets" within the Town and their current "street names", each as defined hereinafter.

3. A map or maps showing the nature of the underlying title to designated streets (e.g. right-of-way easements, dedications held in trust for the public, fee title held by the Town, etc.).

4. A map or maps showing currently platted or otherwise designated lots and parcels within the Town and their lot and unit numbers.

5. A map or maps showing currently assigned "addresses" (as defined hereinafter) for buildings, lots or parcels.

Nothing herein shall preclude one or more of the above maps or groups of maps being combined into one (1) map or groups of maps.

B. The Office of the Town Engineer or any staff Engineer (as designated from time to time by the Town Manager) shall be responsible for maintaining current each of the above official maps and disseminating the same as needed.

(Ord. No. 350, Enacted, 02/09/95)

1-11-020 Definitions.

Unless the context clearly indicates otherwise, the following definitions shall apply to this Article:
A. "Address": a property location identification which includes a number, a directional prefix, a street name, and (where appropriate) a unit number.

B. "Directional Prefix": a prefix assigned to a street based on its overall direction and its location within Yavapai County’s Grid Street Addressing System (said prefix not generally being part of the street name but rather being used for addressing and other purposes).

C. "Frontage": the direction a building faces.

D. "Grid Street Addressing System": the grid street addressing system adopted by Yavapai County on December 15, 1980 (as modified from time to time by the County) whereby address numbers are assigned based on the distance of a building from an east/west or north/south baseline.

E. "Private Driveway": an unnamed right-of-way (not located on publicly-owned land or land under public jurisdiction) which provides access to one or more buildings.

F. "Street": streets as defined in Subsection 14-01-020(A) of Chapter 14 “SUBDIVISIONS” of this Code (as amended from time to time), as well as private access ways as defined in Subsection 14-01-020(A) of Chapter 14 “SUBDIVISIONS” of this Code (as amended from time to time).

G. "Street Name": the official name of a street, including a name and suffix designation.

H. "Suffix Designation": a descriptive qualifier at the end of a street name (e.g. road, drive, boulevard, etc.).

I. "Unit Number": a number or letter within an address designating separate units (e.g. apartments, suites) in a building or complex assigned a single address.

(Ord. No. 49, Enacted, 01/22/81; Ord. No. 54, Amended, 06/25/81; Ord. No. 350, Rep&ReEn, 02/09/95; Ord. No. 375, Amended, 12/28/95)

1-11-030 Street Naming.

A. Street Naming in New Subdivisions: the process for initially assigning street names to streets in new subdivisions is set forth in Section 14-03-080 of Chapter 14 “SUBDIVISIONS” of this Code (as amended from time to time).

B. Other Street Naming: the method for initially assigning street names to streets established, extended or realigned by a process other than a subdivision plat process shall be -

1. by reversionary plat, approved by vote of the Town Council and recorded in the Office of the Yavapai County Recorder, showing the prior street and street name as well as the new street configuration and street name;

2. by plat of dedication, accepted by vote of the Town Council and recorded in
the Office of the Yavapai County Recorder, showing the new street configuration and street name; or

3. by resolution of the Town Council, recorded in the Office of the Yavapai County Recorder, generally showing the new street configuration and street name.

Except in cases of street extensions or realignments where an established street name is continuing to be used, a street name will only be assigned after the same has been reviewed and approved by the Building Department for compliance with the street name standards set forth hereinafter.

(Ord. No. 350, Enacted, 02/09/95)

1-11-040 Street Name Standards.

A. Selection of Names:

1. Street names should generally be pleasant sounding, appropriate for the community, and easily read and pronounced (for emergency purposes, taking into account possible involvement of children).

2. Street names in Prescott Valley should be unique when compared to other names within the telephone prefix areas which serve Prescott Valley (or within any other areas required for efficient “911” or other emergency communication service within the Town). Street names are generally not considered unique (a) where the names themselves are the same, even though the suffix designations differ, or (b) where the names are pronounced the same or have a similar sound, even though spellings differ.

B. Selection of Suffix Designations:

1. Suffix designations for highways, major streets, or arterials shall generally be -
   a. Avenue (Av)
   b. Boulevard (Bl)
   c. Highway (Hw)
   d. Parkway (Pw); or
   e. Road (Rd).

2. Suffix designations for collectors, local streets, or frontage roads shall generally be -
   a. Drive (Dr)
   b. Lane (Ln)
c. Loop (Lp)
d. Road (Rd)
e. Street (St); or
f. Trail (Tr).

3. Suffix designations for shorter streets or unique streets shall generally be -
   a. Circle (Cr)
b. Court (Ct)
c. Cove (Cv)
d. Pass (Pa)
e. Path (Pt)
f. Place (Pl)
g. Plaza (Pz)
h. Terrace (Te); or
i. Way (Wy).

C. Length of Street Names: Street names (including suffix designations) shall be limited to spacing consistent with a 42-inch street sign (typically 15-17 letters plus suffix designation).

D. Special Circumstances:

1. "Cul-de-sacs" shorter than two hundred (200) feet and providing access to five (5) or fewer lots should generally not be named but should assume the name of the intersecting through-street. However, where there are a series of cul-de-sacs off of the same through-street, all should generally be assigned separate street names.

2. "Cul-de-sacs" may be assigned the same name as the intersecting through-street (with a different suffix designation), without being considered a name duplication for purposes of Subparagraph 1-11-040(A)(2) above.

3. Diagonal streets or streets which change direction or loop back onto themselves (or other streets) should be given one (1) directional prefix based on such streets’ overall orientation in context with surrounding streets. [Note that streets would change directional prefixes only where they cross a baseline of the Grid Street Addressing System. Thus, highways, major streets or arterials
which change direction for a significant distance would still change directional prefixes only where they cross an "0" point in the Grid Street Addressing System.]

4. Streets located on the same alignment in the same geographical region should bear the same street name and directional prefix (even though not connected).

5. The naming of private access ways may be done solely in the interest of public safety. However, such naming does not obligate the Town in any way to install or maintain signs therefore or to maintain such streets. The Town expressly does not accept any liability related to the existence, location or condition of such signs or the design or condition of such streets.

(Ord. No. 350, Enacted, 02/09/95)

1-11-050 Street Signs.

A. Street signs conforming to the standards set forth hereinafter shall be installed at the intersection of all streets (and at such other locations as may be determined to be necessary from time to time by the Town Engineer or his/her designee).

B. All street signs shall conform to the following standards at installation:

1. The horizontal sign length shall not exceed forty-two (42) inches.

2. Signs shall be extruded aluminum, six (6) inches in vertical width, with a .090 web thickness and a .250 flange thickness.

3. Sign letters shall be a minimum of four (4) inches high for names and two (2) inches high for suffix designations (and directional prefixes if used), and shall be reflectorized.

4. The sign legend and background shall be of contrasting colors, namely a white message on a green background [Manual on Uniform Traffic Control Devices (MUTCD)].

5. Sign letters shall be either heat activated 3M*2290 (or equivalent), or pressure activated 3M*3290 (or equivalent). Normally a type "C" letter should be used, but a type "B" letter may be used if necessary to fit the name on the sign.

6. Sign backing material shall be engineer's grade 3M*2277 (or equivalent).

B. Street signs installed by non-Town personnel shall first be approved by the Town Engineer or his/her designee for conformance with these standards. The Engineer or his/her designee may authorize placement of street name signs on top of other traffic control signs.

(Ord. No. 350, Enacted, 02/09/95)
1-11-060 Street Name Changes.

A. Once established, street names may only be changed through one (1) of the following methods:

1. Reversionary plat, approved by vote of the Town Council and recorded in the Office of the Yavapai County Recorder, showing the prior street name and the new street name; or

2. Resolution of the Town Council, recorded in the Office of the Yavapai County Recorder, showing the prior street name and the new street name.

B. Street name changes may be initiated in any of the following ways:

1. By any person (including Town staff on behalf of the Town), as part of a reversionary plat application;

2. By Town staff requesting a Resolution of the Town Council; or

3. By any person filing a petition with the Building Department requesting action by Resolution of the Council, and paying a fee of two hundred fifty dollars ($250.00). Said petition shall include the following:

   a. A legal description of the street or portion thereof proposed for street name change (including a map thereof).

   b. The prior street name and the proposed new street name.

   c. A narrative explanation of the reasons for changing the street name (e.g. elimination of duplication, improvement of emergency services, enhancement of neighborhood values, etc.).

   d. Signatures of more than fifty percent (50%) of the persons owning real property immediately adjacent to the portion of street proposed for name change (said signatures complying with the standards and procedures established by case law and statute for the collection of signatures on annexation petitions pursuant to ARS §9-471).

   e. A certified list of the names and addresses of the persons owning immediately adjacent real property, as well as the current addresses of emergency services organizations that generally respond to those properties (i.e. police, ambulance, and fire organizations).

C. Street name changes that are not pursued through a reversionary plat process require a public hearing before the Town Council (after due notice). Notice shall normally include mailing the date, time, location, and subject of the hearing by first-class mail (postage prepaid) to (1) the listed persons owning real property immediately adjacent to the portion of street proposed for name change, (2) the listed emergency services organizations, and (3) the U.S. Postal Service (local
office), at least fourteen (14) calendar days prior to the public hearing date. In addition, notice shall normally include publishing the same information once in the Daily Courier and posting the information at each end of the portion of street proposed for name change (and at any intersections in between), at least seven (7) calendar days prior to the public hearing date.

D. Protests to a proposed street name change submitted in writing to the Town Clerk at least twenty-four (24) hours prior to any public hearing thereon shall be submitted to and considered by the Town Council at said hearing prior to final action being taken on the name change.

E. The Town Council may initiate and pursue a street name change process that varies from the above-described procedure if, under the particular circumstances, equivalent notice and opportunity to be heard has been given to affected property owners, service organizations, and the Postal Service prior to final action being taken by the Council by resolution.

(Ord. No. 350, Enacted, 02/09/95)

1-11-070 Assignment of Addresses.

A. Address Assignments in New Subdivisions: the process for initially assigning addresses to proposed lots, parcels and/or buildings in new subdivisions is set forth in §14-03-080 of Chapter 14 “SUBDIVISIONS” of this Code (as amended from time to time).

B. Other Address Assignments: lots, parcels and/or buildings not involved in a subdivision plat process shall be assigned addresses by the Building Official or his/her designee at the time building permits related thereto are issued.

(Ord. No. 49, Enacted, 01/22/81; Ord. No. 54, Amended, 06/25/81; Ord. No. 350, Rep&ReEn, 02/09/95)

1-11-080 Address Numbers.

A. The system by which addresses are assigned in Prescott Valley shall be based upon the Grid Street Addressing System adopted by Yavapai County on December 15, 1980 (currently set forth in Appendix F, Section 121 of the Yavapai County Zoning Ordinance, and as amended from time to time in the future by the County).

B. Addresses shall contain -

1. A number denoting the distance from the appropriate baseline (including a unit number where appropriate). Fractions shall generally not be included in address numbers.

2. A directional prefix indicating the direction of the street and the location of the lot, parcel and/or building within the grid system.

3. A street name.
C. Addresses shall be assigned to lots, parcels and/or buildings at their point of frontage on a named street. Buildings on corner lots or parcels shall be assigned an address at their point of frontage on the street facing their front elevation (regardless of which street is accessed by the driveway). However, other large lots or parcels (or buildings thereon) may be assigned an address on the street accessed by the driveway, at the point of access.

D. Where two (2) or more separate businesses or residences are contained in one (1) building, a single address shall be assigned to that building or complex and unit numbers or letters shall be assigned to each door thereof by the property owner. Private clustered housing developments with no more than two (2) points of vehicular access (including mobile/manufactured home or recreational vehicle parks) may likewise be assigned a single address with unit numbers provided by the property owner.

(Ord. No. 49, Enacted, 01/22/81; Ord. No. 54, Amended, 06/25/81; Ord. No. 350, Rep&ReEn, 02/09/95)

1-11-090 Address Display Standards.

A. Addresses shall be displayed at all times on all buildings in Prescott Valley, without regard to actual occupancy [with the exception of accessory buildings as defined in Subsection 13-02-010(B) of this Code (as amended from time to time)]. No certificate of occupancy shall be issued for a building pursuant to the Town of Prescott Valley Administrative Code (as adopted and amended from time to time) unless the appropriate address is displayed thereon.

B. The standards for displaying addresses on buildings are set forth in Subsection 7-02-050(A) of this Code [currently amending §501 of the 2003 International Building Code (IBC)], as amended from time to time.

(Ord. No. 49, Enacted, 01/22/81; Ord. No. 54, Amended, 06/25/81; Ord. No. 350, Rep&ReEn, 02/09/95; Ord. No. 590, Amended, 03/25/04)

1-11-100 Address Changes.

A. Once assigned, addresses may only be changed through one of the following methods:

1. Reversionary plat, approved by vote of the Town Council and recorded in the Office of the Yavapai County Recorder, showing the prior address of a lot, parcel and/or building and the new address;

2. Resolution of the Town Council, recorded in the Office of the Yavapai County Recorder, showing the prior address of a lot, parcel and/or building and the new address [done in conjunction with the procedures for street name changes set forth in Subsection 1-11-060(B) above]; or

3. Administrative action of the Building Official or his/her designee (in writing,
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acknowledged and recorded in the Office of the Yavapai County Recorder), but only to correct individual address assignments or to adjust the addresses of a small number of lots, parcels and/or buildings to better correspond to the Grid Street Addressing System.

(Ord. No. 49, Enacted, 01/22/81; Ord. No. 54, Amended, 06/25/81; Ord. No. 350, Rep&ReEn, 02/09/95)
CHAPTER 2. MAYOR AND COUNCIL

Article 2-01 COUNCIL
Article 2-02 MAYOR
Article 2-03 COUNCIL ELECTION
Article 2-04 COUNCIL PROCEDURE
Article 2-05 ORDINANCES, RESOLUTIONS AND CONTRACTS
Article 2-06 SPECIAL ELECTIONS
Article 2-01 COUNCIL

2-01-010 Elected Officers.

The elected officials of the Town shall be a Mayor and six (6) Councilmembers, who shall constitute the Town Council. Beginning with the Town election in 2018 and each alternate election thereafter, the Mayor and two (2) Councilmembers shall be elected. Beginning with the 2016 election and each alternate election thereafter, four (4) Councilmembers shall be elected. The Mayor and Councilmembers shall hold office for terms of four (4) years each and until their successors are elected and qualified.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 774, Amended, 08/22/13)

2-01-020 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

2-01-030 Duties of Office.

The Mayor and Councilmembers shall assume the duties of office at the regularly scheduled Council meeting next following the date of the canvass of the vote of the general election at which, or effective as of the date of which, the Mayor and Councilmembers were elected.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

2-01-040 Vacancies in Council.

The Council shall fill a vacancy that may occur by appointment until the next regularly scheduled Council election if the vacancy occurs more than thirty (30) days before the nomination petition deadline. Otherwise, the appointment is for the unexpired term. The member appointed shall meet the qualifications established in A.R.S. §9-232 (as amended).
2-01-050   Compensation.

The compensation of the Mayor and Council members is fixed herein and may be modified from time to time by an ordinance that shall be passed only with a two-thirds (2/3) vote of the Council; provided that the compensation allowed to the Mayor and Council members shall be subject to the provisions of Article IV, Part 2, Section 17 of the Arizona Constitution.

A. Any increase or decrease in compensation shall be subject to the following:

1. It shall become effective for the Mayor and all Council members after the date set for the regular election (notwithstanding that the Mayor and/or any one (1) Council member may have been elected at the primary election), following passage of the ordinance increasing or decreasing the compensation; and

2. Following the election, the increase or decrease in compensation will not actually begin to be earned until the first (1st) day of January.

B. In the event the Mayor or a Council member holds office by reason of appointment, he or she will have the same right to compensation as would the elected official whose position the appointee filled.

C. The Mayor and each Council member shall be fully compensated unless his or her non-attendance at Council meetings is found by a majority of the other Council members to be unreasonable in a formal vote thereon. In that event, compensation shall be reduced in an amount commensurate with the percentage of unreasonable absences as determined by a majority of the Council.

D. The rate to be paid to the Mayor shall be $1,050.00 per month.

E. The rate to be paid to a member of the Common Council shall be $700.00 per month.

2-01-060   Oath of Office.

Immediately prior to assumption of the duties of office, the Mayor and each Council member shall publicly take and subscribe to the oath of office. The oath shall be given by the Town Magistrate or, in his absence, by the Town Clerk.

2-01-070   Bond.
Prior to taking office, the Mayor and 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. Injured or aggrieved persons may bring suit on such bond in accordance with §38-260 of the Arizona Revised Statutes (as amended). Bonds shall be in such sum as shall be provided from time to time by resolution, and nothing herein shall preclude the Town from arranging for such bonds through its insurance carrier or municipal retention pool. The premium for such bonds shall be paid by the Town.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 807, Amended, 08/27/15)

2-01-080   Financial Disclosure Statement.

The Mayor and each member of the Council shall file by January 31 of each year, on a form prescribed by the secretary of state, a financial disclosure statement setting forth such information as required by A.R.S. §18-444, as amended.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88, Ord. No. 823, Amended, 02/09/17)
Article 2-02 MAYOR

2-02-010 Selection of Mayor.
Beginning at the Town election in 2018, the Mayor shall be elected to a term of four (4) years and shall qualify for office as provided in Sections 2-01-060 and 2-01-070.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 774, Amended, 08/22/13)

2-02-020 Vice Mayor.
At the first regularly scheduled meeting at which the Mayor assumes office, the Council shall designate one of its members as Vice Mayor. The Vice Mayor shall serve at the pleasure of the Council and shall perform the duties of the Mayor during the absence or disability of the Mayor.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

2-02-030 Acting Mayor
In the absence or disability of both the Mayor and Vice Mayor, 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

2-02-040 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 any instruments conveying or acknowledging conveyance of real property interests, and such other instruments as the Council or any statutes, ordinances or this Code shall require.

E. The Mayor shall sign all contracts of thirty thousand dollars ($30,000) or more, as well as any contracts involving intergovernmental agreements, development agreements, or federal, state or county grants, following approval by the Council.

F. He shall make such recommendations and suggestions to the Council as he may consider proper.

G. He may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or man-made 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. Opening to public access any public open spaces or easements, and authorizing opening of gates and breaching of fences on private property, for public evacuation purposes.
5. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.

H. 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 491, Amended, 10/26/00, Ord. No. 851, Amended, 10/11/18; Ord. No. 859, Amended, 02/28/19)

2-02-050 Absence of Mayor.

The Mayor shall not absent himself from the Town for a greater period than fifteen (15) days without the consent of the Council.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

2-02-060 Failure to Sign Documents.

If the Mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or
other document or instrument requiring his signature for five (5) days consecutively, then a majority of the members of the Council may, at any regular or special meeting, authorize the Vice Mayor or, in his absence, an Acting Mayor 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. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 2-03 COUNCIL ELECTION

2-03-010 Primary Election.

Any candidate for the office of Mayor or Town Council who receives at the primary election a majority of all votes cast at that election for that office shall be declared elected to the office for which the person is a candidate effective as of the date of the general election, and no further election shall be held as to such candidate; provided that if more candidates receive a majority of votes cast than there are seats to be filled for the office, from among those candidates who receive a majority of votes cast the candidates who receive the highest number of votes equal to the number of seats to be filled for the office shall be declared elected to that office. For the purposes of this Section, the total number of actual votes cast for all candidates for an office whose names were lawfully on the ballot for that office, divided by the number of seats to be filled for the office and then divided by two (2) and rounded to the highest whole number, constitutes the majority of all votes cast at that election for the office.

(Ord. No. 5, Enacted, 12/14/78; Ord. No. 8, Rep&ReEn, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 774, Amended, 08/22/13; Ord. No. 807, Amended, 08/27/15)

2-03-020 Non-Political Ballot.

Nothing on the ballot in any election shall be indicative of the support of the candidate.

(Ord. No. 5, Enacted, 12/14/78; Ord. No. 8, Rep&ReEn, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

2-03-030 General Election Nomination.

If at the primary election no candidate receives the majority of the votes cast (or the number of seats to be filled for the office is more than the number of candidates who receive a majority of votes cast), of the candidates who did not receive the majority of votes cast the number who advance to the general or runoff election shall be equal in number to twice the number of seats to be filled for the office who received the highest number of votes for the shall be the only candidates at the general or runoff election. If more than one candidate received an equal number of votes and that number was the highest number of votes for the office, then all candidates receiving the equal number of votes shall be candidates at the general or runoff election.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 807, Amended, 08/27/15)
2-03-040  **Election to Office.**

The candidates equal in number to the seats to be filled for the office who receive the highest number of votes at the general or runoff 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. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 807, Amended, 08/27/15)

2-03-050  **Candidate Financial Disclosure.**

Each candidate for the office of Mayor or Councilmember shall file a financial disclosure statement when such candidate files nomination materials. The statement shall contain such information as required by Arizona statute.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 807, Amended, 08/27/15)

2-03-060  **Nomination Materials.**

A person desiring to become a candidate and have his or her name printed on the official ballot for municipal office shall file a nomination petition signed by electors qualified to vote for the candidate whose nomination petition they are signing equal to at least five percent (5%) and not more than ten percent (10%) of the highest vote cast for an elected official of the Town at the last preceding election at which an official of the Town was elected, along with other nomination materials, not less than ninety (90) days nor more than one hundred twenty (120) days before the primary election date. All such nomination papers must be completed and filed with the Town Clerk by 5:00 p.m. on the last day for filing such papers.

(Ord. No. 195, Enacted, 11/10/88; Ord. No. 445, Amended, 09/24/98; Ord. No. 631, Amended, 06/30/05; Ord. No. 807, Amended, 08/27/15)
Article 2-04 COUNCIL PROCEDURE

2-04-010 Regular Meetings.

The Council shall hold regular meetings on the second (2nd) and fourth (4th) Thursdays of each month, provided when the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal holiday, such meeting shall be held at the same hour on a day to be specified by the Council. Work/Study sessions may be held as needed on the first (1st) and third (3rd) Thursdays of the month after such notice as required by the Arizona Open Meeting Law, as determined by the Mayor and the Town Manager. All regular meetings and work/study sessions of the Council shall be held at the Prescott Valley Council Chambers/Auditorium, 7401 East Civic Circle, Prescott Valley, Arizona. All regular meetings and work/study sessions shall commence at 5:30 p.m. unless a different time is designated.

(Ord. No. 1, Enacted, 09/14/78; Ord. No. 8, Rep&ReEn, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 595, Amended, 05/27/04; Ord. No. 778, Amended, 09/26/13)

2-04-020 Special Meetings.

The Mayor or the Council, upon the written request of four (4) members, may convene the Council at any time after giving at least twenty-four (24) hours notice of such meeting to members of the Council and the general public. The notice shall include the date, hour and purpose of such special meeting. In the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances.

(Ord. No. 1, Enacted, 09/14/78; Ord. No. 8, Rep&ReEn, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

2-04-030 Meetings to be Public.

A. All official meetings of the Council at which any legal action is taken or discussed shall be open to the public. Notice of meetings shall be given in a manner consistent with state statutes. Upon approval by a majority vote of the Council, the Council may meet in executive session for discussion of such topics as allowed by state statutes.
B. Meetings and executive sessions of all appointed boards, commissions and committees of the Town shall be conducted in a manner consistent with Subsection A of this Section.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 52, Amended, 08/12/82; Ord. No. 178, Rep&ReEn, 05/26/88)

2-04-040 Quorum.

A majority of the Councilmembers shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent members.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

2-04-050 Agenda.

Prior to each Council meeting, or on or before a time fixed by the Council for preparation and distribution of an agenda, whichever is earlier, the Town Clerk, under the supervision of the Mayor and Town Manager, shall collect all written reports, communications, ordinances, resolutions, contracts and other documents to be submitted to the Council, prepare an agenda according to the order of business, and shall furnish each Councilmember, the Mayor and the Town Attorney with a copy of the agenda and any material pertinent thereto.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

2-04-060 Order of Business.

The business of the Council at regular meetings shall be taken up for consideration and disposition in the following order:

A. Call to Order
B. Invocation
C. Pledge of Allegiance
D. Roll Call
E. Scheduled Announcements & Presentations
F. Certificates
G. Proclamations
H. Comments/Communications
I. Consent Agenda
2-04-070 Committees and Commissions.

The Mayor may recommend to the Council the creation of such committees and commissions, standing or special, as he deems necessary. Membership and duties of such committee or commission shall be determined by the Council, and the committee or commission shall exist at the pleasure of the Council.

2-04-080 Voting.

A. The Mayor may vote as a member of the Council.

B. Upon the request of any member, the ayes and nays upon any question shall be taken and entered in the minutes.

2-04-090 Suspension of Rules.

Any of the provisions of Sections 2-04-010, 2-04-020 or 2-04-060 of this Article may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths (3/4) of the members present, except that this Section shall not be construed to permit any action that is contrary to State statutes.
Article 2-05 ORDINANCES, RESOLUTIONS AND CONTRACTS

2-05-010 Prior Approval.

All ordinances, resolutions and contract documents shall, before presentation to the Council, have been reviewed as to form by the Town 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 comments, suggestions and objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

2-05-020 Introduction.

Ordinances, resolutions and other matters or subjects requiring action by the Council shall be introduced and sponsored by the Mayor or a member of the Council, except that the Town Attorney, the Town Manager or the Town Clerk may present ordinances, resolutions and other matters or subjects to the Council, and any Councilmember may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise, they shall not be considered.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

2-05-030 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

2-05-040 Two Separate Readings.

All ordinances, except emergency ordinances, shall have two (2) 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

2-05-050 Requirements for an Ordinance.

A. Each ordinance may have only one (1) 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.

B. Whenever any ordinance or section of any ordinance shall be amended, the amending ordinance shall provide in a separate section that the original ordinance or section be repealed.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

2-05-060 Effective Date of Ordinances.

No ordinance, resolution or franchise shall become operative until thirty (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 (3/4) of all the members elected to the Council, taken by ayes and nays.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

2-05-070 Signatures Required.

Every ordinance passed by the Council shall, before it becomes effective, be signed by the Mayor and attested by the Town Clerk and embossed with the seal of the Town.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

2-05-080 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

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2-05-090 Posting Required.

Every ordinance imposing any penalty, fine, forfeiture or other punishment shall, after passage, be posted by the Town Clerk in three (3) 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 Town Clerk as proof of posting.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 2-06 SPECIAL ELECTIONS

2-06-010 Power Reserved; Time of Election.

There is reserved to the qualified electors of the Town the power of the initiative and the referendum as prescribed by the Arizona Constitution. Any initiative or referendum matter may be voted on at the next ensuing primary or general election, or at a special election called by the Council for such purpose.

(Ord. No. 445, Enacted, 09/24/98)

2-06-020 Number of Signatures for Petitions.

A. The total number of votes cast for the Office of Mayor at the last preceding Town election for Mayor immediately preceding the date upon which an initiative petition is filed, shall be the basis upon which the number of qualified electors of the Town required to file such initiative petition shall be computed.

B. The basis upon which the number of qualified electors of the Town required to file a referendum petition shall be as determined by state law, but in the event state law shall ever permit an alternative basis to be established by Town ordinance, said basis shall be the same as established herein for initiative petitions.

(Ord. No. 445, Enacted, 09/24/98)

2-06-030 Time of Filing Petitions.

A. Initiative petitions shall be filed at least one hundred and twenty (120) days prior to the next ensuing primary or general election at which they are to be voted upon. Nothing herein shall preclude the Town Council from determining to call a special election to vote on an initiative matter.

B. Referendum petitions shall be filed within thirty (30) days after the adoption of any ordinance or resolution subject to referendum. For the purposes of this subsection, an ordinance or resolution is adopted when it has been signed (and, if required, embossed) after appropriate Council action as set forth in Town Code §2-05-070 (as amended). For any local matter subject to referendum enacted without an ordinance or resolution, the 30-day period shall be calculated from the date the official minutes are approved by the Council and signed by the Town Clerk.
2-06-040  **Statement in Circulator's Affidavit.**

Any affidavit required under Arizona law by persons circulating initiative, referendum or recall petitions, verifying (among other things) that each individual printed the individual’s own name and address and signed the petition sheet in the circulator's presence on the date indicated, and that in the circulator's belief each signer’s name and address are correctly stated and each signer is a qualified elector of the Town, shall also include a statement by the circulator that the circulator, if not a resident of Arizona, is otherwise qualified to register to vote in the county at all times during their circulation of the petition sheet. The form of the affidavit as set forth in applicable Arizona statutes shall not be modified. Any petition sheet that contains a partially completed affidavit or an affidavit that has been modified is invalid.

(Ord. No. 445, Enacted, 09/24/98; Ord. No. 807, Amended, 08/27/15)
CHAPTER 3. ADMINISTRATION

Article 3-01 OFFICERS IN GENERAL
Article 3-02 OFFICERS
Article 3-03 PERSONNEL SYSTEM
Article 3-04 PURCHASING PROCEDURE
Article 3-05 ECONOMIC VITALITY
Article 3-06 MEET AND CONFER
Article 3-07 PERSONNEL BOARD
Article 3-08 LIBRARY BOARD OF TRUSTEES
Article 3-01 OFFICERS IN GENERAL

3-01-010 Officers.
A. Pursuant to ARS §§9-237 and 9-239, officers of the Town shall consist of the Town Manager, Town Attorney, Town Clerk, Town Engineer and Town Magistrate.
B. The Town Manager, Town Clerk, Town Attorney, Town Engineer and Town Magistrate shall be appointed by the Council and shall serve at the pleasure of the Council subject to the provisions of the Personnel Policy Manual adopted by the Town as provided in Article 3-03 herein; except that the Town Magistrate shall be appointed, hold office, and be removed only in accordance with Section 3-02-060 of this Code.

3-01-020 Reserved.

3-01-030 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.

3-01-040 Bond.
Each officer of the Town shall give bond for the proper discharge of his duties in such sums and with such security as the Council may direct. The Town shall pay the costs of such bond. In lieu of an individual bond, the Town may provide a blanket bond to cover all officers and such other employees as deemed necessary.
3-01-050 Vacancies; Holding More Than One Office.

A. Any vacancy that shall occur in any Town office shall be filled by appointment by the Council, provided that one (1) person may hold more than one (1) office at the discretion of the Council.

B. Deputies. All or some of the duties of a Town official may be validly performed and discharged by one or more formally designated deputies or another Town official.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

3-01-060 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 3-02 OFFICERS

3-02-010 Town Manager.
3-02-020 Town Clerk.
3-02-030 Reserved.
3-02-040 Town Engineer.
3-02-050 Town Attorney.
3-02-060 Town Magistrate.

3-02-010 Town Manager.

A. Office Created. The office of the Town Manager of the Town of Prescott Valley is hereby created and established. The Town Manager shall be appointed by the Council wholly on the basis of administrative and executive ability and qualifications and shall hold office at the pleasure of the Council.

B. Bond. The Town Manager shall furnish a corporate surety bond to be approved by the Council in such sums as may be determined by the Council, which shall be conditioned upon the faithful performance of the duties imposed upon the Town Manager as herein prescribed. Any premium for such bond shall be a proper charge against the Town.

C. Compensation. The Town Manager shall receive such compensation as the Council shall fix from time to time.

D. Removal Procedure. The Town Manager may be removed, with or without cause, by a majority vote of the Council. If requested, the Council shall grant him a public hearing within thirty (30) days following notice of removal. During the interim, the Council may suspend the Town Manager from duty but shall continue his salary until the matter is resolved.

E. Powers and Duties. The Town Manager shall be the administrative head of the government of the Town under the direction and control of the Council, except as otherwise provided in this Chapter. He shall be responsible to the Council for the proper administration of all affairs of the Town. In addition to his general powers as administrative head and not as a limitation thereon, it shall be his duty and he shall have the powers set forth in the following paragraphs.

1. Appoint and, when necessary for the good of the service, suspend or remove all officers and employees of the Town not appointed by the Council. He may authorize the head of a department or office to appoint, suspend or remove subordinates in such department or office.

2. Prepare the budget annually and submit it to the Council, together with a message describing the important features, and be responsible for its administration after adoption.

3. Prepare and submit to the Council at the end of the fiscal year a complete
report on the finances and administrative activities of the Town during the preceding year.

4. Keep the Council advised of the financial condition and future needs of the Town, and make such recommendations as he may deem desirable.

5. Recommend to the governing body a standard schedule of pay for each appointive office and position in the Town service, including minimum, intermediate and maximum rates. Authorize the payment of overtime pay for such employees as may work in excess of a normal work period. Such rates of pay and periods of work shall be in conformity with wages and salaries enacted by the Council.

6. Recommend to the governing body from time to time adoption of such measures as he may deem necessary or expedient for the health, safety or welfare of the community or for the improvement of administrative services.

7. Consolidate or combine offices, positions, departments or units under his jurisdiction, with the approval of the Council. The Town Manager may be the head of one or more departments.

8. Attend all meetings of the Council unless excused therefrom, and take part in the discussion of all matters coming before the Council. He shall be entitled to notice of all regular and special meetings of the Council.

9. Promulgate rules and regulations regarding the operation of public access, educational or governmental (PEG) channels provided to and for the Town by cable licensees and franchisees, subject to the approval of the Council, and direct hired staff members in the establishment and administration of procedures designed to protect against misuse or damage of PEG channel facilities and equipment.

10. Supervise the purchase of all materials, supplies, equipment and services in accordance with adopted budgets, Town policies and procedures, Town Code provisions, Arizona statutes and regulations, federal statutes and regulations, and any Council directives, and advise the Council on the advantages or disadvantages of contract and bid proposals.

11. Sign contracts for materials, supplies, equipment and services costing less than thirty thousand dollars ($30,000), except as provided in Section 2-02-040. Such contracts may be signed without further Council approval, except that non-budgeted materials, supplies, equipment and services shall first require Council approval.

12. In case of accident, disaster or other circumstances creating a public emergency, award contracts and make purchases for the purpose of meeting said emergency; but promptly file with the Council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.
13. See that all laws and ordinances are duly enforced.

14. Investigate the affairs of the Town or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of the Town and in regard to service maintained by the public utilities in the Town, and see that all franchises, permits and privileges granted by the Town are faithfully observed.

15. Perform such other duties as may be required by the Council, not inconsistent with State law or Town ordinances.

F. Council Not to Interfere with Appointments or Removals. With regard to officers and employees appointed by the Town Manager, neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal or suspension from, such office by the Town Manager or any of his subordinates, or in any manner take part in the appointment or removal of such officers and employees in the administrative services of the Town. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Town Manager.

(Ord. No. 3, Enacted, 10/26/78; Ord. No. 8, Rep&ReEn, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 491, Amended, 10/26/00; Ord. No. 524, Amended, 06/13/02; Ord. No. 851, Amended, 10/11/18)

3-02-020 Town Clerk.

A. The powers and duties of the Town Clerk shall include, but not be limited to, the following:

1. Records. The Town 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 Town Clerk shall number, plainly label and file separately in a suitable cabinet all resolutions, ordinances, notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders and other documents of whatever nature. The Town Clerk shall maintain one (1) set of said records in a fireproof vault.

2. Public Inspection of Records. The Town Clerk shall keep convenient for public inspection all public records and public documents under his control, as provided by Arizona statute.

3. Monthly Reports. The Town Clerk shall collect from Town officers and employees for the agenda such monthly reports prepared in such manner and to include such information as may be directed by the Council.

4. Minutes. The Town Clerk shall prepare or cause to be prepared all minutes of Council proceedings and ensure their correctness and accuracy.

5. Ordinances, Resolutions, Budgets and Notices. The Town Clerk shall process, record, file, publish and, if required by Arizona statute, post all ordinances,
resolutions, budgets and notices that may be passed by the Council.

6. **Election Official.** The Town Clerk shall be the Town election official and perform those duties required by Arizona statute.

7. **Licenses.** The Town Clerk shall issue or cause to be issued all licenses that may be prescribed by Arizona statute or this Code.

8. **Other Duties.** The Town Clerk shall perform such other responsibilities and duties as may be conferred upon him by the Council or the Town Manager in addition to those specified in this Code.

9. **Custodian of the Seal.** The Town Clerk shall be custodian of the Town seal and shall affix the seal to all ordinances, contracts, agreements and other official documents which are attested to by the Town Clerk.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 214, Amended, 09/14/89; Ord. No. 518, Amended, 12/20/01)

3-02-030 **Reserved.**

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 484, Rep&ReEn, 04/13/00)

3-02-040 **Town Engineer.**

The Town Engineer shall perform such duties as may be required by law and such other duties as the Council or Town Manager may deem necessary, including that of traffic engineer for the Town. As traffic engineer, the Town Engineer shall (in coordination with the Town Manager, Chief of Police, Public Works Director and/or their authorized designees) determine the installation, proper timing and maintenance of traffic control devices and develop ways and means to improve traffic conditions.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord 758, Amended, 04/28/11)

3-02-050 **Town Attorney.**

The Town 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 or assist in drafting all deeds, contracts, conveyances, ordinances, resolutions and other legal instruments, and shall approve as to form, in writing, all drafts of such deeds, contracts, conveyances, ordinances, resolutions and other legal instruments before final approval or acceptance thereof. He shall return, within ten (10) days, all ordinances and resolutions submitted to him for consideration, with his approval or disapproval as to form noted thereon, together with his reasons therefor. He shall promptly prosecute and defend all suits, actions or causes where the Town is a party, whether civil, criminal or quasi criminal in nature, and shall report to the Council, when required, the condition of any suit or action to which the Town is a party. The Town Attorney shall have the power to appoint an Assistant
Town Attorney, who shall be authorized to do all acts required by law of the Town Attorney, and whose appointment shall be subject to approval by resolution of the Town Council and shall serve at the pleasure of the Town Attorney, unless he or she is approved by the Town Council as a permanent employee subject to the merit system rules of the Town. The Town Attorney and any Assistant Town Attorneys shall be duly licensed to practice law in the State of Arizona. The Town Attorney shall receive compensation as the Council may from time to time direct. The Assistant Town Attorney shall receive compensation as the Town Attorney may from time to time direct.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 205, Amended, 04/13/89; Ord. No. 491, Amended, 10/26/00)

3-02-060 Town Magistrate.

The Town Magistrate shall be the presiding officer of the Magistrate Court and shall be selected by the Council and shall perform those functions necessary to the maintenance of a Magistrate Court as provided by State statute. The Town Magistrate shall be appointed by the Council for a term of two (2) years; provided, however, he may be removed at any time during said term after he has been afforded a due process hearing in which good cause for his removal is established by a preponderance of the evidence. Any Town Magistrate serving on November 14, 1985 shall be deemed to be reappointed by the Council and for a term of two (2) years, or until he resigns, dies, vacates the office due to incapacitation or is removed by the Council pursuant to this Section. The Town Magistrate and the Assistant Town Magistrate shall receive compensation as the Council may from time to time direct.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 87, Amended, 09/08/83; Ord. No. 120, Amended, 12/05/85; Ord. No. 121, Amended, 11/14/85; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 3-03 PERSONNEL SYSTEM

3-03-010 Creation and Scope.

There shall be adopted a Personnel Policy Manual for the officers and other employees of the Town, the provisions of which shall apply, at a minimum, to all full-time officers and other employees, and such other persons as the Manual may designate. Nothing herein shall preclude the Council from entering into employment contracts with any officer appointed by it, which contracts may supersede one or more provisions of the Personnel Policy Manual with regard to that officer.

(Ord. No. 7, Enacted, 03/22/79; Ord. No. 8, Rep&ReEn, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 251, Amended, 02/28/91)

3-03-020 Conditions of Employment.

A. The Personnel Policy Manual shall specify the appointment, promotion and tenure of every officer and other employee, along with such other conditions of employment as are deemed appropriate by the Council.

B. No officer, other employee or applicant for employment shall be discriminated against on the basis of race, color, religion, sex, age or political affiliation, and the Personnel Policy Manual shall provide for express procedures to prevent such on-the-job discrimination from any source.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 251, Amended, 02/28/91)

3-03-030 Rules and Regulations.

The Council shall adopt the Personnel Policy Manual by resolution and may modify or change the same by resolution from time to time. Any term or condition of employment set out in the Personnel Policy Manual affected by such modification shall be changed or abolished upon the effectiveness of the resolution. The Town Manager, or his/her designee, shall be responsible for administering the Personnel Policy Manual in accordance with generally accepted principles of good personnel administration, and is authorized to promulgate such rules and regulations as may be appropriate to carry out the provisions of the Manual.

(Ord. No. 7, Enacted, 03/22/79; Ord. No. 8, Rep&ReEn, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 251, Amended, 02/28/91)
3-03-040 Political Contributions.

No officer, other employee or elected official of the Town shall solicit or use any influence or pressure upon any officer or other employee to obtain any assessment or contribution in cash or services, direct or indirect, to support any candidate for public office or for personal gain.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 251, Amended, 02/28/91)
**Article 3-04 PURCHASING PROCEDURE**

3-04-010 Purchasing Procedure.

A. The Town Manager is the purchasing officer for the Town. He may, however, delegate purchasing duties to Department Directors or other agents (and Department Directors may, in turn, delegate purchasing duties to other responsible employees or agents). No purchase or contract for purchase of any kind or description (payment for which is to be made from funds of the Town) shall be made by the purchasing officer, or any other officer, employee or agent of the Town, except in the manner set forth in this Article and the related regulations adopted by the Town Council.

B. For purposes of this Article, a “purchase” involves obtaining title, possession or use by means of monetary payment, including (but expressly not limited to) renting, leasing or otherwise acquiring, any materials, services, professional services or construction. Purchases hereunder do not include obtaining title to or possession or use of real property.

C. Under $30,000.00 - Purchases or contracts for purchases requiring expenditures of less than thirty thousand dollars ($30,000.00) may be made by the purchasing officer without formally inviting bids. However, any other requirements set forth in related Town regulations, Town Code provisions, Arizona statutes and regulations, or federal statutes and regulations shall be complied with.

D. $30,000.00 and Over - Purchases or contracts for purchases requiring expenditures of thirty thousand dollars ($30,000.00) or more shall not be made by the purchasing officer until he has caused to be published in one (1) issue of a newspaper of general circulation in the Town a notice inviting bids. The notice shall be published at least ten (10) days prior to the date set for the receipt of the bids. The notice shall include a general description of the articles to be purchased or services to be performed and the time and place for opening bids. In addition, the purchasing officer shall post a notice inviting bids in the Town Hall and may also mail to all responsible prospective suppliers a copy of the notice inserted in the newspaper. To the extent other requirements may apply based on related Town regulations, Town Code provisions, Arizona statutes and regulations, or federal statutes and regulations, those shall also be complied with. In the case of any conflicts with state or federal statutes or regulations, the state or federal statutes or regulations shall prevail.
E. If no exception applies, the bid (and any related contract) shall be awarded by the Council to the lowest responsible and responsive bidder. However, the Council may, at its discretion, reject any and all bids and direct staff to re-advertise for bid or take other action.

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 426, Amended, 10/09/97; Ord. No. 491, Amended, 10/26/00; Ord. No. 851, Amended, 10/11/18)

3-04-020 Exclusive Source.

In the event that there is only one (1) firm, company or individual reasonably capable of providing the particular materials, services or construction such materials, services or construction can be secured without bidding.

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 851, Amended, 10/11/18)

3-04-030 Bidding.

The purchasing agent and all parties contracting with the Town shall follow the procedures set forth in this Article in relation to all bids required under Subsection 3-04-010(B).

A. All notices and solicitations of bids shall state the time and place for opening.

B. All bids shall be submitted sealed to the purchasing agent and shall be identified as bids on the envelope.

C. All bids shall be opened in public at the time and place stated in the public notice.

D. A tabulation of all bids received shall be posted in the Town Hall for public inspection.

E. The purchasing agent under Subsection 3-04-010(B) and the Council under Subsections 3-04-010(B) and (C) shall have the authority to reject any and all bids and parts of all bids and re-advertise or re-solicit bids.

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88)

3-04-040 Determination of Lowest Responsible Bidder.

Unless the Council or purchasing agent shall exercise the right of rejection as provided by Section 3-04-030, the purchase or contract shall be made from and with the lowest responsible bidder for the entire purchase or contract or for any part thereof. In determining the lowest responsible bidder, the Council and purchasing agent shall consider:

A. The ability, capacity and skill of the bidder to perform the contract or provide the service required.

B. Whether the bidder can perform the contract or provide the services promptly or
within the specified time, without delay or interference.

C. The quality of performance of previous contracts.

D. The previous and existing compliance by the bidder with laws and ordinances of the Town.

E. The financial resources and ability of the bidder to perform the contract.

F. The quality, availability and adaptability of the supplies or services.

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88)

3-04-050 Performance Bond.

The purchasing agent shall require a performance bond, in cash or otherwise, for an amount sufficient to secure the execution of the contract for the best interests of the Town for all contracts in excess of five thousand dollars ($5,000.00).

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88)

3-04-060 Emergency Purchases.

In case of an emergency which requires immediate purchases of supplies or services and when time is of the essence, the Mayor shall be empowered to authorize the purchasing agent to purchase or secure services without complying with the procedures set forth in this Article. A full report in writing of the circumstances of any emergency purchase shall be filed by the purchasing agent with the Town Council at its next meeting.

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88)

3-04-070 Compliance with E-Verify Program and Other Immigration Laws.

A. In prescribing and maintaining necessary forms for the operation of this Article, the purchasing agent shall include the following provisions in any service contracts.


2. Applicability in construction contracts of ARS §34-301 “Employment of Aliens on Public Works Prohibited” (as amended), and ARS §34-302 “Residence Requirements for Employees” (as amended).

3. Warranty that contractor and each of its subcontractors will comply with all federal immigration laws and regulations that relate to their employees and with ARS §23-214(A) (as amended). Breach of such warranty shall constitute a material breach of the contract and shall subject the contractor to penalties up
to and including termination of the contract at the sole discretion of the Town.

4. Town right to inspect papers of any contractor or subcontractor's employee who works under the contract to ensure compliance with the above warranty, and agreement to cooperate with any required inspections. This includes, at Town discretion, conducting random verification of contractor and subcontractor employment records.

5. If a contractor or subcontractor establishes that it has complied with the employment verification provisions prescribed by sections 274A and 274B of the Federal Immigration and Nationality Act (as amended) and the E-Verify requirements prescribed by ARS §23-214(A) (as amended), it shall be deemed to have met the above warranty requirement.

B. The provisions in this Section must also be included in any contract the contractor enters into with any and all of its subcontractors.

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 724, Amended, 11/06/08)

3-04-080 Professional Services.

The bidding requirements of this Article shall not apply to professional services. Such services involve those requiring special knowledge, education or skill where the qualifications of persons rendering the services are of primary importance. They include, but are not limited to, physicians, attorneys, engineers, architects, software providers and other IT support, auditors, banking service providers, etc.

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 851, Amended, 10/11/18)

3-04-090 Cooperative Purchasing.

Purchases from third-party providers made by, through or with the federal government or its agencies, the State of Arizona or its political subdivisions, or other political entities or non-profit cooperative purchasing organizations that have already procured the materials, services or construction from said providers through a competitive bidding process do not require the bidding process set forth in this Article.

(Ord. No. 18, Enacted, 12/13/79; Ord. No. 65, Rep&ReEn, 01/14/82; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 790, Amended, 04/24/14; Ord. No. 851, Amended, 10/11/18)

3-04-100 Intergovernmental Purchasing.

Purchases of materials, services and construction directly from (or other payments directly to) the federal government or its agencies, the State of Arizona or its political subdivisions, or other national, regional or local governmental entities do not require the bidding process set forth in this Article.
Prescott Valley, Arizona

(Ord. No. 851, Enacted, 10/11/18)
Article 3-05 ECONOMIC VITALITY

3-05-010 Policy.

It is the policy of the Town Council, after due and careful review and consideration, to carry out and coordinate its various policies, programs and procedures in a way that maintains an economically viable community. In this sense, economic viability means providing a range of housing and employment opportunities that meet the needs of residents and workers alike, and establishing and funding public service levels that preserve Prescott Valley’s quality of life. This includes an array of actions and activities which encourage (among other things) employment, services, public improvements, housing, diversity, entertainment, technology, revenue, civic services, health services, family services, training, education, and sustainability.

Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Renumbered, 05/26/88, 3-05-020; Ord. No. 533, Rep&ReEn, 11/07/02; Ord. No. 725, Enacted, 11/06/08

3-05-020 Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-030; Ord. No. 375, Amended, 12/28/95, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-030 Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-040; Ord. No. 375, Amended, 12/28/95, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-040 Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 173, Amended, 02/11/88; Ord. No. 178, Renumbered, 05/26/88, 3-05-050; Ord. No. 375, Amended, 12/28/95, Ord. No. 533, Rep&ReEn, 11/07/02)
3-05-050   Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-060, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-060   Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-070, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-070   Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-080, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-080   Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-090; Ord. No. 375, Amended, 12/28/95, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-090   Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-100; Ord. No. 375, Amended, 12/28/95, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-100   Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-110; Ord. No. 375, Amended, 12/28/95, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-110   Reserved.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 3-05-120, Ord. No. 533, Rep&ReEn, 11/07/02)

3-05-120   Participation in E-Verify Program for Economic Development Incentives.

A. In accordance with Arizona law, employers receiving an economic development incentive from the Town shall provide proof of having registered for and participated in the E-Verify (or related) program before receiving the incentive.
B. If the Town determines that an employer is not complying with this Section, the Town shall notify the employer by certified mail of the Town's determination of noncompliance and the employer's right to appeal the determination. On a final determination of noncompliance, the employer shall repay to the Town all monies received as an economic development incentive within thirty (30) days of the final determination.

C. For purposes of this Section, "economic development incentive" means any grant, loan or performance-based incentive from the Town that is awarded after September 30, 2008.

(Ord. No. 159, Enacted, 08/27/87; Ord. No. 178, Renumbered, 05/26/88; 3-05-130; Ord. No. 533, Rep&ReEn, 11/07/02; Ord. No. 725, Enacted, 11/06/08)
Prescott Valley, Arizona

**Article 3-06 MEET AND CONFER**

3-06-010 Findings and Purpose.
3-06-020 Employee Groups.
3-06-030 Meeting and Conferring.

3-06-010 Findings and Purpose.

The Town of Prescott Valley hereby finds and declares that:

A. The citizens of Prescott Valley have a fundamental interest in the development of harmonious and cooperative relations between Town Management, Elected Officials, Administrators and the employees of the Town of Prescott Valley;

B. Recognition by the Town of Prescott Valley of the fundamental rights of public employees to organize and full acceptance of the principle and procedure of full communication between public employers and public employees, can alleviate various forms of strife and unrest;

C. The Town, its employees and employee organization, have a basic obligation to the public to assure the orderly and continuous operations and functions of government;

D. Strikes, work stoppages, slowdowns, and other concerted efforts designed to disrupt Town services, are contrary to the public good and are strictly prohibited. Participation in such efforts may be grounds for termination.

E. It is the purpose of this initiative to obligate the Town management, Town employees and their representatives, acting within the framework of law, to enter into discussions with affirmative willingness to resolve issues, grievances, and disputes relating to working conditions, wages, benefits and hours of work. It is also the purpose of this Ordinance to promote harmonious employer - employee relations by providing a uniform basis for recognizing the right of public employees to join, or refrain from joining, an organization of their own choice. Also, it is their right to be represented by such organization in their dealings with the Town in accordance with the provisions of this Ordinance. Additionally, this Ordinance provides that the results of agreements between the employer and its’ employees shall be drafted into written memorandums of understanding.

(Ord. No. 499, Initiative Approved, 03/13/01)

3-06-020 Employee Groups.

A. There shall be one employee group within the Town of Prescott Valley. It shall include:
1. All Police Officers in classifications up to and including Sergeants, and civilian dispatchers.

B. Authorized representation of an employee group shall be determined by the presentation of a petition, or signed membership cards, to the Town Manager containing the signatures of at least fifty percent (50%) plus one (1) of the employees in the above designated group. The petition / membership card shall designate the employee group and the employee organization designated to represent those employees. Upon verification of the signatures, the Town Manager shall designate the named employee organization, as the official and exclusive employee organization for representation purposes provided for by this Ordinance. The designated employee organization shall have the right to bi-weekly or monthly dues deductions, if approved by the employees of said organization.

(Ord. No. 499, Initiative Approved, 03/13/01)

3-06-030 Meeting and Conferring.

A. An employee organization that has been verified by the Town Manager, shall submit a proposal to the Town Manager relating to wages, benefits, hours, safety regulations and other working conditions, by December 1, of each year.

1. In the first year of this Ordinance, the employee organization shall submit its initial proposal by April 1.

B. Upon receiving a proposal from a verified employee organization, the Town Manager, shall submit a written response to the proposal to the employee organization within thirty (30) days [fifteen (15) days in the first year].

C. Within ten (10) days from the receipt of the Town Manager’s response, representatives of the employee organization, and the Town Manager, shall begin “meeting and conferring” at mutually agreed upon locations and times, for the purpose of entering into a written Memorandum of Understanding relating to the proposal regarding working conditions, wages, benefits and hours. Meetings shall be at least three (3) hours in duration, unless mutually agreed otherwise. Meetings shall take place at least weekly until an agreement is reached, or impasse is declared.

D. The Town Manager, or his designated representative, and the representative of the employee organization, shall initial all areas of agreement. Those areas which were not agreed to shall be outlined as areas in dispute. If agreement has not been reached by April 10 (July 15 in the first year), a Federal Mediator will be requested. The Town Manager, the employee representatives, and the Federal Mediator, will meet as often as necessary to reach an agreement.

E. If an agreement still has not been reached by May 15 (August 1 in the first year), an arbitrator will be requested from the American Arbitration Association. Standard rules of the American Arbitration Association will be utilized in the selection and use of the arbitration. However, selection of the arbitrator shall be limited to residents of Yavapai, Coconino or Maricopa County.
F. All issues not previously agreed to will be submitted to the arbitrator for resolution. On or before June 30 (August 17 in the first year), all areas of agreement, as well as those areas in dispute and still under consideration, and the recommendations of the Arbitrator, shall be submitted to the Mayor and Council for their consideration. The Mayor and Council may accept, reject, or modify those areas of agreement. The Mayor and Council may also take whatever actions they feel appropriate with regard to those areas in dispute. Final action by the Mayor and Council shall constitute the Memorandum of Understanding for the following fiscal year(s).

(Ord. No. 499, Initiative Approved, 03/13/01; Ord. No. 503, Amended, 05/10/01)
Article 3-07 PERSONNEL BOARD

3-07-010 Title.
This shall be known as the Town of Prescott Valley Personnel Board Article, may be cited as such, and will be referred to herein as "this Article."

(Ord. No. 540, Enacted, 12/19/02)

3-07-020 Purpose and Policy.
The purpose of the Personnel Board shall be to conduct hearings relating to and the rendering of decisions on matters properly brought before the Board as provided under the grievance procedure. The Personnel Board shall also review and recommend to the Town Council proposed amendments to the Personnel Policy and Procedures.

(Ord. No. 540, Enacted, 12/19/02)

3-07-030 Establishment and Terms of Office.
A. There is hereby established a Prescott Valley Personnel Board. The Board shall be composed of five (5) voting members appointed by the Town Council. Three members shall be from the community, one member shall be an exempt employee, and one member shall be a non-exempt employee. Three alternates shall be appointed from each sector.

B. The human resources manager, through the Town Manager's designation, shall act as secretary to the Board and provide any necessary administrative support.

(Ord. No. 540, Enacted, 12/19/02)

3-07-040 Officers.
The Board shall select its own chairperson annually from among its membership.

(Ord. No. 540, Enacted, 12/19/02)

3-07-050 Powers and Duties Generally.
The powers and duties of the Personnel Board of Directors shall be:

A. Review and recommend to the Town Council proposed amendments to the Personnel Policies and Procedures.

B. Conduct hearings in executive session unless the grievant requests a public hearing.

C. Examine witnesses under oath and compel their attendance or production of evidence by subpoena issued in the name of the Town if not provided to the Board upon its request.

D. Conduct hearings as outlined in the Personnel Policies and Procedures.

(Ord. No. 540, Enacted, 12/19/02)
CHAPTER 4. POLICE DEPARTMENT

Article 4-01 POLICE DEPARTMENT
Article 4-02 PSPRS LOCAL BOARD
Article 4-01 POLICE DEPARTMENT

4-01-010 Created; Composition.
There is hereby created a Police Department which shall consist of a Police Chief who shall also serve as Town Marshal.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 123, Amended, 12/19/85; Ord. No. 178, Rep&ReEn, 05/26/88)

4-01-020 Appointment of Officers.
The Police Chief shall be appointed by the Town Manager. The Police Chief may, from time to time, recommend for appointment by the Town Manager as many officers and support personnel as may be deemed necessary for the safety and good order of the Town.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 123, Amended, 12/19/85; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 484, Amended, 04/13/00)

4-01-030 Compensation of Officers.
The Police Chief and the police officers of the Town shall be compensated in accordance with Article 3-03 of this Code (as amended).

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 484, Amended, 04/13/00)

4-01-040 Departmental Rules and Regulations.
The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may be adopted from time to time by the Chief of Police and the Town Manager, except that the following policies shall be adopted by the Council:

- 300 Use of Force
- 301 Use of Force Review Boards
- 302 Handcuffing and Restraints
- 303 Control Devices and Techniques
- 304 Conducted Energy Device
- 312 Search and Seizure
- 313 Temporary Custody of Juveniles
- 320 Hate or Prejudice Crimes
- 345 Off-Duty Law Enforcement Actions
- 401 Bias-Based Policing
4-01-050  Duties of Police Department.

It is the duty of the Police Department, under the direction of the Police Chief, 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’s temporary detention facility and all detainees confined therein.

C. Render such account of the Police Department, its duties and receipts as may be required by the Council, and keep records of the office as may be required by law.

D. Direct traffic and ensure the orderly flow thereof and investigate and make reports of traffic accidents.

E. Establish from time to time through its departmental rules and regulations a rotation list of private towing carriers willing and able to respond to officer-ordered, non-consensual tows and include requirements that ensure safe, timely, efficient and consistent response by such carriers. Said rules and regulations may include a reasonable charge for such towing services in accordance with current market conditions and applicable federal and state law.

F. Recommend to the Town Engineer or other Town officials the placing of regulatory traffic control devices, including fixing speed limits necessary to control traffic flow and to protect life and property.

G. Perform such additional duties as may be required by the Town Council.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 732, Amended, 09/24/09; Ord. No. 757, Amended, 04/28/11)

4-01-060  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 pursuant to mutual aid agreements and State statutes.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)
ARTICLE 4-02  PSPRS LOCAL BOARD

4-02-010  Title.

This shall be known as the Town of Prescott Valley PSPRS Local Board Article, may be cited as such, and will be referred to herein as “this Article.”

(Ord. No. 730, Enacted, 04/23/09)

4-02-020  Purpose.

The purpose of the Prescott Valley PSPRS Local Board shall be to administer the Public Safety Personnel Retirement System and to make the provisions of the System effective for the Town of Prescott Valley.

(Ord. No. 730, Enacted, 04/23/09)

4-02-030  Establishment.

Pursuant to A.R.S. §38-847(A)(1), the Prescott Valley PSPRS Local Board shall be composed of:

A. The Mayor (or a designee of the Mayor) approved by the Town Council as Chairman of the Local Board;

B. Two (2) Members (as that term is defined in A.R.S. §38-842) elected by secret ballot by Members employed by the Prescott Valley Police Department; and

C. Two (2) citizens, one of whom shall be the head of the merit system for the group of Members (if it exists), appointed by the Mayor and approved by the Town Council.

D. A Secretary who may, but need not, be a Member of the Local Board, elected by the Board Members.

(Ord. No. 730, Enacted, 04/23/09)

4-02-040  Terms of Office.

From the date of the Town’s joinder in the System on July 1, 1981, PSPRS Local Board Members shall serve terms as follows:
A. One (1) elected Member and one (1) appointed citizen to serve a term ending two (2) years after the effective date of joinder.

B. The remaining PSPRS Local Board Members to serve a term ending four (4) years after the effective date of joinder.

C. Thereafter, every second year, and as a vacancy occurs, an office shall be filled for a term of four (4) years in the same manner as provided in Section 4-02-030 of this Article.

(Ord. No. 730, Enacted, 04/23/09)

4-02-050 Powers and Duties.

The Prescott Valley PSPRS Local Board shall have such powers as may be necessary to discharge the following duties, and any other duties conferred upon it by law:

A. To decide all questions of eligibility and service credits, and determine the amount, manner and time of payment of any benefits under the System.

B. To prescribe procedures to be followed by claimants in filing applications for benefits.

C. To make a determination as to the right of any claimant to a benefit and to afford any claimant or the fund manager, or both, a right to a rehearing on the original determination.

D. To request and receive from the employers and from Members such information as is necessary for the proper administration of the System and action on claims for benefits and to forward such information to the fund manager.

E. To distribute, in such manner as the Local Board determines to be appropriate, information explaining the System received from the fund manager.

F. To furnish the Town, the fund manager, and the legislature, upon request, with such annual reports with respect to the administration of the System as are reasonable and appropriate.

G. To receive and review the actuarial valuation of the System for its group of Members.

H. To receive and review reports of the financial condition and of the receipts and disbursements of the fund from the fund manager.

I. To appoint medical boards as provided in A.R.S. §38-859 (as amended).

J. To appoint legal counsel of its choosing to provide legal advice to the Local Board.
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K. To approve the rates and fees payable by the Town to the medical board and outside legal counsel.

L. To approve other expenses of the Local Board necessary for the administration of the System payable by the Town.

M. To issue directions to the fund manager concerning all benefits which are to be paid from the Town’s account pursuant to the provisions of the fund.

N. To sue and be sued to effectuate the duties and responsibilities set forth in Article 4, Chapter 5, Title 38 of the Arizona Revised Statutes (as amended).

The Prescott Valley PSPRS Local Board shall have no power to add to, subtract from, modify or waive any of the terms of the System, change or add to any benefits provided by the System, or waive or fail to apply any requirement of eligibility for membership or benefits under the System.

(Ord. No. 730, Enacted, 04/23/09)
CHAPTER 5. MAGISTRATE

Article 5-01 MAGISTRATE COURT ESTABLISHED; JURISDICTION
Article 5-02 PRESIDING OFFICER
Article 5-03 PROCEEDINGS OF COURT
Article 5-04 MAGISTRATE COURT FEES
Article 5-01  MAGISTRATE COURT ESTABLISHED; JURISDICTION

5-01-010  Magistrate 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 violation of laws of the State committed within the limits of the Town.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 10-01)
Article 5-02  PRESIDING OFFICER

5-02-010  Town Magistrate.

The presiding officer of the Magistrate Court shall be the Town Magistrate, who shall be appointed by the Council pursuant to Section 3-02-060.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 10-02-010)

5-02-020  Assistant Town Magistrate.

The Town Council shall have the authority to appoint an Assistant Town Magistrate who shall perform those functions necessary to the maintenance of a Magistrate Court as provided by State statute, provided that:

A. The appointment of an Assistant Town Magistrate is recommended by the presiding Town Magistrate; and

B. The Assistant Town Magistrate shall be appointed for a term of two (2) years, according to and subject to the provisions of Section 3-02-060 of the Prescott Valley Town Code.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 10-02-020; Ord. No. 204, Amended, 04/13/89)

5-02-020.01  Appointment of Judge Pro Tempore.

The presiding Town Magistrate may appoint such judges Pro Tempore as are required for the operation of the Town Magistrate Court as provided by State statute, provided that:

A. The appointment of the Magistrate Pro Tempore is approved and adopted by resolution of the Town Council.

B. The term of such appointment may be for any period of time not to exceed twelve (12) months for any one (1) term which may be renewed by reappointment.

C. The Magistrate Pro Tempore shall receive compensation as the presiding Town
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Magistrate shall from time to time direct.

(Ord. No. 204, Enacted, 04/13/89; Ord. No. 543, Amended, 02/27/03)

5-02-030 Powers and Duties of Town Magistrate.

The powers and duties of the Town 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, except as otherwise provided by law.

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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 10-02-030)

5-02-040 Oath of Office.

The presiding Town Magistrate, Assistant Town Magistrate and Magistrate(s) Pro Tempore shall, before entering upon the duties of his or her office, take and subscribe an oath that he or she will support the Constitution of the United States and the Constitution of the State of Arizona, and that he or she will faithfully and impartially discharge the duties of his or her office to the best of his or her ability.

The oath required by this Section shall be filed in the Office of the County Recorder of Yavapai County.

(Ord. No. 204, Enacted, 04/13/89)
Article 5-03 PROCEEDINGS OF COURT

5-03-010 Proceedings of Court.

A. The proceedings of the Magistrate Court shall be conducted in accordance with the State Constitution, the applicable State statutes, and rules of the State Supreme Court.

B. The Magistrate Court proceedings shall be commenced by complaint under oath and in the name of the State, setting forth the offense charged 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 Town 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 Town Magistrate may subpoena and examine witnesses as to the truth of the complaint.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 10-03; Ord. No. 375, Amended, 12/28/95)


**Article 5-04  MAGISTRATE COURT FEES**

5-04-010  Court Enhancement Fee.
5-04-020  Warrant Fee.
5-04-030  Process Service Fee.
5-04-040  Other Administrative Fees.

### 5-04-010  Court Enhancement Fee.

A. A Court Enhancement Fee is hereby applied to each case assigned a docket number and involving one or more criminal, civil and/or petty offenses where any fine, fee, sanction, penalty, surcharge, assessment and/or restitution is ordered by the Magistrate Court. The Court Enhancement Fee is not applicable to Court-authorized diversion programs, including authorized defensive driving courses.

1. The purpose of the Court Enhancement Fee is to assist in providing revenue for needed staff, facilities and services to provide timely and effective disposition of cases in an environment of sustained population growth.

2. The amount of the Court Enhancement Fee shall be established from time to time by resolution of the Town Council. Notwithstanding the amount so established, the Magistrate Court is authorized to waive all or a portion of the Court Enhancement Fee in the interest of justice or judicial economy.

B. Any assessments or surcharges applicable by law to the Court Enhancement Fee shall be applied in addition to the amount of the Fee established by Council resolution and not waived by the Magistrate Court.

C. All Court Enhancement Fees collected by the Magistrate Court shall be placed in the Town General Fund and shall be subject to annual appropriation by the Town Council for Magistrate Court purposes.

(Ord. No. 661, Enacted, 6/29/06)

### 5-04-020  Warrant Fee.

A. A Warrant Fee is hereby applied for each warrant issued by the Magistrate Court in each case assigned a docket number and involving one or more criminal, civil and/or petty offenses where any fine, fee, sanction, penalty, surcharge, assessment and/or restitution is ordered by the Magistrate Court. A Warrant Fee may be applied to each warrant issued in a single docket number.

1. The purpose of the Warrant Fee is to assist in providing revenue for needed staff, facilities and services to provide timely and effective administration of warrants in an environment of sustained population growth.
2. The amount of the Warrant Fee shall be established from time to time by resolution of the Town Council. Notwithstanding the amount so established, the Magistrate Court is authorized to waive all or a portion of the Warrant Fee in the interest of justice or judicial economy.

B. Any assessments or surcharges applicable by law to the Warrant Fee shall be applied in addition to the amount of the Fee established by Council resolution and not waived by the Magistrate Court.

C. All Warrant Fees collected by the Magistrate Court shall be placed in the Town General Fund and shall be subject to annual appropriation by the Town Council for Magistrate Court purposes.

(Ord. No. 661, Enacted, 6/29/06)

5-04-030 Process Service Fees.

A. A Process Service Fee is hereby applied to each photo radar citation ("Citation"): issued to an Arizona resident for a traffic violation occurring within the corporate limits of the Town where the Citation: (a) required service of process because the violator failed to respond to the Citation within forty (40) calendar days for original Citations and twenty (20) calendar days for re-issued Citations; (b) service of process was completed; and (c) the Citation was not dismissed.

1. The purpose of the Process Service Fee is to reimburse the Town for the costs of serving Citations on recalcitrant violators that ignore or otherwise fail to timely respond to Citations.

2. The amount of the Process Service Fee shall be established from time to time by resolution of the Town Council. Notwithstanding the amount so established, the Magistrate Court is authorized to waive all or a portion of the Process Service Fee in the interest of justice or judicial economy.

All Process Service Fees collected by the Magistrate Court shall be placed in the Town General Fund and shall be subject to annual appropriation by the Town Council for Magistrate Court purposes.

(Ord. 666, Amended, 9/14/06)

5-04-040 Other Administrative Fees.

A. Other Administrative Fees not otherwise provided by law may be established from time to time by Town Council resolution to defray costs of administering the Magistrate Court. Such Fees may include (but are expressly not limited to) copying fees, telecommunications and postal fees, credit/debit card fees, etc.
1. The purpose of Other Administrative Fees established from time to time by Council resolution is to assist in providing revenue for needed staff, facilities and services to operate and administer the Magistrate Court.

2. The amount of Other Administrative Fees established from time to time by Council resolution shall be set forth in said resolutions. Notwithstanding the amount so established, the Magistrate Court is authorized to waive all or a portion of such Other Administrative Fees in the interest of justice or judicial economy.

B. Any assessments or surcharges applicable by law to Other Administrative Fees established from time to time by Town Council resolution shall be applied in addition to the amount of such Fees established by Council resolution and not waived by the Magistrate Court.

C. Any Other Administrative Fees collected by the Magistrate Court shall be placed in the Town General Fund and shall be subject to annual appropriation by the Town Council for Magistrate Court purposes.

(Ord. No. 661, Enacted, 6/29/06)
CHAPTER 6. ANIMALS

Article 6-01 GENERAL ANIMAL CONTROL
Article 6-02 SPECIAL ANIMAL REGULATIONS
Article 6-03 ANIMAL NUISANCES
Article 6-04 ANIMAL CARE
Article 6-05 VIOLATIONS
Article 6-06 RESERVED
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Article 6-09 RESERVED
Article 6-01  GENERAL ANIMAL CONTROL

6-01-010 Definitions.
6-01-020 Animal Control Officer.
6-01-030 Unlawful Interference With Animal Control Officer.
6-01-040 Dogs.
6-01-050 Dog License.
6-01-060 Vaccination of Dogs.
6-01-070 License Fees.
6-01-080 License Tags.
6-01-090 Kennels.
6-01-100 Animal Control Fees.
6-01-110 Dogs Not Permitted At Large.
6-01-120 Biting Animals and Animal Bites.
6-01-130 Impounding Dogs and Cats.
6-01-140 Removing Impounded Animals.
6-01-150 Proper Care, Maintenance and Destruction of Impounded Animals.

6-01-010 Definitions.

In this Chapter, unless the context requires otherwise:

A. "Aggressive dog" means any dog that has bitten a person or domestic animal without provocation or that has a known history of attacking persons or domestic animals without provocation.

A dog shall not be declared aggressive if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

B. "Animal" means any animal of a species that is susceptible to rabies, except man.

C. "Animal Control Officer" means that person who is responsible for the enforcement of this Chapter and the regulations promulgated thereunder.

D. "Animal Licensing Service" means any person, individual, partnership, corporation or other form of association that engages in business to process license applications and issue licenses.

E. "At large" means being neither confined by an enclosure nor physically restrained by a leash. Electronic collars, leashes, or other similar electronic devices do not qualify as means of physical restraint.

F. "Citation" means a document issued by the Police Department or the Animal Control Officer to a person who has violated the regulations of this Chapter, commanding that
person to pay a fine or penalty by mail or to appear in the Magistrate Court or before an Administrative Hearing Officer on the violation at a specified date and time.

G. “Collar” means a band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.

H. “Cruel mistreatment” means to torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.

I. “Cruel neglect” means to fail to provide an animal with necessary food, water or shelter.

J. “Dog” means a member of the canis familiaris family.

K. “Exotic Animal” means wildlife or offspring of wildlife that is not native to North America.

L. “Impound” means the Animal Control Officer’s act of taking or receiving into custody any dog or other animal for the purpose of confinement in a Town-authorized pound in accordance with the provisions of this Chapter.

M. “Kennel” means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five (5) or more dogs on a temporary basis, not to exceed thirty (30) days, and not more than eight (8) dogs over 6 months of age on a permanent basis under controlled conditions. This applies to commercial or non-profit business establishments at which dogs and cats are bred or raised for sale, boarded, trained and/or cared for exclusive of dental, medical or surgical care or for quarantine purposes. “Kennel” does not include the keeping of animals on residential lots as household pets.

N. “Leash” means a chain, rope, strap, cord or similar restraint attached to a collar or harness or otherwise secured around an animal’s neck. For purposes of this Chapter, “leash” does not include electronic leashes or other similar electronic devices.

O. “Livestock” means any horse, colt, mule, donkey, burro, ox, bull, cow, calf, hog, pig, sheep, or goat.

P. “Owner” means any person, firm, corporation, organization or department, possessing, harboring, keeping, having an interest in, or having control over, or custody of, an animal.

Q. “Pound” means any establishment authorized by the Council for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the Animal Control Officer in the performance of his/her official duties.

R. “Proper Enclosure” means secure indoor confinement or an enclosed and locked pen or structure on the owner’s property that is not accessible to young children and is designed to prevent the confined animal from escaping. Such pen or structure shall have secure sides and a secure top and shall also protect the animal from the
elements.

S. “Severe Injury” means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

T. “Stray Dog” means any dog running at-large that is not wearing a valid license tag.

U. “Vaccination” means the administration, by a duly-licensed veterinarian, of an anti-rabies vaccine to animals.

V. “Veterinarian,” unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.

W. “Veterinary Hospital” means any establishment operated by a veterinarian licensed to practice in the State of Arizona that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it, or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

X. “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 without provocation, and includes a dog that has been so declared after notice and a hearing before the Magistrate Court, and exhaustion or expiration of all available appeals.

Y. “Wild” means, in reference to mammals and birds, those species which are normally found in a state of nature.

Z. “Wildlife” means all wild mammals, wild birds and the nests or eggs thereof, reptiles, amphibians, mollusks, crustaceans, and fish, including their eggs or spawn.

(Ord. No. 95, Enacted, 02/09/84; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 770, Amended, 10/25/12; Ord. No. 824, Amended, 02/23/17; Ord. No. 844, Amended, 06/28/18)

6-01-020 Animal Control Officer.

The Town Manager shall designate or employ Animal Control Officers to administer and enforce the provisions of this Chapter and to issue citations for the violation of its provisions. Such Animal Control Officers shall be under the immediate supervision of the Police Chief.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 95, Rep&ReEn, 02/09/84; Ord. No. 178, Ren&Amd, 05/26/88, 6-02-010; Ord. No. 257, Amended, 06/27/91; Ord. No. 375, Amended, 12/28/95; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. 844, Amended, 06/28/18)

6-01-030 Unlawful Interference With Animal Control Officer.

It is unlawful for any person to interfere with the Animal Control Officer in the performance of his/her duties.
6-01-040 Dogs.

No person shall keep, harbor, shelter, care for, house or otherwise maintain at any one time on any residential lot more than four (4) dogs age six (6) months or older.

6-01-050 Dog License.

A. All dogs three (3) months of age or older kept, harbored or maintained within the corporate limits of the Town for at least thirty (30) consecutive days shall be licensed in accordance with the provisions of this Article. Owners who fail to obtain an annual or multi-year license as required herein, may be charged with a class 2 misdemeanor; however, prosecution of this offense may be waived or dismissed if the violator obtains the necessary license. Such waiver or dismissal shall only be allowed if the owner fulfills the dog licensing requirements of the Town Code and pays the applicable license fee set forth in Section 6-01-100 of this Article.

B. All dog licenses issued under this Article shall be valid for a period of one, two or three years per Section 6-01-100. However, the licensing period shall not exceed the time for revaccination as designated by the state veterinarian. All licenses shall expire on the anniversary date of the issuance of the license or the expiration of the rabies vaccination, whichever is earlier. If the Town or an authorized Animal Licensing Service has not received an application for a license renewal at least ten (10) days after the expiration date of a previously issued license, a late fee shall also be assessed.

C. The Town Council is authorized to enter into a written contract designating one or more veterinary hospitals or Animal Licensing Service as agents of the Town for the purpose of issuing dog licenses and collecting dog license fees for the Town.

6-01-060 Vaccination of Dogs.

A. Before a license is issued for any dog, the owner or veterinarian must:

1. Present a paper, electronic copy or facsimile of the vaccination certificate signed by a veterinarian stating the owner’s name and address, and giving the dog’s description, date of vaccination, manufacturer and serial number of the vaccine used and the date revaccination is due. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this Article and the regulations promulgated pursuant to this Article.
2. Complete and sign a Town license application on a form prescribed by the Office of the Town Manager.

3. Remit the fees required by Section 6-01-100 of this Article to the Animal Control Officer or the person or entity designated to issue the license.

(Ord. No. 28, Enacted, 05/22/80; Ord. No. 95, Rep&ReEn, 02/09/84; Ord. No. 178, Ren&Amd, 05/26/88, 6-02-050; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. 844, Amended, 06/28/18)

6-01-070 License Fees.

A. The applicable license fee set forth in Section 6-01-100 of this Article shall be paid for each dog that requires a license pursuant to Section 6-01-050 of this Article.

B. This section shall not apply to an individual who has a disability and who uses a service animal as defined in A.R.S. §11-1024, a person that trains a service animal as defined in A.R.S. §11-1024 or an individual who uses a search and rescue dog.

1. An applicant for a license for a search and rescue dog shall provide adequate proof satisfactory to the Animal Control Officer that the dog is a search and rescue dog.

2. An applicant for a license for a service animal shall sign a written statement that the dog is a service animal as defined in A.R.S. §11-1024. A person who makes a false statement pursuant to this subsection is guilty of a petty offense, subject to a fine not to exceed fifty dollars. The statement to be signed shall be substantially in the form set forth in A.R.S. §9-500.32(C).

C. A person applying for issuance of a dog license for a dog that has been spayed or neutered shall furnish proof of the surgical alteration by presenting a certificate, signed by a licensed veterinarian, which verifies that the dog which is subject to the license application has been so surgically altered.

D. Fees for dog licenses may be amended from time to time by ordinance and any such amendment shall not be retroactively applied but shall be effective on the date the ordinance is passed and adopted by the Mayor and Common Council of the Town of Prescott Valley.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 28, Enacted, 05/22/80; Ord. No. 95, Repealed, 02/09/84, 6-01-030; Ord. No. 95, Renumbered, 02/09/84, 6-02-040; Ord. No. 178, Ren&Amd, 05/26/88, 6-02-060; Ord. No. 197, Amended, 12/22/88; Ord. No. 257, Amended, 06/27/91; Ord. No. 640, Amended, 12/02/05; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 777, Amended, 09/12/13; Ord. No. 824, Amended, 02/23/17)

6-01-080 License Tags.

A. Upon acceptance of the license application and payment of the required fee, the
Animal Control Officer or other designated person or entity shall issue a durable tag stamped with an identifying number and the year in which it expires. Such tag shall be affixed to a suitable collar and shall be worn by the dog at all times, except as otherwise provided in this Article. Whenever a dog tag is lost, a replacement tag shall be issued upon application by the owner and payment of the duplicate license fee set forth in Section 6-01-100 of this Article.

B. The Animal Control Officer or other designated person or entity shall maintain a record of the identifying numbers of all dog tags issued and the names and addresses of the owners. No license or tag may be used for any animal except the one that was issued for such animal.

C. Any person who counterfeits an official dog tag, removes such tag from any dog for the purpose of intentional and malicious mischief, or places a dog tag upon any dog other than the one for whom the tag was issued will be charged with a class 2 misdemeanor.

(Ord. No. 95, Enacted, 02/09/84; Ord. No. 127, Amended, 03/27/86; Ord. No. 178, Ren&Amd, 05/26/88, 6-02-070; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. 844, Amended, 06/28/18)

6-01-090 Kennels.

A. A person operating a kennel as defined in this Article shall obtain a permit issued by the Yavapai County Board of Supervisors (YCBOS); provided, however, that a permit is not required if each individual dog is licensed.

B. The annual fee for the kennel permit is seventy-five dollars ($75.00) or the actual cost of recovery as determined by the YCBOS.

C. A dog housed within the kennel is not required to be licensed individually. Once a dog leaves the controlled kennel conditions, it shall be licensed; provided, however, that if the dog is only being transported to another kennel that has a permit issued under this Section, the dog does not have to be separately licensed.

D. A person who fails to obtain a kennel permit under this Section is subject to a penalty of twenty-five dollars ($25.00) in addition to the annual fee.

E. A person operating a kennel shall be subject to Yavapai County’s enforcement of the provisions of A.R.S. §11-1009 (Kennel permit; fee; denial; inspection; violation; classification).

F. A person who knowingly fails to obtain a kennel permit within thirty (30) days after written notification from the Animal Control Officer will be charged with a class 2 misdemeanor.

(Ord. No. 594, Enacted, 05/27/04; Ord. No. 734, Amended, 09/24/09; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 824, Amended, 02/23/17)

6-01-100 Animal Control Fees.
Impound Fees

Dogs
- Per Dog at Station $10.00
- Per Dog at Town-authorized pound $30.00
- All Other Animals $30.00

License Fees

Dog License - Spayed or Neutered
- 1 year $10.00
- 2 year $16.00
- 3 year $22.00

Dog License - Unspayed or Unneutered
- 1 year $36.00
- 2 year $56.00
- 3 year $76.00

Duplicate License Fee $6.00
Late Fee $10.00

(Ord. No. 746, Enacted, 09/09/10; Ord. No. 824, Amended, 02/23/17; Ord. 844, Amended, 06/28/18)

6-01-110 Dogs Not Permitted At Large.

A. No owner of a dog shall allow such dog to be at-large.

B. A dog is not deemed at-large:

1. While such dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or trainer, and is actually enrolled in or has graduated from a dog obedience training school.

2. While such dog is being trained or used for hunting or trained for racing purposes.

3. While such dog is being exhibited or trained at a kennel club event.

4. While such dog is restrained by a leash, rope, cord or chain of not more than six (6) feet in length when off the premises of the owner.

5. While such dog is actively engaged as a service animal as defined in A.R.S. §11-1024 and is otherwise under the control of the service animal handler.
a. “Under the control of the service animal’s handler” means the service animal has a harness, leash or other tether, unless either the handler is unable because of a disability to use a harness, leash or other tether, or the use of the harness, leash or other tether would interfere with the service animal’s safe and effective performance of work or tasks, in which case the service animal must be otherwise under the handler’s control by voice control, signals or other effective means.

6. While used for the control of livestock.

7. While such dog is lawfully within the fenced area of the Town's off-leash area park(s).

C. The Animal Control Officer shall apprehend and impound any dog running at-large contrary to the provisions of this Section. An owner reclaiming an impounded dog shall pay the impound fees set forth in Section 6-01-100 of this Article and any applicable boarding fees.

D. The owner or other person entrusted with the care of a dog that runs at-large, contrary to the provisions of this Section, shall be responsible for any personal injury or property damage caused by the dog while at-large.

E. If, while running at-large contrary to the provisions of this Section, a dog inflicts a bite upon a human without causing severe injury, the owner or other person entrusted with the care of the dog may be charged with an aggravated dog-at-large violation which shall be a class 1 misdemeanor. Upon conviction, the Court may impose an aggravated penalty and order restitution to the victim.

(Ord. No. 746, Enacted, 09/09/10; Ord. No. 824, Amended, 02/23/17)

6-01-120 Biting Animals and Animal Bites.

A. Whenever any animal bites any person, the incident shall be reported immediately to the Animal Control Officer or the Police Department by any person with first-hand knowledge of the incident.

B. An unvaccinated dog or cat that bites any person shall be confined and quarantined in a Town-authorized pound or, upon request of and at the expense of the owner, in a veterinary hospital for a period of not less than ten (10) days. The quarantine period shall start on the day of the bite incident. If the day of the bite is not known, the quarantine period shall start on the first day of impoundment. A dog properly vaccinated pursuant to this Article or under three (3) months of age that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of, and in a manner prescribed by, the Animal Control Officer.

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.

2. The dog or cat has been previously spayed or neutered before impound or has been spayed or neutered and implanted with a microchip before release from the pound.

3. There is no veterinary facility capable of performing surgical sterilization within a twenty mile radius of the pound.

4. A veterinarian determines that a medical contraindication for surgery exists that reasonably requires postponement of the surgery until the surgery can be performed in a safe and humane manner.

5. The bite occurred in the premises of the owner and the victim is a member of the same household.

6. The owner pays a fifty dollar recovery fee, in addition to any fees or costs otherwise required pursuant to this article.

D. Any domestic animal, other than a dog, a cat or a caged or pet rodent or rabbit, that bites any person shall be confined and quarantined in a Town-authorized pound or, on the request and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen (14) days. Livestock shall be confined and quarantined for the 14-day period in a manner regulated by the Arizona Department of Agriculture. Caged or pet rodents or rabbits shall not be quarantined or laboratory tested. The quarantine period shall start on the day of the bite incident or on the first day of impoundment if the day of the bite incident is unknown. If the animal dies during the quarantine period, it shall be sent to the laboratory at the Arizona Department of Health Services for examination.

E. With the exception of a wild rodent or rabbit, any wild animal that bites any person or directly exposes any person to its saliva may be killed and submitted to the Animal Control Officer or its deputies for transport to an appropriate diagnostic laboratory. A wild rodent or rabbit may be submitted for laboratory testing if the animal has bitten a person and either the animal’s health or behavior indicates that the animal may have rabies or the bite occurred in an area that contains a rabies epizootic, as determined by the department of health services.

F. The Animal Control Officer may destroy any animal confined and quarantined pursuant to this Section before the termination of the minimum confinement period for laboratory examination for rabies if:

1. The animal shows clear clinical signs of rabies; or

2. The animal’s owner consents to its destruction; or

3. An unowned animal is injured to the extent that it will unduly suffer if kept alive for the duration of the confinement period. “Unowned animal” includes
any animal subject to licensing under this Article found without a tag or microchip identifying its owner.

G. This Section does not apply to a dog that is used by any federal, state, county, city or town law enforcement agency and that bites any person if the bite occurs while the dog is under proper law enforcement supervision and the care of a licensed veterinarian, except that the law enforcement agency shall notify the Animal Control Officer if the dog exhibits any abnormal behavior and make the dog available for examination at any reasonable time.

(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)

6-01-130 Impounding Dogs and Cats.

A. Except as otherwise provided in this Section, each stray dog or cat that is impounded shall be kept and maintained at a Town-authorized pound for a minimum of seventy-two (72) hours or one hundred twenty (120) hours for an animal impounded with a microchip or wearing a license or any other discernible form of owner identification, unless claimed or surrendered by its owner. At the expiration of the impoundment period, any impounded dog or cat may be made available for adoption. The person adopting an impounded dog or cat shall pay all adoption fees and comply with the licensing and vaccination provisions of this Chapter as it relates to dogs. No impounded animal, whether owned or stray, may be used for any type of medical research or experimentation. Any impounded dog or cat not claimed by its owner within the stated period or adopted may be humanely euthanized. Any sick or injured impounded dog or cat may be euthanized prior to the end of the impoundment period if a veterinarian determines that the dog or cat will unduly suffer if kept alive for the duration of the impoundment period and, if after reasonable attempts, the owner cannot be located or the owner surrenders the dog or cat.

B. Any impounded stray cat eligible for sterilization, as defined in A.R.S. §11-1022, that will be returned to the vicinity where the cat was originally captured may be exempted from the mandatory holding period required by this Section. “Eligible” means a cat that is living outdoors, lacks discernable identification, is of sound health and possesses its claws.

C. All reasonable attempts shall be made to contact the owner of an impounded dog or cat bearing some form of identification and advise of the location of the dog or cat and the requirements to reclaim the animal.

D. An owner or owner’s agent reclaiming an impounded dog or cat shall furnish proof of the person’s right to reclaim the animal and shall pay the applicable fees set forth in Section 6-01-100 of this Article, including impound fees, board fees, a rabies vaccination fee, and dog license fees, as applicable.

(Ord. No. 746, Enacted, 09/09/10; Ord. No. 824, Amended, 02/23/17)

6-01-140 Removing Impounded Animals.
No person may remove, or attempt to remove, an animal which has been impounded or is otherwise in the possession of the Animal Control Officer except in accordance with the provisions of this Article and any regulations promulgated pursuant to this Article.

(Ord. No. 746, Enacted, 09/09/10)

6-01-150 Proper Care, Maintenance and Destruction of Impounded Animals.

A. Any animal impounded in a Town-authorized pound shall be provided humane care and maintenance, including adequate heat, ventilation, sanitary shelter and wholesome food and water.

B. Any animal destroyed while impounded in a Town-authorized pound shall be destroyed only by the use of one of the following:

1. Sodium pentobarbital or a derivative of sodium pentobarbital.

2. T-61 euthanasia solution or its generic equivalent.

C. If an animal is destroyed by means specified in this Section, it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to A.R.S. §3-1213.

(Ord. No. 746, Enacted, 09/09/10)
Article 6-02  SPECIAL ANIMAL REGULATIONS

6-02-010  Aggressive Dogs.
6-02-020  Wildlife; Exotic Animals.
6-02-030  Domestic Animals Other Than Dogs and Cats.
6-02-040  Reserved.

6-02-010  Aggressive Dogs.
A. A person who owns or is responsible for the care of an aggressive dog shall at all times provide a proper enclosure to confine the aggressive dog and shall post the premises with a clearly visible warning sign that there is an aggressive dog on the property. In addition, a sign with a warning symbol that informs children of the presence of an aggressive dog shall be conspicuously posted on the property.

B. It is unlawful for an owner of an aggressive dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

C. An aggressive dog shall be immediately confiscated by an Animal Control Officer, and the owner will be charged with a class 1 misdemeanor, if:

1. The dog is not maintained in the proper enclosure; or

2. The dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under the physical restraint of a responsible person.

D. If a dog that was previously determined to be aggressive or that was the subject of an owner’s prior conviction under this Chapter is found to be outside of the proper enclosure and not under the physical restraint of a responsible person or attacks or bites a person or another domestic animal without provocation, the dog’s owner will be charged with a class 1 misdemeanor. In addition, the aggressive dog shall be immediately confiscated by an Animal Control Officer, placed in quarantine for the proper period and confined until final disposition pursuant to Section 6-05-020 of this Chapter.

E. This Section does not apply to any of the following:

1. A dog that is owned by a governmental agency and that is being used in military or police work.

2. A service animal as defined in A.R.S. §11-1024.

3. A dog that is involved in an otherwise lawful act of hunting, ranching, farming or other agricultural purpose.
6-02-020 Wildlife; Exotic Animals.

A. No person shall keep, harbor or maintain any wildlife or exotic animals within the corporate limits of the Town, except those animals defined in Title 3, Chapter 16, Arizona Revised Statutes (as amended), unless the person has received a special license to do so by a duly-authorized employee of the Arizona Game and Fish Commission.

B. Persons lawfully possessing wildlife or exotic animals pursuant to the special licensing requirements of the Arizona Game and Fish Commission or an exemption from same shall at all times provide a proper enclosure to confine the wildlife or exotic animals and shall post the premises with a clearly visible warning sign that there wildlife or exotic animals on the property. In addition, a sign with a warning symbol that informs children of the presence of wildlife or exotic animals shall be conspicuously posted on the property.

C. Wildlife or exotic animals shall be immediately confiscated by an Animal Control Officer, and the owner will be charged with a class 1 misdemeanor, if the:

1. Owner fails to present sufficient evidence of a valid special license issued by the Arizona Game and Fish Commission for the lawful possession of the wildlife or exotic animal or evidence of a valid exemption from such licensing requirements;

2. Wildlife or exotic animal is not maintained in the proper enclosure; or

3. Wildlife or exotic animal is outside of the proper enclosure and not under the physical restraint of a responsible person.

D. The owner of wildlife or an exotic animal that aggressively attacks and causes severe injury or death to any human will be charged with a class 1 misdemeanor. In addition, the wildlife or exotic animal shall be immediately confiscated by the Animal Control Officer and placed in quarantine for the proper period. The Animal Control Officer shall immediately notify the Director of the Arizona Game and Fish Commission of the incident and, at the conclusion of the quarantine period, shall dispose of the wildlife or exotic animal in accordance with the written direction of the Director or the Director’s designee.

E. The provisions of this Section shall not apply to:

1. Institutions accredited by the American Zoo and Aquarium Association;

2. Duly incorporated, non-profit, animal protection organizations that provide housing for wildlife or exotic animals at the written request of the Animal Control Officer;
3. Animal control or law enforcement agencies or officers acting under authority of this Chapter;

4. Licensed veterinary hospitals or clinics possessing wildlife or exotic animals while providing medical care to the wildlife or exotic animals; or

5. Any lawfully operated circus or rodeo.

F. It shall be unlawful for any person lawfully possessing wildlife or exotic animals to release such wildlife or exotic animals.

G. Exhibitions or parades of wildlife or exotic animals within the corporate limits of the Town may only be conducted pursuant to permit which must be secured from the Chief of Police.

6-02-030 Domestic Animals Other Than Dogs and Cats.

A. Livestock and Poultry: Except in Agricultural Districts, as defined in Section 13-19b-010, livestock and poultry shall only be allowed on lots which are one (1) acre or larger in size and shall be limited to two (2) such animals per acre except as follows:

1. No animals shall be allowed in the Town of Prescott Valley in contravention of existing restrictive covenants.

B. Livestock, Poultry and Domestic Rabbits at Large: No owner of livestock, poultry or domestic rabbits, or other person entrusted with their care shall allow same to roam at-large within the corporate limits of the Town. The Animal Control Officer may apprehend and impound any livestock, poultry or domestic rabbits roaming at-large contrary to the provisions of this Section. An owner reclaiming such animals shall pay the impound fees set forth in Section 6-01-100 of this Chapter and any applicable boarding fees. Livestock, poultry or domestic rabbits that are impounded shall be kept and maintained at a Town-authorized pound for a minimum of seventy-two (72) hours. Any of these animals not claimed by the owner or other authorized person by the expiration of the impoundment period may be sold.

C. Livestock and Poultry Housing: Any person who lawfully keeps or causes to be kept any livestock or poultry shall keep such livestock or poultry in a pen or similar enclosure to prevent them from roaming at-large within the corporate limits of the Town. Stables or other enclosures where such animals are kept must be reasonably clean and well maintained.

D. Swine: It is unlawful to keep any swine within the corporate limits of the Town.

E. The owner or other person entrusted with the care of livestock, poultry or domestic...
rabbits that roam at-large, contrary to the provisions of this Section, shall be responsible for any personal injury or property damage caused by the livestock, poultry or domestic rabbits while at-large.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 95, Rep&ReEn, 02/09/84; Ord. No. 178, Renumbered, 05/26/88, 6-01-050; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 824, Amended, 02/23/17)

6-02-040 Reserved.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 95, Rep&ReEn, 02/09/84; Ord. No. 178, Ren&Amd, 05/26/88, 6-01-060; Ord. No. 746 Rep&ReEn, 09/09/10)
Article 6-03 ANIMAL NUISANCES

6-03-010 Disturbing the Peace; Nuisances; Notice to Abate.

6-03-020 Reserved.

6-03-030 Reserved.

6-03-040 Reserved.

6-03-010 Disturbing the Peace; Nuisances; Notice to Abate.

A. It is unlawful for any person to keep or maintain a dog that barks, howls, or otherwise disturbs the peace and quiet of any reasonable person residing within the corporate limits of the Town, between the hours of 10:00 p.m. and 7:00 a.m. For purposes of this Section, a dog shall be deemed to be disturbing the peace and quiet of persons residing within the corporate limits of the Town if the Animal Control Officer or other Town enforcement official, in response to an anonymous complaint, observes the animal barking, without justification, for five (5) or more continuous minutes. The Animal Control Officer or other Town enforcement official may require any person wishing to pursue civil or criminal charges for violations of this Subsection to complete and submit to the Animal Control Officer a Nuisance Dog Petition, the form of which will be provided by the Animal Control Officer.

B. It is unlawful for any person to keep or maintain a dog that is in the habit of barking, howling, or otherwise disturbing the peace and quiet of any reasonable person residing within the corporate limits of the Town, between the hours of 7:00 a.m. and 10:00 p.m. All persons desiring to pursue civil or criminal charges against any person keeping or maintaining a dog that is in the habit of barking, howling, or otherwise disturbing the peace and quiet of any reasonable person residing within the boundaries of the Town, between the hours of 7:00 a.m. and 10:00 p.m., shall complete and submit to the Animal Control Officer a Nuisance Dog Petition, the form of which will be provided by the Animal Control Officer.

C. The keeping of any fowl, rodent, domestic animal, exotic animal or wildlife, other than a dog, that disturbs the peace, comfort, or health of a reasonable person residing within the corporate limits of the Town, shall constitute a nuisance; provided, however, that after an Animal Control Officer receives and verifies a nuisance complaint, the Police Department shall give the offending party three (3) days’ notice to remove, eliminate, or correct the cause of the nuisance, or to abate any unsanitary conditions which may exist. Failure to comply with said notice is unlawful and punishable as set forth herein.

D. It shall be unlawful for the owner or person having custody of any animal to fail to immediately remove and dispose of, in a sanitary manner, any solid waste deposited by such animal on public property or private property without the consent of the person in control of the property. This subsection shall not apply to an individual who has a disability and who uses a service animal as defined in A.R.S. §11-1024, or police officers or other law enforcement officers accompanied by police dogs while responding to an emergency.
E. Persons violating this Section shall be subject to civil and criminal penalties as set forth in Article 6-05 hereinafter, and/or criminal prosecution as otherwise provided by law.

(Ord. No. 46, Enacted, 12/11/80; Ord. No. 95, Ren&Amd, 02/09/84; Ord. No. 127, Amended, 03/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 194, Amended, 11/10/88; Ord. No. 223, Amended, 01/11/90; Ord. No. 594, Amended, 05/27/04; Ord. No. 600, Amended, 07/22/04; Ord. No. 746; Rep&ReEn, 09/09/10; Ord. No. 824, Amended, 02/23/17)

6-03-020 Reserved.

(Ord. No. 46, Enacted, 12/11/80; Ord. No. 95, Ren&Amd, 02/09/84; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 223, Amended, 01/11/90; Ord. No. 375, Amended, 12/28/95; Ord. No. 594, Amended, 05/27/04; Ord. No. 746, Rep&ReEn, 09/09/10)

6-03-030 Reserved.

(Ord. No. 46, Enacted, 12/11/80; Ord. No. 95, Ren&Amd, 02/09/84; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 200, Amended, 02/23/89; Ord. No. 375, Amended, 12/28/95; Ord. No. 594, Amended, 05/27/04; Ord. No. 746, Rep&ReEn, 09/09/10)

6-03-040 Reserved.

(Ord. No. 95, Ren&Amd, 02/09/84; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 746, Rep&ReEn, 09/09/10)
Prescott Valley, Arizona

Article 6-04 ANIMAL CARE

6-04-010 Animal Care.

A. No owner shall fail to provide his animals with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

B. No person shall beat, cruelly ill-treat, abandon, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.

C. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal’s owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the Police Department or to the Animal Control Officer.

D. The Animal Control Officer, on a reasonable belief that very prompt action is required to protect the health or safety of an animal or the health or safety of other animals may immediately impound any animal that appears to be cruelly neglected or otherwise cruelly mistreated as described in this Section. The Animal Control Officer shall then request a hearing pursuant to Section 6-05-030 of this Chapter for the disposition of the impounded animal.

E. Nothing contained herein shall prohibit or restrict any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock or is permitted by or pursuant to Title 3 of the Arizona Revised Statutes.

(Ord. No. 95, Enacted, 02/09/84; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 770, Amended, 10/25/12)

6-04-020 Confining Animals in Motor Vehicles.

A. No person having charge or custody of an animal, as owner 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 due to heat, lack of food or drink, or such other circumstances as may reasonably be expected to cause suffering, disability or death.

B. The Animal Control Officer or a peace officer may use reasonable force to open a vehicle to rescue an animal if the animal is left in a vehicle in violation of this Section.

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In the event the owner or custodian of the animal cannot be located, the officer removing the animal shall place the animal in the Town-authorized pound or veterinary hospital. The officer shall leave, in a prominent place in the motor vehicle, a written notice bearing the address where the animal may be claimed by the owner of the animal. The animal will be surrendered to the owner if the owner claims the animal within ten (10) days from the time the animal was removed from the motor vehicle and pays all reasonable charges that have accrued for the maintenance of the animal, including any and all costs for veterinary care. If the owner fails to claim the animal within five (5) days after its removal from the motor vehicle, the person or Town-authorized pound having custody of the animal will make a reasonable effort to contact the owner and give notice that the animal is in their custody and may be reclaimed upon payment of the reasonable maintenance charges. If, after 10 days from the time the animal was removed from the motor vehicle, the owner cannot be contacted, or fails or refuses to reclaim the animal, the animal will be deemed unowned and the person or Town-authorized pound having custody of the animal may dispose of the animal in accordance with Section 6-01-130 of this Chapter.

C. 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.

(Ord. No. 95, Enacted, 02/09/84; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 594, Amended, 05/27/04; Ord. No. 746, Rep&ReEn, 09/09/10)

6-04-030 Reserved.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 194, Amended, 11/10/88; Ord. No. 243, Amended, 10/25/90; Ord. No. 245, Amended, 11/08/90; Ord. No. 312, Amended, 01/06/94; Ord. No. 594, Rep&ReEn, 05/27/04; Ord. No. 746, Rep&ReEn, 09/09/10)
Article 6-05 VIOLATIONS

6-05-010 Violations and Penalties.

A. Civil Violations. First violations of Town Code §6-01-110(A) “Dogs Not Permitted at Large” and §6-03-010 “Disturbing the Peace, Nuisances; Notice to Abate” (as amended) shall constitute a civil offense, and any person who is served with a civil citation charging such violation and who admits to or is found responsible for the offense at a hearing shall pay a civil sanction not to exceed $500 in accordance with A.R.S. §11-1005(A)(6)(b) (as amended). A second violation of either section within a twelve (12)-month period shall be a class 2 misdemeanor as set forth below (unless otherwise set forth in this Chapter).

B. Criminal Penalties. Violators of the provisions of this Chapter may be issued citations according to standard laws and Court rules. Any person convicted of a violation of this Chapter will be charged with a class 2 misdemeanor unless otherwise set forth in this Chapter. Subsequent violations may be sentenced as class 1 misdemeanors pursuant to A.R.S. § 13-707(B). Upon conviction, the Court shall, at a minimum, order the person to pay the following minimum fines.

Dog at-Large

$150.00

Second Offense (within a period of 12 months) $300.00

(A Class 2 Misdemeanor)

No Dog License

First Offense $100.00

Second Offense (Within a period of 12 months) $300.00

(A Class 2 Misdemeanor)

Dog Barking $200.00

Second Offense (within a period of 12 months) $500.00

(A Class 2 Misdemeanor)

B. Civil Penalties. Any violation of the provisions of this Chapter shall also constitute a civil offense, and any person who is served with a citation charging such violation and who admits, or is found responsible for such offense, shall be liable to pay to the Town the minimum fines set forth in the preceding paragraph. Such civil citation shall be
issued and processed in accordance with Article 1-08 of the Town Code. Each day that a violation continues shall be a separate offense, except as otherwise provided, punishable as described herein.

C. Remedies. With regard to these remedies for violations:

1. All remedies provided herein shall be cumulative and not exclusive.

2. The imposition of penalties criminal or civil on any persons hereunder shall not relieve such persons from the responsibility of correcting any and all violations.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 95, Ren&Amd, 02/09/84, 6-03-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 257, Repealed, 06/27/91; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 844, Amended, 06/28/18)

6-05-020 Hearing on Disposition of Vicious Animals; Forfeiture.

A. The Animal Control Officer or a peace officer who has impounded an animal pursuant to Sections 6-02-010 and 6-02-020 of this Chapter, on a showing of probable cause that the animal is vicious or may be a danger to the safety of any person or other animal, shall request a disposition hearing before the Magistrate Court to determine whether the animal is vicious. The hearing shall be set within fifteen (15) business days after the request for a disposition hearing has been filed.

B. The Animal Control Officer or peace officer requesting the disposition hearing shall, within seven (7) calendar days before the date of the hearing, serve the order setting the hearing on the owner of the animal either by personal service or by leaving a copy of the order with a person of suitable age and discretion at the owner’s residence or place of business. Proof of service shall be filed with the Magistrate Court.

C. If the Magistrate Court determines that the animal is vicious, the Magistrate Court shall order that the animal be forfeited to the Animal Control Officer to be humanely destroyed in accordance with Section 6-01-150 of this Chapter. The owner shall pay impound fees and any other costs for boarding or necessary veterinary care.

1. Notwithstanding the above, if the animal is an aggressive dog as defined in this Chapter, the Magistrate may order that the dog be returned to the owner to be maintained as an aggressive dog in accordance with Section 6-02-010 of this Chapter.

D. If the Magistrate Court determines that the animal is not vicious, the Magistrate may order that the animal be returned to the owner, except that if the owner fails to appear at the hearing, the Magistrate may order that the animal be forfeited to the Animal Control Officer for transfer to a legally incorporated humane society or approved rescue agency and be made available for adoption or be humanely destroyed in accordance with Section 6-01-150 of this Chapter.

E. This Section does not apply to the seizure of an equine pursuant to A.R.S. §3-1721.
6-05-030 Seizure of Abused or Abandoned Animals; Notification; Bonding; Hearing.

A. The Animal Control Officer or a peace officer who lawfully seizes an animal pursuant to Article 6-04 of this Chapter or A.R.S. §13-2910 shall affix a notice of seizure in a conspicuous place where the animal was found or personally deliver the notice of seizure to the owner or keeper of the animal, if known or ascertainable after reasonable investigation. The Animal Control Officer shall file proof of service with the Magistrate Court. If it is determined that the suffering of the animal does not require humane destruction, the notice shall include the following:

1. The name, business address and telephone number of the person providing the notice.

2. A description of the seized animal.

3. The authority and purpose for the seizure, including the time, place and circumstance under which the animal was seized.

4. A statement that in order to receive a post-seizure hearing the owner or person authorized to keep the animal, or the owner or person’s agent, shall request the hearing by signing and returning to the Magistrate Court an enclosed declaration of ownership or right to keep the animal within ten days, including weekends and holidays, after the date of the notice.

5. A statement that the owner is responsible for the cost of care for an animal that was properly seized and that the owner is required to post a bond in the amount of twenty-five dollars per animal with the Magistrate Court to defray the cost of care.

6. A warning that if the owner fails to post a bond within ten days after the seizure, the animal will be deemed abandoned and become the property of the seizing agency.

B. On receipt of a declaration of ownership and post-seizure hearing request, the Magistrate shall set a hearing date within fifteen business days. At the hearing, the Animal Control Office shall have the burden of establishing by a preponderance of evidence that the animal was subjected to cruel mistreatment, cruel neglect or abandonment in violation of Article 6-04 of this Chapter or A.R.S. §13-2910 or will suffer needlessly if humane destruction is delayed. On this finding, the Magistrate Court may terminate the owner’s rights in the animal and transfer the rights to the Animal Control Officer or a designated animal care agency and shall forfeit the bond to pay the expenses incurred for the housing, care and treatment of the animal. If at the conclusion of the hearing the animal is not forfeited under this section, the court shall order the bond exonerated and returned to the owner.

C. If the owner or person authorized to keep the animal fails to post bond as prescribed
by this section, fails to request a hearing or fails to attend a scheduled hearing, the animal is deemed abandoned and all rights of the owner in the animal are transferred to the Animal Control Officer.

D. This section does not apply to any of the following:

1. Activities permitted by or pursuant to Title 3 of the Arizona Revised Statutes.

2. The seizure of an equine pursuant to A.R.S. §3-1721.

(Ord. No. 8, enacted, 06/28/79; Ord. No. 95, Ren&Amd, 02/09/84, 6-03-040; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 257, Repealed, 06/27/91; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 770, Rep&ReEn, 10/25/12)

6-05-040 Reserved.

(Ord. No. 8, enacted, 06/28/79; Ord. No. 95, Ren&Amd, 02/09/84, 6-03-050; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 257, Repealed, 06/27/91; Ord. No. 746, Rep&ReEn, 09/09/10)

6-05-050 Reserved.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 257, Repealed, 06/27/91; Ord. No. 746, Rep&ReEn, 09/09/10)
Prescott Valley, Arizona

Article 6-06 RESERVED

6-06-010 Reserved.

6-06-010 Reserved.

(Ord. No. 127, Enacted, 03/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 257, Amended, 06/27/91; Ord. No. 274, Amended, 05/14/92; Ord. No. 375, Renumbered, 12/28/95, 6-06; Ord. No. 600, Amended, 07/22/04; Ord. No. 640, Amended, 12/02/05; Ord. No. 746, Rep&ReEn, 09/09/10)
Article 6-07 RESERVED

6-07-010 Reserved.

6-07-010 Reserved.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 375, Renumbered, 12/28/95, 6-07; Ord. No. 746, Rep&ReEn, 09/09/10)
Article 6-08 RESERVED

6-08-010 Reserved.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 375, Renumbered, 12/28/95, 6-08; Ord. No. 746, Rep&ReEn, 09/09/10)
Article 6-09 RESERVED

6-09-005 Reserved.
6-09-010 Reserved.

6-09-005 Reserved.
(Ord. No. 231, Enacted, 07/12/90; Ord. No. 375, Repealed, 12/28/95; Ord. No. 746, Rep&ReEn, 09/09/10)

6-09-010 Reserved.
(Ord. No. 231, Enacted, 07/12/90; Ord. No. 375, Repealed, 12/28/95; Ord. No. 746, Rep&ReEn, 09/09/10)
CHAPTER 7.  BUILDING

Article 7-01  THE TOWN OF PRESCOTT VALLEY ADMINISTRATIVE CODE
Article 7-02  ADOPTION OF THE 2018 INTERNATIONAL BUILDING CODE (IBC)
Article 7-03  ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS (IRC)
Article 7-04  ADOPTION OF THE INTERNATIONAL MECHANICAL CODE (IMC)
Article 7-05  ADOPTION OF THE NATIONAL ELECTRICAL CODE (NEC)
Article 7-06  ADOPTION OF THE INTERNATIONAL PLUMBING CODE (IPC)
Article 7-07  ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)
Article 7-08  ADOPTION OF THE INTERNATIONAL FUEL GAS CODE (IFGC)
Article 7-09  ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC)
Article 7-10  GENERAL PROVISIONS AND PUBLIC RIGHTS OF WAY
Article 7-11  DEVELOPMENT FEES
**Article 7-01 THE TOWN OF PRESCOTT VALLEY ADMINISTRATIVE CODE**

7-01-005 Title.
7-01-010 Purpose.
7-01-020 Scope.
7-01-030 Application to Existing Buildings and Building Service Equipment.
7-01-040 Definitions.
7-01-050 Conflicting Provisions.
7-01-060 Alternate Materials, Methods of Design and Methods of Construction.
7-01-070 Modifications.
7-01-080 Tests.
7-01-090 Powers and Duties of Building Official.
7-01-100 Unsafe Buildings, Structures or Building Service Equipment.
7-01-110 Board of Appeals.
7-01-120 Violations.
7-01-130 Penalties and Remedies.
7-01-140 Permits and Inspections.
7-01-150 Application for Permit.
7-01-160 Permit Issuance.
7-01-170 Fees.
7-01-180 Inspections.
7-01-190 Certificate of Occupancy.
7-01-200 Valuation and Fee Schedule.

7-01-005 Title.

These regulations shall be known as the Town of Prescott Valley Administrative Code, may be cited as such and will be referred to herein as “this administrative code.”

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 14, Enacted, 10/25/79; Ord. No. 90, Enacted, 12/15/83; Ord. No. 90, Ren&Amd, 12/15/83, 7-05; Ord. No. 90, Rep&ReEn, 12/15/83; Ord. No. 154, Rep&ReEn, 08/27/87; Ord. No. 154, Ren&Amd, 08/27/87, 7-04-050; Ord. No. 178, Ren&Amd, 05/26/88, 7-02, 7-02-005 & 010; Ord. No. 178, Ren&Amd, 05/26/88, 7-05-010; Ord. No. 178, Ren&Amd, 05/26/88, 7-04-060; Ord. No. 237, Ren&Amd, 09/13/90, 7-02; Ord. No. 237, Ren&Amd, 09/13/90, 7-09; Ord. No. 237, Ren&Amd, 09/13/90, 7-08; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 375, Renumbebered, 12/28/95, 7-01; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08)

7-01-010 Purpose.

The purpose of this administrative code is to provide for the administration and enforcement of the technical codes and ordinances adopted by the Town of Prescott Valley.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08)

7-01-020 Scope.
The provisions of this administrative code shall serve as the administrative, organizational and enforcement rules and regulations for the technical codes and ordinances which regulate site preparation and design, construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of buildings, structures and building service equipment within the Town of Prescott Valley.

(Ord. No. 10, Enacted, 07/12/79; Ord. No. 22, Enacted, 02/28/80; Ord. No. 36, Amended, 09/04/80; Ord. No. 38, Enacted, 09/25/80; Ord. No. 44, Amended, 10/23/80; Ord. No. 61, Amended, 09/24/81; Ord. No. 68, Amended, 03/25/82; Ord. No. 70, Amended, 06/10/82; Ord. No. 90, Rep&ReEn, 12/15/83; Ord. No. 90, Ren&Amd, 12/15/83, 7-07; Ord. No. 154, Ren&Amd, 08/27/87, 7-04-010; Ord. No. 154, Renumbered, 08/27/87, 7-06; Ord. No. 154, Ren&Amd, 08/27/87, 7-04-020; Ord. No. 178, Ren&Amd, 05/26/88, 7-04-010, 7-04-020; Ord. No. 178, Ren&Amd, 05/26/88, 7-07; Ord. No. 178, Ren&Amd, 05/26/88, 7-04-030, 7-04-030A; Ord. No. 237, Ren&Amd, 09/13/90, 7-05-010; Ord. No. 237, Ren&Amd, 09/13/90, 7-10; Ord. No. 237, Ren&Amd, 09/13/90, 7-05-020; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 540, Amended, 12/19/02; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08)

7-01-030 Application to Existing Buildings and Building Service Equipment.

A. General. Buildings, structures and their building service equipment to which additions, alterations or repairs are made shall comply with all the requirements of the technical codes for new facilities except as specifically provided in this section. For purposes of those technical codes, installations or occupancies which are legally in existence on the effective date of those codes shall be permitted to continue, as described in subparagraphs C and D below, until such time as:

1. There is a change of occupancy or use classification; or
2. There is an addition or remodel which affects greater than fifty percent (50%) of the existing floor area; or
3. There is an addition or alteration which will result in the building or structure being more hazardous based on life safety, fire safety, or sanitation.

If a building permit for a structure under construction on the effective date of those technical codes expires or has expired, the provisions of Section 7-01-160(D) of this administrative code shall apply.

Determinations as to change of use or occupancy classification, percentage of affected square footage, and change in hazard under this provision shall be made by the building official.

B. Additions, Alterations or Repairs. Additions, alterations or repairs may be made to a building or its building service equipment without requiring the existing building or its building service equipment to comply with all the requirements of the technical codes, provided the addition, alteration or repair conforms to that required for a new building or building service equipment.

Additions or alterations shall not be made to an existing building or building service equipment which will cause the existing building or building service equipment to be in violation of the provisions of the technical codes nor shall such additions or alterations cause the existing building or building service equipment to become
Building

An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or building service equipment to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of the technical codes or will cause the existing building service equipment to become overloaded or exceed its rated capacity; will create a health hazard or will otherwise create conditions dangerous to human life. A building so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories and area permitted by the technical codes for new buildings. A building plus new additions shall not exceed the height, number of stories and area specified by the technical codes for new buildings.

Additions or alterations shall not be made to an existing building or structure when the existing building or structure is not in full compliance with the provisions of the technical codes except when the addition or alteration will result in the existing building or structure being no more hazardous, based on life safety, fire safety and sanitation, than before such additions or alterations are undertaken.

EXCEPTION: Alterations of existing structural elements, or additions of new structural elements which are not required by subparagraph D and which are initiated for the purpose of increasing the lateral-force-resisting strength or stiffness of an existing structure need not be designed for forces conforming to these regulations provided that an engineering analysis is submitted to show that:

1. The capacity of existing structural elements required to resist forces is not reduced, and
2. The lateral loading to required existing structural elements is not increased beyond their capacity, and
3. New structural elements are detailed and connected to the existing structural elements as required by these regulations, and
4. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by these regulations, and
5. An unsafe condition as defined above is not created.

Where repairs are made to structural elements of an existing building or its building services equipment and uncovered structural elements are found to be unsound or otherwise structurally deficient, such elements shall be made to conform to the requirements for a new building or building service equipment.

Alterations or repairs to an existing building or structure which are nonstructural and do not adversely affect a structural member or a part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed, subject to approval by the building official. Installation or replacement of glass shall be as required for new installations.

Minor additions, alterations and repairs to existing building service equipment installations may be made in accordance with the technical codes in effect at the time
the original installation was made, subject to approval of the building official, and
provided such additions, alterations and repairs will not cause the existing building
service equipment to become unsafe, unsanitary or overloaded.

C. Existing Installations. Building service equipment lawfully in existence at the time of
the adoption of the technical codes may have their use, maintenance or repair
continued if the use maintenance or repair is in accordance with the original design
and a hazard to life, health or property has not been created by such building service
equipment.

D. Existing Occupancy. Buildings in existence at the time of the adoption of the
technical codes may have their existing use or occupancy continued if the use or
occupancy was legal at the time of the adoption of the technical codes, and provided
continued use is not dangerous to life, health and safety.

A change in the use or occupancy of any existing building or structure shall comply
with the provisions of Section 7-01-190 of this administrative code.

E. Maintenance. Buildings, structures and building service equipment, existing and new,
and parts thereof shall be maintained in a safe and sanitary condition. Devices or
safeguards which are required by the technical codes shall be maintained in
conformance with the technical code under which installed. The owner or the owner’s
designated agent shall be responsible for the maintenance of buildings, structures and
their building service equipment. To determine compliance with this section, the
building official may cause a structure to be reinspected.

F. Moved Buildings. Buildings, structures and their building service equipment moved
into or within the Town of Prescott Valley shall comply with the provisions of the
technical codes for new buildings or structures and their building service equipment.

G. Temporary Structures and Uses:

1. General. The building official may issue a permit for temporary structures and
temporary uses. Such permits shall be limited as to time of service, but shall
not be permitted for more than 180 days. The building official is authorized to
grant extensions for demonstrated cause. This includes portable trash bins of
three (3) yards or more placed on property.

2. Conformance. Temporary structures and uses shall conform to the structural
strength, fire safety, and means of egress, accessibility, light, ventilation and
sanitary requirements of the technical codes as necessary to ensure the public
health, safety and general welfare.

3. Temporary Power. The building official may give permission to temporarily
supply and use power in part of an electrical installation before such
installation has been fully completed and the final certificate of completion
has been issued. The part covered by the temporary certificate shall comply
with the requirements specified for temporary lighting, heat or power in the
National Electrical Code (as hereinafter adopted and amended by Chapter 7 of
the Prescott Valley Town Code).
4. Termination of Approval. The building official may terminate such permit for a temporary structure or use and order the temporary structure or use to be discontinued.

5. Historic Buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or its building service equipment may be made without conforming to the requirements of the technical codes when authorized by the building official, provided:
   a. Buildings designated by the Arizona State Historic Preservation Office as having special historical or architectural significances shall be in accordance with State Administrative Code R12-8-306.
   b. Unsafe conditions as described in this administrative code are corrected.
   c. The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire safety and sanitation than the existing building.

6. Other Laws. The provisions of this administrative code shall not be deemed to nullify any provisions of local, state or federal law.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 17, Enacted, 12/13/79; Ord. No. 29, Amended, 06/12/80; Ord. No. 41, Amended, 10/07/80; Ord. No. 90, Renumbered, 12/15/83, 7-06; Ord. No. 90, Renumbered, 12/15/83, 7-01-020; Ord. No. 90, Ren&Amend, 12/15/83, 7-06; Ord. No. 90, Rep&ReEn, 12/15/83; Ord. No. 154, Ren&Amend, 08/27/87, 7-03-020; Ord. No. 154, Ren&Amend, 08/27/87, 7-03-010; Ord. No. 154, Ren&Amend, 08/27/87, 7-03-020; Ord. No. 154, Ren&Amend, 08/27/87, 7-03-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 178, Ren&Amend, 05/26/88, 7-03-020, 7-03-030; Ord. No. 178, Ren&Amend, 05/26/88, 7-03-015; Ord. No. 178, Ren&Amend, 05/26/88, 7-04-040; Ord. No. 237, Ren&Amend, 09/13/90, 7-03-010; Ord. No. 237, Ren&Amend, 09/13/90, 7-03-020; Ord. No. 237, Ren&Amend, 09/13/90, 7-04; Ord. No. 237, Ren&Amend, 09/13/90, 7-06; Ord. No. 254, Amended, 03/11/91; Ord. No. 268, Amended, 12/12/91; Ord. No. 282, Amended, 10/22/92; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 498, Amended, 04/12/01; Ord. No. 576, Rep&BReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Amended, 04/24/14; Ord. No. 861, Amended, 05/23/19)

7-01-040 Definitions.

A. For the purpose of this administrative code, certain terms, phrases, words and their derivatives shall be construed as specified in this section. A definition contained in a specific technical code shall be construed to apply to that code. Where terms are not defined through the methods authorized by this chapter, such terms shall have ordinarily accepted meanings such as the context implies. Webster’s Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings, and terms shall have their ordinarily accepted meanings within the context with which they are used.

B. The following definitions apply:

1. Addition: An extension or increase in floor area or height of a building or
structure.

2. Alter or Alteration: Any change, modification, construction or renovation to an existing structure or building service equipment other than repair or addition.

3. Approved: Approval by the building official of materials, types of construction, equipment and systems as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

4. Approved Agency: An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the building official.

5. Building: Any structure used or intended for supporting or sheltering any use or occupancy.


7. Building, Existing: A building erected prior to the adoption of this administrative code, or one for which a legal building permit has been issued.

8. Building Official: The officer charged with the administration and enforcement of this administrative code and the technical codes, his designee or duly authorized representative.

9. Building Service Equipment: The plumbing, mechanical, electrical and elevator equipment, including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting and transportation facilities essential to the occupancy of the building or structure for its designated use.

10. Code Enforcement Agency: Whenever the term or title “code enforcement agency” is used herein or in any of the technical codes, it shall be construed to refer to the Prescott Valley Community Development Department.


13. Jurisdiction: A state or political subdivision which adopts this administrative code for administrative regulations within its area of authority.

14. Listed/Listing: Terms referring to equipment and materials included in a list
published by an approved testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of current productions of listed equipment or materials. The published list shall state that the material or equipment complies with approved nationally recognized codes, standards or tests and has been tested or evaluated and found suitable for use in a specified manner.

15. Master Plan: A single set of pre-approved construction blueprints and related documents for a specific structure to be built repeatedly on different lots. These plans include different elevations and options. Master Plans will only be allowed for residential projects of detached single family dwellings and their accessory attached/detached related service equipment systems. A Master Plan is only valid for the current adopted technical codes under which such was approved.

16. Mass-graded Lot: A tract or lot located in a subdivision/unit or project area where the developer’s engineer has designed a drainage and grading plan for the entire subdivision/unit or project area, rather than for each individual tract or lot, and for which this area-wide engineered plan has been reviewed and approved by the Town. In addition, the developer’s engineer, at the completion of construction on each tract or lot, is responsible to certify that the as-built condition of the construction on each lot is in full compliance with the approved area drainage and grading plan as well as with all applicable Town and technical code regulations.

17. Mechanical Code: The International Mechanical Code promulgated by the International Code Council, as adopted and amended by the Town of Prescott Valley.

18. Occupancy: The purpose for which a building, or part thereof, is used or intended to be used.

19. Owner: Any person, agent, firm or corporation having a legal or equitable interest in the property.

20. Permit: An official document or certificate issued by the building official which authorizes performance of a specified activity.

21. Person: An individual, heirs, executors, administrators or assigns, as well as a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.


24. **Property Maintenance Code:** The International Property Maintenance Code promulgated by the International Code Council, as adopted and amended by the Town of Prescott Valley.

25. **Repair:** The reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.

26. **Residential Code:** The International Residential Code for One-And Two-Family Dwellings promulgated by the International Code Council, as adopted and amended by the Town of Prescott Valley.

27. **Shall:** As used in this administrative code and the technical codes, the word "shall" is mandatory.

28. **Structure:** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

29. **Technical Codes:** Those codes adopted by the Town of Prescott Valley containing the provisions for design, construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of buildings and structures and building service equipment within the Town of Prescott Valley.

30. **Trailer (Park Model):** A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area on not less than three hundred twenty (320) square feet and not more than four hundred (400) square feet when it is set up. Manufactured to comply with ANSI A119.5 standards, except that it does not include recreational vehicles, travel trailers, campers or fifth wheel trailers.

31. **Valuation/Value:** As applied to a building and its building service equipment, the terms "valuation" and "value" shall be the estimated cost to replace the building and its service equipment in kind, based on current replacement costs.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 601, Amended, 08/12/2004; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Amended, 04/24/14; Ord. No. 861, Amended, 05/23/19)

**7-01-050 Conflicting Provisions.**

When conflicting provisions or requirements occur between this administrative code, the technical codes and other codes or laws, the most restrictive shall govern.

When conflicts occur between the technical codes, those provisions providing the greater safety to life shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern.

Where in a specific case different sections of the technical codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there
is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

When conflicts occur between specific provisions of this administrative code and provisions in a technical code which is then applicable within the Town of Prescott Valley, those provisions becoming the law most recently shall prevail.

The National Electrical Code 2017, Handbook, as copyrighted and published by the National Fire Protection Association, Inc. may be used as a guide in interpreting the intent and application of the technical codes, including this administrative code, adopted in Chapter 7 of the Prescott Valley Town Code. [NOTE: other handbooks, which pertain to specific technical codes as published by the International Code Council, when available in the future may also be used after review by the building official and the Town Attorney].

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Amended, 04/24/14; Ord. No. 861, Amended, 05/23/19)

7-01-060 Alternate Materials, Methods of Design and Methods of Construction.

A. The provisions of the technical codes are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the technical codes, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of the technical codes, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in quality, strength, effectiveness, fire resistance, durability and safety.

B. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

C. The use of used materials, which meet the requirements of the technical codes for new materials, is permitted. Used equipment and devices shall not be reused unless approved by the building official.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08)

7-01-070 Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of the technical codes, the building official may grant modifications for individual cases. The building official shall first find that a special individual reason makes the strict letter of the technical code impractical and that such modification does not lessen health, life safety and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the building official.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08)
7-01-080 Tests.

Whenever there is insufficient evidence of compliance with the provisions of the technical codes or evidence that materials or construction do not conform to the requirements of the technical codes, the building official may require tests as evidence of compliance to be made at no expense to the Town.

Test methods shall be as specified by the technical codes or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall determine the test procedures.

Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08)

7-01-090 Powers and Duties of Building Official.

A. General. The building official is hereby authorized and directed to enforce all the provisions of this administrative code and the referenced technical codes. For such purposes, the building official shall have the powers of a law enforcement officer.

The building official shall have the authority to render interpretations of this administrative code and the referenced technical codes, and to adopt and enforce rules and regulations supplemental to this administrative code as may be deemed necessary to clarify the application of the provisions of this administrative code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this administrative code.

Whenever the term or title “administrative authority,” “responsible official,” “building official,” “chief inspector,” “code enforcement officer,” “code officer,” or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the building official of the Town of Prescott Valley.

B. Representatives. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint technical officers, inspectors and other employees as duly-authorized representatives as may be necessary to carry out the functions of the code enforcement agency.

C. Right of Entry. When necessary to make an inspection to enforce any of the provisions of this administrative code and the technical codes, or when the building official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to, or in violation of, this administrative code or the technical codes which makes the building or premises unsafe, dangerous or hazardous, the building official is authorized to enter the building or premises at all reasonable times to inspect or to perform the duties imposed by this administrative code, provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the
building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

D. Stop Work Orders. When work is being done contrary to the provisions of this administrative code, the technical codes, or other pertinent laws or ordinances implemented through the enforcement of this administrative code, the building official may order the work stopped by notice in writing served on persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop the work until authorized by the building official to proceed with the work.

E. Occupancy Violations. When a building or structure or building service equipment therein regulated by this administrative code and the technical codes is being used contrary to the provisions of such codes, the building official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirement of such codes.

F. Authority to Connect and Disconnect Utilities. The building official shall have the authority to disconnect a utility service or energy supplied to the building, structure or building service equipment therein regulated by this administrative code or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

No sewer, water, electrical, natural gas, or propane services or meters shall be connected for any new service by the utility providing sewer, water, electrical, natural gas, or propane service until clearance has been issued by the building official. Clearance shall not be issued until compliance with all appropriate provisions of the Prescott Valley Town Code (including the technical codes) has been verified by inspection. The building official may designate persons to provide such clearance (oral or written) to the utility providing sewer, water, electrical, natural gas, or propane service.

Furthermore, a Certificate of Occupancy (CO) will be issued only after all Prescott Valley zoning, engineering and building requirements are completed, or enforceable arrangements have been made with the appropriate Town departments for completion of those requirements. The building official may issue clearance for temporary sewer, water, electrical, natural gas, or propane service, or temporary occupancy if any non-compliance holding up permanent service or occupancy will not result in hazard to health, safety or welfare. If the building or structure is occupied prior to completion of the above requirements, or if a Temporary Certificate of Occupancy (TCO) is revoked by the building official, the building official may, at his option, order sewer, water, electrical, natural gas or propane service disconnected after due notice to the occupant and the affected utility.
G. Authority to Condemn Building Service Equipment. When the building official ascertains that building service equipment regulated in the technical codes has become hazardous to life, health or property, or has become unsanitary, the building official shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, as appropriate. The written notice itself shall fix a time limit for compliance with such order. Defective building service equipment shall not be maintained after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefore shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building service equipment is maintained in violation of the technical codes and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

H. Connection After Order to Disconnect. Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to building service equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be disconnected by the building official until the building official authorizes the reconnection and use of such equipment.

I. Liability. The building official or employee charged with the enforcement of this administrative code and the technical codes, while acting for the Town in good faith and without malice in the discharge of the duties required by this administrative code and the technical codes or other pertinent laws or ordinances, shall not thereby be rendered personally liable and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this administrative code and the technical codes shall be defended by a legal representative of the Town until the final termination of the proceedings, and any judgment resulting therefrom shall be assumed by the Town.

This administrative code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling a building, structure or building service equipment therein for damages to persons or property caused by defects, nor shall the Town be held as assuming such liability by reason of the inspections authorized by this administrative code or permits or certificates issued under this administrative code.

J. Cooperation of Other Officials and Officers. The building official may request, and shall receive, the assistance and cooperation of Town officials so far as is required in the discharge of the duties required by this administrative code, the technical codes or other pertinent laws or ordinances.

K. Recording Notices of Violation. The building official or a designee may record notices
of violation of this administrative code and the technical codes in the Office of the Yavapai County Recorder. Such notices of violation shall run with the land and shall constitute notice for all purposes of this Chapter to all persons or entities thereafter acquiring an interest in the property. Failure to record any notice otherwise given by the building official under this Chapter shall not affect the validity of said notice as to persons who actually receive the same. When property is brought into compliance, the building official (or designee) may record a satisfaction of notice of violation in the Office of the Yavapai County Recorder with or without a request by any holder of an interest in said property.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 743, Amended, 03/25/10)

7-01-100 Unsafe Buildings, Structures or Building Service Equipment.

A. Buildings or structures regulated by this administrative code and the technical codes which are structurally inadequate or have inadequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe buildings.

B. Building service equipment regulated by such codes, which constitutes a fire, electrical or health hazard, or an unsanitary condition or is otherwise dangerous to human life is, for the purpose of this section, unsafe.

C. Use of buildings, structures or building service equipment constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.

D. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the technical codes are hereby designated as unsafe building appendages.

E. Unsafe buildings, structures or appendages and building service equipment are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the International Property Maintenance Code (as hereinafter adopted and amended by Chapter 7 of the Prescott Valley Town Code). As an alternative, the building official or other Town employee or official, as designated by Council, may institute other appropriate action to prevent, restrain, correct or abate the violation.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08)

7-01-110 Board of Appeals.

A. General. A Board of Appeals is hereby created and shall consist of seven (7) voting members appointed by, and serving at the pleasure of, the Mayor and Common Council. Four (4) members shall serve for a two-year term and three (3) members for a
one-year term upon establishment of the Board. Thereafter, every term shall be for two (2) years. The Board shall consist of representatives of the following professions or trades who are available and willing to serve, and are residents of the Town of Prescott Valley:

1. An architect.
2. A professional engineer.
3. A general contractor.
4. A person generally representing the public.
5. A person engaged in the electrical, mechanical or plumbing trades.
6. Additional members engaged in the construction, design, real estate, or development industries (from representative areas of the Town).

B. Chairman and Vice Chairman. A Chairman and Vice-Chairman shall be elected by the Board from its membership to serve a one-year term. Each may vote on all questions presented. The Chairman shall preside over all Board meetings. In the event of his absence, the Vice-Chairman shall preside. Conduct of meetings shall be according to Robert's Rules of Order.

C. Secretary. A Secretary shall be elected by the Board from its membership to serve a one-year term. The Secretary may vote on all questions presented. The Secretary shall prepare and record the minutes and decisions of the Board and shall perform such other duties as are established by the Board.

D. Removal of Members. A member shall not be absent from Board of Appeals regular meetings for more than three (3) consecutive times without a reasonable excuse. After an absence of three (3) consecutive meetings, the remaining members of the Board of Appeals may vote to retain or recommend to the Council that the absentee member be relieved of his duties on the Board.

E. Authority. The Board shall hear and decide appeals from the orders, requirements or decisions of the building official in the enforcement of this Chapter by any affected person, firm, corporation or political subdivision. The Board shall determine if there is error in such orders, requirements or decisions, and may reverse, affirm (wholly or in part), or modify said orders, requirements or decisions, only by a concurring vote of a majority of the total number of appointed Board members. In so doing, the Board shall interpret the technical codes adopted by the Town, except that it shall not interpret the administrative provisions of this administrative code. The Board is not authorized to waive the requirements of the technical codes or this administrative code. Ordinarily, no appeal should be heard by the Board unless one (1) member from the affected profession or trade is present. An exception may be made for emergencies or if the requirement is waived by the appellant(s). The decisions and findings of the Board shall be in writing, directed to the building official and appellant(s).

F. Advisory Capacity. At the request of the building official, the Board of Appeals may
also serve as an advisory board to the building official on questions of code interpretation and needed amendments to the technical codes.

G. Appeal Procedure. Any appeal by a person, firm, corporation or political subdivision from an order, requirement or decision of the building official in the enforcement of Chapter shall proceed as follows:

1. The appellant(s) shall file an application for review on forms provided by the building official, accompanied by a fee of fifty dollars ($50.00).

2. The application shall be filed within twenty (20) days after the day the order, requirement or decision was served.

3. The application shall include a written description of the dispute and the remedy requested, along with a listing of relevant facts.

4. The Board shall meet to consider the appeal in a public hearing within twenty (20) working days of filing. Notice of the hearing shall be given to the appellant(s) at least five (5) working days prior to the hearing date. Hearings shall generally be held on the second (2nd) Wednesday of the month, unless the building official approves a different date.

5. At the hearing, the appellant(s), his/their representative(s), and any other person(s) whose interest(s) may be affected by the matter on appeal, shall be given the opportunity to be heard. In the event such persons have adverse interest, they or their representatives shall be given a reasonable opportunity to respond to statements by adverse persons.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08, Ord. No. 743 Amended, 03/25/10; Ord. No. 861, Amended, 05/23/19)

7-01-120 Violations.

It shall be unlawful for any person, firm, corporation or political subdivision to erect, construct, reconstruct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure or building service equipment, or cause or permit the same to be done, in violation of the technical codes (including this administrative code).

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08)

7-01-130 Penalties and Remedies.

A. Criminal Penalties. Any person found guilty of violating any provision of Chapter 7 “Building” of the Prescott Valley Town Code shall be guilty of a class 1 misdemeanor, and upon conviction thereof may be punished by a fine not to exceed TWO THOUSAND FIVE HUNDRED DOLLARS ($2,500.00), or by imprisonment for a period not to exceed SIX (6) MONTHS, or by both such fine and imprisonment. Such surcharges as may be required by law may also be added. Each day a violation continues shall be a separate
offense punishable as hereinabove described.

B. Civil Penalties. Any violation of the provisions of this administrative code shall also constitute a civil offense, and any person who is served with a citation charging such violation and who admits, or is found responsible for such offense shall be liable to pay to the Town a civil sanction not to exceed TWO HUNDRED FIFTY DOLLARS ($250.00). Such civil citation shall be issued and processed in accordance with Article 1-08 of the Town Code. Each day that a violation continues shall be a separate offense, except as otherwise provided, punishable as described herein.

C. Remedies. With regard to these remedies for violations:

1. All remedies provided herein shall be cumulative and not exclusive;

2. The imposition of penalties (criminal or civil) on any person(s) hereunder shall not relieve such person(s) from the responsibility of correcting violations or removing prohibited structures or improvements, and shall not preclude enforced correction, abatement or removal of violations; and

3. If any building or structure is erected, constructed, reconstructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, occupied or maintained in violation of the provisions of Chapter 7 “Building” of the Prescott Valley Town Code, the Town Council, the Town Manager, the Town Attorney, the building official, or any adjacent or neighboring real property owner who is specially damaged by the violation, may seek an injunction, mandamus, prohibition, abatement, or take other appropriate legal or administrative action to prevent, abate, or remove the violation.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 614, Amended, 02/10/05; Ord. No. 713, Rep&ReEn, 03/13/08)

7-01-140 Permits and Inspections.

A. Permits Required. Except as specified in subparagraph B of this Section, no building, structure or building service equipment regulated by the technical codes, including this administrative code, shall be erected, constructed, reconstructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate appropriate permit for each building, structure or building service equipment has first been obtained from the building official. This requirement includes, but is expressly not limited to, obtaining an appropriate permit for construction, installation or alteration of all fences, retaining walls, fireplaces, wood stoves, and other gas, electric, or solid fuel burning appliances and equipment. This requirement is also in addition to any zoning, subdivision and/or engineering approvals and permits required in the technical codes or elsewhere in this Code.

Prior to issuance of each such building permit, the building official may require that engineering be provided by the applicant, including off-site engineering. No building permit shall be issued prior to the building official receiving, reviewing, and approving a Sewer Connection Plan which shows the location and depth of any present or
proposed adjacent public sewer on the property, the proposed location of the building sewer on the property, the ability to connect by gravity flow or otherwise to any present or proposed public sewer, and which otherwise complies with CHAPTER 7, SANITARY DRAINAGE, of the International Plumbing Code (as hereinafter adopted and amended by Chapter 7 of the Prescott Valley Town Code).

Furthermore, at the time of application for a building permit involving the construction of any new building or installation of any mobile home, manufactured home, or factory-built (modular) building in any zoning district within the Town, the applicant shall show the proposed location of culverts for all driveway accesses across roadside bar ditches. Upon approval, the Town Engineer shall issue a culvert installation permit indicating the required size of culverts based on ditch elevation and expected water flow. Culvert installations shall be inspected at the time of excavation or foundation, and no excavation or foundation approval for any new building, mobile home, manufactured home, or factory-built (modular) building shall be issued by the building official unless culvert installations conform to these requirements.

B. Work Exempt from Permit. A building permit shall not be required for the types of work in each of the separate classes of permit listed below. Exemption from building permit requirements shall not be deemed to be an exemption from zoning or engineering permit requirements, nor shall it be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other provisions of the Town Code. Unless otherwise exempted, separate plumbing, electrical, and mechanical permits shall be required for these exempted classes where applicable.

C. Building Permits. A building permit shall not be required for the following:

1. One-story detached accessory buildings used in conjunction with one and two family dwellings only as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed one hundred forty-four (144) square feet, and provided such accessory buildings comply with the applicable zoning requirements. Such accessory buildings are still subject to inspection by the building official for compliance with the technical codes.

2. Masonry or concrete fences not over four (4) feet in height and wood fences or other material fences not over six (6) feet in height. A zoning permit is required.

3. Oil derricks.

4. Movable cases, counters and partitions not over five (5) feet nine (9) inches high.

5. Retaining walls which are not over thirty-two (32) inches in height, measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II or III-3A flammable liquids.

6. Water tanks supported directly on grade if the capacity does not exceed five
thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two to one (2:1).

7. Platforms, decks, walks, driveways and outside non-structural paving and flat work not being covered by a structure and not exceeding 200 square feet in area, which are not more than thirty (30) inches above grade, not over any basement or story below, not affecting Town right-of-way, and not part of an accessible route.

8. Painting, papering, installation of floor covering, cabinet work, and similar finish work.

9. Temporary motion picture, television and theater stage sets and scenery.

10. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than fifty-four (54) inches.

11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy, in which the pool walls are entirely above the adjacent grade and the pool capacity does not exceed five thousand (5000) gallons; and fish ponds, reflective pools, or other decorative water containers with a wet surface area of one hundred (100) square feet or less and a maximum depth of eighteen (18) inches to the flood rim.

12. Repairs which involve only replacement of component parts of existing work with similar materials for the purpose of maintenance, and which do not total over five hundred dollars ($500.00) in value in any twelve (12) month period, and do not affect any electrical, plumbing, or mechanical installations. Repairs include any addition, change, or modification in construction, exit facilities, permanent fixtures or equipment.

13. Swings and other playground equipment accessory to detached one- and two-family dwellings.

14. Shade cloth structures constructed for residential uses, not including service systems and not exceeding 200 square feet.

D. Sign Permits. A sign permit shall not be required for the following signs as defined in Article 13-23 of the Prescott Valley Town Code:

1. A name plate sign.

2. Temporary signs (except for banners and inflatable objects pursuant to Section 13-23-040(C)).

3. Copy changes on reader panels.

4. Minor repairs or repainting of any permitted sign.

E. Plumbing Permits. A plumbing permit shall not be required for the following:
1. The stopping of leaks in drains, soil, waste or vent pipe, provided, however, that should any concealed trap, drain pipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this administrative code.

2. The clearing of stoppages, the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

F. Electrical Permits. An electrical permit shall not be required for the following:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code.

2. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.

3. Listed cord and plug connecting temporary decorative lighting.

4. Repair or replacement of current-carrying parts of any switch, contactor or control device.

5. Reinstallation of attachment plug receptacles, but not the outlets thereof.

6. Repair or replacement of any overcurrent device of the required capacity in the same location.

7. Temporary wiring for experimental purposes in suitable experimental laboratories.

8. The wiring for temporary theater, motion picture or television stage sets.

9. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

10. Installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

G. Mechanical Permits. A mechanical permit shall not be required for the following:

1. Portable heating appliances.

2. Portable ventilating appliances and equipment.
3. A portable cooling unit.

4. Steam, hot water or chilled water piping within any heating or cooling equipment or appliances regulated by the International Mechanical Code (as hereinafter adopted and amended by Chapter 7 of the Prescott Valley Town Code).

5. The replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe.

6. A portable evaporative cooler.

7. Self-contained refrigeration systems containing 10 pounds (4.5 kg) or less of refrigerant or actuated by motors of 1 horsepower (0.75 kW) or less.

8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

H. Fuel Gas Permits. A fuel gas permit shall not be required for the following:

1. Any portable heating appliance.

2. Replacement of any minor part of equipment that does not alter approval of such equipment or make such equipment unsafe.

((Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Amended, 04/24/14; Ord. No. 801, Amended, 02/12/15; Ord. No. 816, Amended, 05/26/16; Ord No, 861, Amended, 05/23/19)

7-01-150 Application for Permit.

A. Application. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use or occupancy for which the proposed work is intended.

4. Be accompanied by plans, diagrams, computations and specifications, and other data as required in subparagraph J of this Section.

5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.

6. Be signed by the applicant, or the applicant’s authorized agent.
7. Give other data and information as may be required by the Town of Prescott Valley.

B. Action on Application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the regulations of this administrative code and the technical codes as well as laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

C. Time Limitation of Application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued. The building official is authorized to grant one extension of time not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

D. Submittal Documents. Plans, specifications (including fireplace and sewer ejector pump specifications), engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs, a survey of lot and boundary monuments and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit.

When construction documents are required to contain a seal of a qualified registrant according to ARS §32-144 (State Board of Technical Registration), all mechanical and plumbing designs shall also contain a seal of a qualified registrant. The building official may require the applicant submitting such plans or other data to demonstrate that the State Board of Technical Registration does not require that the construction documents, as submitted, be prepared by a licensed professional. Where special conditions exist, the building official may require plans, computations and specifications to be prepared and designed by a qualified registrant.

EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this administrative code and the technical codes.

E. Information on Plans and Specifications. Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this administrative code, the technical codes and all relevant laws, ordinances, rules and regulations.

Plans for buildings of other than Group R, Division 3 and Group U Occupancies shall indicate how required structural and fire-resistant integrity will be maintained where penetrations will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.
The construction documents shall show in sufficient detail the location, construction, size, exit path, and character of all portions of the means of egress in compliance with the provisions of the technical codes. In all occupancies except Group R-2, R-3, and U, the plans and specifications shall designate the number of occupants to be accommodated on every floor and in all rooms and spaces.

F. Manufacturer's Installation Instructions. Manufacturer's installation instructions, as required by this administrative code and/or the technical codes, shall be available on the job site at the time of inspection and may be required at plan review.

G. Examination of Documents. The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examination whether the construction indicated and described is in accordance with the requirements of this administrative code, the technical codes and pertinent laws or ordinances. Such plans may be reviewed and approved by other departments of the Town of Prescott Valley and other agencies with jurisdiction in the area of public health and safety prior to permit issuance.

H. Review of Construction Documents. When the building official issues a permit, the construction documents shall be designated “Reviewed for code compliance” by stamp or in writing. One set of the reviewed construction documents shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the project site and shall be open to inspection by the building official.

I. Previous Approvals. This administrative code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been issued or otherwise lawfully authorized where the construction of same has been pursued in good faith within 180 days after the effective date of this administrative code and has not been abandoned.

J. Phased Approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the complete building or structure have been submitted, provided that adequate information and detailed statements have been filed in compliance with pertinent requirements of the technical codes as adopted by the Town of Prescott Valley. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder’s own risk with the building operation and without assurance that a permit for the entire structure or building will be granted.

K. Architect or Engineer of Record. When it is required that documents be prepared by an architect or engineer, the building official may require the owner to engage and designate on the building permit application an architect or engineer who shall act as the architect or engineer of record. If the circumstances require, the owner may designate a substitute architect or engineer of record who shall perform all the duties required of the original architect or engineer of record. The building official shall be notified in writing by the owner if the architect or engineer of record is changed or is unable to continue to perform the duties.
The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

L. Deferred Submittals. For the purposes of this section, deferred submittals are defined as those portions of the design which are not submitted at the time of the application and which are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have prior approval of the building official. The architect or engineer of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the building official. Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the building official.

M. Amended Construction Documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

EXCEPTION: The building official may waive the submittal of amended construction documents if it is found that the nature of the changes are such that review of amended plans is not necessary to obtain compliance with the technical codes as adopted by the Town of Prescott Valley.

N. Retention of Construction Documents. One set of approved construction documents shall be retained by the building official for a period of not less than 90 days from the date of completion of the permitted work [for which a certificate of occupancy is issued as per Section 7-01-190(C) of this administrative code] or as required by state or local laws, whichever is more restrictive.

O. Inspection and Observation Program. When special inspection is required by the technical codes, the architect or engineer of record shall prepare an inspection program which shall be submitted to the building official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work to have special inspection, the name or names of the individuals or firms who are to perform the special inspections and shall indicate the duties of the special inspectors.

When structural observation is required by the technical codes, the inspection program shall name the individuals or firms who are to perform structural observation and shall describe the stages of construction at which structural observation is to occur.

The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work.
The inspection program shall include samples of inspection reports and provide time limits for submission of reports.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08)

7-01-160 Permit Issuance.

A. Issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of the Town of Prescott Valley to verify compliance with applicable laws. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this administrative code and the technical codes and other pertinent laws and ordinances, and that the fees specified in Section 7-01-200 of this administrative code have been paid, the building official shall issue a permit therefore to the applicant.

The building official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the technical codes. The holder of a partial permit shall proceed without assurance that the permit for the entire building, structure or building service equipment will be granted.

B. Validity of Permit. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this administrative code, the technical codes or any other ordinance of the Town of Prescott Valley. Permits presuming to give authority to violate or cancel the provisions of this administrative code, the technical codes or other ordinances of the Town of Prescott Valley shall not be valid.

The issuance of a permit based on plans, specifications and other data shall not prevent the building official from subsequently requiring correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of these codes or any other ordinances of the Town of Prescott Valley.

C. Expiration. Every permit issued under this administrative code and the technical codes shall expire if the work authorized by the permit is not (1) commenced within one hundred eighty (180) days from the date of issuance of the permit, or (2) completed within three hundred sixty-five (365) days from the date of first approval of the first inspection date. Failure to commence or complete work authorized by a permit within the time frames specified in this section is a violation of Chapter 7 “Building” of the Prescott Valley Town Code punishable pursuant to Section 7-01-130 of this administrative code.

Where a permit has expired because of permittee’s failure to commence authorized
work within one hundred eighty (180) days of issuance, no authorized work may be commenced thereafter until a new permit is issued. If no change has been made or will be made to the original plans and specifications for such work, the fee for the new permit shall be one-half (1/2) the amount normally required for a new permit. Otherwise, a full permit fee will be required.

Where a permit has expired because of permittee’s failure to complete the authorized work and obtain a Certificate of Occupancy (CO) within three hundred sixty-five (365) days of first approval of the first inspection, the building official may grant a one-time extension not to exceed one hundred eighty (180) days. This extension will have a required, nonrefundable fifty dollar ($50.00) investigation fee that shall accompany the written request for extension. A second extension of one hundred eighty (180) days may be approved by the Building Official upon payment of a new permit fee. Both extension requests shall be in writing and justifiable cause demonstrated.

The permittee has the burden of producing, upon the request of the building official, receipts, invoices, billing statements or other objective evidence showing (respectively) when the building or other authorized work commenced under the permit.

D. Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this administrative code and the technical codes when the permit is issued in error or on the basis of incorrect information supplied to the building official, or in violation of an ordinance or regulation or the provisions of these codes.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Amended, 04/24/14)

7-01-170 Fees.

A. General. Fees shall be assessed in accordance with the provisions of this section and as set forth in Section 7-01-200, "Table 1 - Valuation and Fee Schedule" (hereinafter "Table 1"), of this administrative code.

B. Permit Fees. The fee for each permit shall be based upon valuation as set forth in Table 1. However, the building official has discretion to accept the valuation supplied by the applicant in place of the "Valuation and Fees Schedule." There shall be no exemption from fees other than that listed in subparagraph 5 below. Furthermore, with regard to fees:

1. Permit fees for factory-built buildings and manufactured homes approved by the State of Arizona shall be as authorized and amended from time to time by the appropriate State agency. A schedule of said fees shall be kept on file by the building official and made available to the public upon request.

2. Except for factory-built buildings and manufactured homes approved by the State of Arizona, permits for all relocated or moved buildings or structures shall be charged the same fee as would be charged on a new building of similar construction.
3. Permits for “shell only” buildings shall be charged a fee equal to eighty percent (80%) of the fee which would be charged on the completed building. A “shell only” building is defined as a building for which HVAC, lighting, suspended ceilings, plumbing and electrical systems, partition layouts and interior finishes are not shown on the plans, and for which an application for a permit and plans for separate tenant improvements will be submitted at a later date showing these items. A “shell only” building may include fire-extinguishing systems as needed for fire protection and minimal electrical for lighting along with a slab floor. “Shell only” buildings that require or include fire sprinkler systems may also have minimal heating equipment installed in order to prevent system freezing. No occupancy or use of a “shell only” building is permitted until tenant improvement permits are issued. (Warehouses and industrial buildings shall not be considered “shell only” buildings unless they meet the definition provided herein).

4. When existing structures are altered or remodeled and no additional floor area or roof coverage is created (such as the conversion of a patio or a garage to habitable space), the valuation of the alteration or remodel shall be the difference in value of the structure before and after the alteration or remodel, provided the original structure was constructed pursuant to a previously-approved permit.

5. Buildings constructed for or by the Town of Prescott Valley and/or buildings owned by the Town of Prescott Valley shall be subject to all permits and inspections, but shall be exempt from any fees. Any plumbing, electrical or mechanical work shall comply with the relevant adopted technical codes.

C. Plan Review fees/Deposits. When a plan or other data must be submitted pursuant to Section 7-01-150(D) of this administrative code, the plan review fee or permit fee deposit pursuant to Table 1 shall be paid at the time of submitting plans and specifications for review.

The plan review fee for new single-family residences, duplex residences or for remodeling of, or additions to, existing single-family residences, duplex residences and accessory uses for such residences on the same lot shall be as follows:

Tier I: $50
Approved “Master Plan” built on an approved “Mass graded Lot”.

Tier II: 50% of building permit fee, including electrical, plumbing and mechanical fees. Approved “Master Plan” only.

Tier III: 65% of building permit fee, including electrical, plumbing and mechanical fees. All non-commercial permits.

The plan review fee for commercial, multi-family dwellings of three (3) units or more, or other structures shall be sixty-five percent (65%) of the total building permit fee, including fees for electrical, plumbing and mechanical permits.
D. Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this administrative code, the technical codes or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

E. Investigation Fees: Work Without the Required Permit.

1. Investigation Fee. Whenever work for which a permit is required by this administrative code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this administrative code. The minimum investigation fee shall be the same as the minimum fee set forth in Table 1. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of this administrative code the technical codes or from any penalty prescribed by law.

2. Fee Refunds.
   a. The building official may authorize the refund of a fee paid hereunder which was paid or collected in error.
   b. The building official may authorize the refund of not more than 80% of a permit fee paid when no work has been done under the permit issued in accordance with this administrative code.
   c. The building official may authorize the refund of not more than 80% of the plan review fee paid when the related permit application is withdrawn or canceled before the plans have been reviewed.
   d. The building official shall not authorize the refund of any fee paid except upon written application filed by the original permittee not later than 180 days after the date the fee was paid.
   e. Deposits paid pursuant to Table 1 are not refundable.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 601, Amended, 08/12/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Amended, 04/24/14)

7-01-180 Inspections.

A. General. Construction or work for which a permit is required shall be subject to
inspection by the building official. The construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspections as may be specified in the technical codes.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this administrative code, the technical codes or other ordinances of the Town of Prescott Valley. Inspections presuming to give authority to violate or cancel the provisions of this administrative code, the technical codes or other ordinances of this jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. If necessary to verify compliance with the technical codes, the building official may require removal of materials that are concealing work that needs to be inspected in order to allow for such inspection. Neither the building official nor the Town of Prescott Valley shall be liable for expenses associated with the removal or replacement of such materials for inspection purposes. Alternatively, the permittee may submit a letter signed by the permittee or its authorized representative certifying compliance with all technical codes along with a report dated, signed and sealed by an Arizona registrant certifying same. This letter and report shall be kept in the permanent file for the property. Other certification options shall be considered by the building official on a case-by-case basis.

EXCEPTION: A registrant under this Chapter 7 may perform work on a project that is necessary or incidental to the work he is registered to perform, provided he is qualified to do so and the project involved is not a public works project.

B. Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be made in writing, by telephone using the Selectron Inspection Request System or by another method approved by the building official.

It shall be the duty of the person requesting any inspections required either by this administrative code or the technical codes to provide access to and means for inspection of the work.

C. Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official shall make the requested inspections and shall either indicate that that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder that the completed work fails to comply with this administrative code or relevant technical codes. Any portions of the work identified as noncompliant shall be corrected and shall not be covered or concealed until authorized by the building official.

There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.
D. Required Building Inspections. Reinforcing steel or structural framework of a part of a building or structure shall not be covered or concealed without approval of the building official. Protection of joints and penetrations in fire-resistant assemblies shall not be concealed from view until inspected and approved by the building official.

Upon notice, the building official shall make the following inspections:

1. **Footing** - Footing inspection shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete footings, any required forms shall be in place prior to inspection. All footings shall extend thru clay layer or engineering will be required.

2. **Stem Wall/Grout** - Stem wall inspections of masonry or formed concrete walls shall be made prior to any grout or concrete being placed after the masonry units and required forms are completed and any required reinforcing steel installed, including the installation of any required framing attachments, which shall be secured in the wall.
   
a. **Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection.** Reinforced masonry walls, insulating concrete form (ICF) walls and conventionally formed concrete walls shall be inspected after plumbing, mechanical and electrical systems embedded within the walls, and reinforcing steel are in place and prior to placement of grout or concrete. Inspection shall verify the correct size, location, spacing and lapping of reinforcing. For masonry walls, inspection shall also verify that the location of grout cleanouts and size of grout spaces comply with the requirements of this code.

3. **Floodplain Inspections** - For construction in areas prone to flooding, as determined by the Engineering Department, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the Building Official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including the basement.

4. **Under-slab Plumbing/Water, Sewer Yardlines** - Drain, waste and vent piping installed with proper slope and test. Water distribution lines installed and hot water piping insulated. Water yardline installed with proper tracer wire and burial depth, connected to meter set per Town standards. Sewer yardline installed with proper slope, cleanouts, backwater valve and tracer wire. Connection to sewer tap by approved methods. All items to be inspected prior to backfilling.
Exception: Back-filling of ground-source heat pump loop systems tested in accordance with Section M2105.28 prior to inspection shall be permitted as per the 2018 International Residential Code.

5. **Concrete Slab and Under-floor Inspection** - Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the sub floor. Residential building concrete slab inspections shall include the garage floor.

   Exception: Concrete flat work (driveways, sidewalks, and pads not to be used in connection with a structural component.)

6. **Roof Nailing / Exterior Braced Wall Panels and Trusses** - Roof nailing and exterior braced wall panel inspection shall be made after the roof deck sheathing, exterior wall sheathing and required wall framing attachments are in place and prior to the installation of the roofing material and exterior wall covering. All required wall framing attachments to the foundation and stem wall systems shall be in place. Trusses shall have all uplift connectors and lateral braces installed per plans and engineering. NO MECHANICAL OR ELECTRICAL TO BE INSTALLED UNTIL STRUCTURE IS DRIED IN.

7. **Rough Combo Inspection** - Rough combo inspection shall be made after all framing, fire-blocking, windows, and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating, wiring, pipes and ducts are installed. All penetrations through the floor and through the top plate into the attic must be sealed and exterior lath installed and roof completely dried in with either the roofing material or approved roofing paper.

8. **Moisture/Air Barrier** - A moisture barrier inspection shall be performed after all flashings, windows and moisture barrier are installed prior to the installation of any exterior wall covering. An inspection shall not be required if the installer is certified by the product manufacturer to install the product. A copy of the certification is required at Final Inspection.

9. **Insulation Inspection** - Insulation inspection shall be made after rough combo inspection and all rough plumbing, mechanical, gas and electrical systems are approved and prior to covering or concealment. All vent baffles shall be installed. Blown or sprayed roof/ceiling insulation may be verified before final inspection with markers affixed to the trusses or joists and marked with the insulation thickness by one inch (1”) high numbers. A minimum of one (1) marker shall be provided for each three hundred (300) square feet of area with
numbers to face the attic access opening. In addition to an insulation inspection, a certificate from the insulation installer shall be submitted.

10. **Gypsum Board and Exterior Lath** - An inspection shall be made of the gypsum board, interior and exterior, before any joints and fasteners are taped and finished. The exterior lath inspection shall be made at this time.

   a. **Fire-resistant penetrations and fire-resistance-rated construction inspection.** Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the Building Official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

11. **Special Inspections** - For special inspections, see Section 1704 of the 2012 International Building Code.

12. **Other Inspections** - In addition to the inspections specified above, the Building Official is authorized to make or require other inspection of any construction work to ascertain compliance with the provision of this code and other laws that are enforced by the department of Building Safety.

13. **Final Inspection** - Final inspection shall be made after the permitted work is completed and prior to occupancy.

   a. **Inspection Agencies** - The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

   b. **Inspection Requests** - It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

   c. **Approval Required** - Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall perform the requested inspection and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such
portion shall not be covered or concealed until authorized by the Building Official.

d. **Re-inspection** - A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed for any reason including but not limited to the following:

- When the Building Display Card is not posted or otherwise displayed on the work site.
- When the approved plans are not readily available to the inspector.
- For failure to provide access on the date for which the inspection is requested.
- For deviating from approved plans thereby requiring the approval of the Building Official.
- For multiple trips (two or more) to verify if correction items have been completed.

In instances where re-inspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

E. **Required Building Service Equipment Inspections.**

1. **General.** Building service equipment for which a permit is required by this administrative code shall be inspected by the building official. Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. When the installation of building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by the technical codes shall not be connected to the water, fuel or power supply, or sewer system until authorized by the building official.

2. **Operation of Building Service Equipment.** The requirements of this section shall not be considered to prohibit the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building provided that a request for inspection of such building service equipment has been filed with the building official within 48 hours after the replacement work is completed and before any portion of such building service equipment is concealed by permanent portions of the building.
3. Other Inspections. In addition to the called inspections specified above, the building official may make or require other inspections of construction work to ascertain compliance with the provisions of this administrative code and technical codes and other laws which are enforced by the Town of Prescott Valley.

4. 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 are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the permit card is not posted on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official, or for not completing all correction items listed in a previous inspection.

To obtain a reinspection, the applicant shall pay the reinspection fee in accordance with Table 1.

((Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Amended, 04/24/14; Ord. No. 861, Amended, 05/23/19))

7-01-190 Certificate of Occupancy.

A. Use or Occupancy. No building or structure shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this administrative code, the technical codes or other ordinances of the Town of Prescott Valley.

B. Change in Use. Changes in the character or use of a building shall comply with all applicable codes for the new use.

C. Certificate Issued. After the building official inspects the building or structure and finds no violations of the provisions of this administrative code or other laws which are enforced by the Town of Prescott Valley, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.

2. The address of the structure.

3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.

5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this administrative code and the technical codes, for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

6. The name of the building official.

7. The edition of the code under which the permit was issued.

8. The use and occupancy, in accordance with the provisions of the technical codes as adopted.

9. The type of construction as defined by the technical codes as adopted.

10. The design occupant load.

11. If an automatic sprinkler system is provided, whether the sprinkler system is required.

12. Any special stipulations and conditions of the building permit.

D. Temporary Occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid, which time period shall not exceed 90 days for R-3 and U occupancies and 180 days for all other uses.

E. Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

F. Revocation. The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this administrative code when the certificate is issued in error or on the basis of incorrect information, or when it is determined that the building or structure or portion thereof is in violation of an ordinance, regulation or the provisions of this administrative code or the technical codes.

G. Certificate of Completion. The building official is authorized to issue a certificate of completion only for non-occupiable buildings such as shell buildings and specialty restrictive construction.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Amended, 04/24/14; Ord. No. 861, Amended, 05/23/19)

7-01-200 Valuation and Fee Schedule.

A. Valuation. Valuations shall be determined as set forth in that certain document called

The annual publication of “Building Valuation Data” as published by the Building Safety Journal shall automatically be adopted, effective July 1 following publication, absent specific action to the contrary by the Town Council. The same modifier and rounding described above shall be applied to the new valuations per square foot in each subsequent publication. A copy of the most current “Building Valuation Data” shall be kept on file by the building official (as well as by the Town Clerk) for public inspection.

Valuation for categories of construction not specifically covered by the applicable “Building Valuation Data” shall be established by the building official in a separate listing (kept on file at the Community Development Office and also filed with the Town Clerk for public inspection), and are expressly adopted herein and made a part hereof. The building official shall annually review such valuations and make adjustments based on the valuations in the publication of “Building Valuation Data” contained in the May edition of the Building Safety Journal.

### TABLE NO. 1 - VALUATION AND FEE SCHEDULE

**ADDITIONAL SPECIFIC VALUATION DATA**

1. **Agricultural Buildings:**
   - Barns/Greenhouses - Wood: $11.00/square foot
   - Barns/Greenhouses - Masonry: $13.00/square foot

2. **Awnings or Canopy Supported by Building:**
   - Canvas: $7.50/square foot
   - Fiberglass: $7.50/square foot
   - Metal: $7.50/square foot
   - Wood: $7.50/square foot

3. **Factory Built Buildings per State of Arizona Office of Manufactured Housing:**
   - Per current allowable fee schedule of the Arizona Department of Fire, Building and Life Safety (Office of Manufactured Housing).

4. **Fence/Freestanding Wall/Retaining Wall:**
   - Concrete/Masonry: $12.00/lineal foot over 6 feet high
   - Iron/Wood/Chain-Link: $7.00/lineal foot over 6 feet high
   - Retaining Walls: $13.00/lineal foot over 32 inches high

* If less than four (4) feet high for concrete or masonry and less than six (6) feet high for all other fence types, only a Zoning Permit is required.
If four (4) feet or more in height for concrete or masonry and six (6) feet or more in height for all other fence types, a building permit is required.

5. **Foundations:**
   - Pilings - CIP Cone.................................................. $ 11.00/lineal foot
   - Pilings - Steel......................................................... $ 16.50/lineal foot
   - Footings............................................................... $ 13.00/lineal foot

6. **Garage/Carport (Private):**
   - Garage - Wood Frame........................................... $ 46.00/square foot
   - Garage - Masonry.................................................... $ 46.00/square foot
   - Open Carports....................................................... $ 46.00/square foot
   - Metal Garages....................................................... $ 46.00/square foot

7. **Manufactured Homes per State of Arizona Office of Manufactured Housing:**
   Per current allowable fee schedule of the Arizona Department of Fire, Building and Life Safety (Office of Manufactured Housing).

8. **Patio/Deck/Shed/Porch:**
   - AZ Room............................................................. $ 31.50/square foot
   - Covered Patio, wood.............................................. $ 46.00/square foot
   - Covered Deck..................................................... $ 31.50/square foot
   - Open Deck.......................................................... $ 7.50/square foot
   - Open Patio, wood................................................ $ 7.50/square foot
   - Screened -in Porch............................................... $ 13.00/square foot
   - Pre-Fab Metal Awning.......................................... $ 7.50/square foot
   - Gazebo............................................................... $ 7.50/square foot
   - Ramada.............................................................. $ 11.00/square foot
   - Ramada over Concrete......................................... $ 13.00/square foot

9. **Remodeling/Additions:**
   - Unfinished Basements.......................................... $ 21.00/square foot
   - Exterior siding.................................................... $ 3.50/lineal foot
   - Interior Partitions................................................ $ 26.00/lineal foot
   - Exterior Plastering............................................... $ 3.50/lineal foot
   - Interior Plastering............................................... $ 3.50/lineal foot
   - Stone/Brick Veneer............................................... $ 5.50/lineal foot
   - Windows/Sliding Doors........................................ $ 6.50/lineal foot
   - Stairs Exterior or Interior..................................... $ 7.50/lineal foot

10. **Re-Roof:**
    - Asphalt.......................................................... $ 3.50/square foot
    - Fiberglass....................................................... $ 3.50/square foot
    - Wood Shakes..................................................... $ 3.50/square foot
    - Concrete or Clay tile.......................................... $ 4.00/square foot
    - Rolled Roofing................................................. $ 2.50/square foot
11. **Shell-Only Buildings:**
The valuation for shell-only buildings shall be taken as 80% of the valuation for the completed building when the ultimate use is specified.

**DEFINITION:** A “shell-only” building is defined as a building for which HVAC, lighting, suspended ceilings, plumbing and electrical systems, partition layouts and interior finishes are not shown on the plans, and for which an application for a permit and plans for separate tenant improvements will be submitted at a later date showing these items. A “shell-only” building may include fire-extinguishing systems as needed for fire protection and minimal electrical for lighting along with a slab floor. “Shell-only” buildings that require or include fire sprinkler systems may also have minimal heating equipment installed in order to prevent system freezing. Warehouses and industrial buildings shall not be considered “shell-only” buildings unless they meet the definition provided herein.

12. **Storage Buildings (Non-Commercial):**

**Greater than 144 sq. ft.**

- Metal/Engineered .............................................. $ 9.00/square foot
- Wood..................................................................... $ 18.50/square foot

**Greater than 400 sq. ft.**

- Wood..................................................................... $ 17.50/square foot
- Masonry.................................................................. $ 19.50/square foot
- Metal/Engineered.................................................. $ 10.00/square foot

13. **Tenant Improvements (Commercial):**

The valuation of the tenant improvement shall be $43.00 per sq. ft., (which includes plumbing, mechanical and electrical or the actual construction cost estimate as determined by the building official).

**OTHER INSPECTIONS AND FEES**

1. **Demolition:**

   - Commercial: 2500 s.f. or less................................. $107.00
   - 2501 s.f. or greater.......................................... $160.50
   - Residential....................................................... $107.00
   - Manufactured Homes........................................ $ 53.50

2. **Inspections:**

   - Compliance Inspections...................................... $ 53.50 (unless otherwise specified by other Code provision)

   [If no fee specified (includes courtesy, housing and dangerous housing inspections)]......... $ 53.50/hr*
Prescott Valley, Arizona

[If inspections outside normal business hours]....... $53.50/hr*

* minimum 1 hour

3. **Membrane Structures:**
   - Air Supported Structures................................. $53.50
   - Canopies.................................................. $26.75
   - Tents................................................................ $80.25

4. **Plan Review:**
   - [Use of outside consultants for plan review]....... (actual Town cost)
   - [Additional review required by changes, additions or revisions to approved plans]........... $53.50/hr*

   * minimum 1 hour

5. **Private Swimming Pools (not including electrical, mechanical, plumbing):**
   ........................................................................ $107.00

6. **Public Swimming Pools (not including electrical, mechanical, plumbing):**
   ........................................................................ $214.00

7. **Recorded Notice to Subsequent Buyers of Approved Exceptions or Code Non-Compliance:**
   ........................................................................ $53.50

8. **Reinspection Fees per §7-01-180 of Administrative Code:**
   ........................................................................ $53.50/hr*

   * minimum 1 hour

9. **Signs:**
   - [See Town Code §13-23-110(A)(4) (as amended)]

10. **Spas or Whirlpools (not including electrical, mechanical and plumbing):**
    - Residential....................................................... $53.50
    - Public............................................................... $107.00

11. **Spray Booths (including suppression system, structure, and utilities):**
    ........................................................................ $53.50*

    *or total hourly cost to Town (whichever is greater). Includes supervision, overhead, equipment, hourly wages and fringe benefits of employees involved.

GRADING PLAN REVIEW FEES (Plan Review Fees are based on larger of cut or fill)

- 50 cubic yards or less........................................... (no fee)
- 51 to 100 cubic yards......................................... $25.15
- 101 to 1,000 cubic yards..................................... $39.60
BUILDING

1,001 to 10,000 cubic yards................................. $ 52.70
10,001 to 100,000 cubic yards.............................. $ 52.70 (first 10,000 cubic yards, plus $ 26.20 for each additional 10,000 cubic yards or fraction thereof)
100,001 to 200,000 cubic yards............................. $288.65 (first 100,000 cubic yards, plus $ 14.15 for each additional 10,000 cubic yards or fraction thereof)
200,001 cubic yards or more................................. $430.40 (first 200,000 cubic yards, plus $7.75 for each additional 10,000 cubic yards or fraction thereof)

[Use of outside consultants for plan review].......... (actual Town cost)
[Additional review required by changes, additions or revisions to approved plans]......... $ 53.50/hr*

* minimum 1 hour

GRADING PERMIT FEES (Permit Fees are based on combined total of cut and fill)

50 cubic yards or less........................................... $ 25.15
51 to 100 cubic yards......................................... $ 39.60
101 to 1,000 cubic yards.................................... $ 39.60 (first 100 cubic yards plus $ 18.70 for each additional 100 cubic yards or fraction thereof)
1,001 to 10,000 cubic yards................................. $208.10 (first 1,000 cubic yards, plus $ 15.50 for each additional 1,000 cubic yards or fraction thereof)
10,001 to 100,000 cubic yards.............................. $347.75 (first 10,000 cubic yards, plus $ 70.60 for each additional 10,000 cubic yards or fraction thereof)
100,001 cubic yards or more................................. $983.30 (first 100,000 cubic yards, plus $ 39.05 for each additional 10,000 cubic yards or fraction thereof)

Reinspection Fees per §7-01-180(E)..................... $ 53.50/hr*
[If no fee specified]........................................... $ 53.50/hr*
[If inspections outside normal business hours]....... $ 53.50/hr*

* minimum 1 hour; or actual Town cost for supervision, overhead, equipment, wages, and fringe benefits of employees involved (whichever is greater).

MECHANICAL ELECTRICAL AND PLUMBING FEES
1. **Mechanical:**

   $26.75 (or $0.02 per square foot, whichever is greater)

2. **Electrical:**

   $32.10 (or $0.04 per square foot, whichever is greater)

3. **Plumbing:**

   $53.50 (or $0.03 per square foot, whichever is greater)

**BUILDING PERMIT FEES**

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<th>Total Valuation</th>
<th>Fee (Total Valuation)</th>
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<tr>
<td>$1.00 to $500.00</td>
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<td>$100,001.00 and above</td>
<td>$737.75*</td>
</tr>
</tbody>
</table>

* An additional fee may be added to each building permit as follows:

- **Mechanical:** $26.75 or $0.02 per square foot (whichever is greater)
- **Electrical:** $26.75 or $0.04 per square foot (whichever is greater)
- **Plumbing:** $26.75 or $0.03 per square foot (whichever is greater)

**Deposits may be required at the time of application as follows:**
Commercial/Industrial
   New construction.............................................$321.00
   Additions/Remodels...........................................$107.00
   Small tenant improvements.................................$ 32.10

Manufactured Homes.............................................$ 64.20

Other Residential
   New construction.............................................$107.00
   Additions/Remodels
      $ 5,000.00 or less valuation..............$ 26.75
      $ 5,001.00 to $10,000.00 valuation......$ 53.50
      $10,001.00 to $15,000.00 valuation. $ 64.20
      $15,001.00 to $25,000.00 valuation. $ 80.25
      $25,000.00 or more valuation.......... $107.00

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 601, Amended, 08/12/04; Ord. No. 620, Amended, 04/28/05; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Amended, 04/24/14; Ord. No. 837, Amended, 11/16/17; Ord. No. 861, Amended, 05/23/19)
Article 7-02 ADOPTION OF THE 2018 INTERNATIONAL BUILDING CODE (IBC)

7-02-005 Adoption of the International Building Code.
7-02-010 Amendment of Chapter 1, SCOPE AND ADMINISTRATION, of the International Building Code.
7-02-020 Amendment of Chapter 2, DEFINITIONS, of the International Building Code.
7-02-030 Amendment of Chapter 3, OCCUPANCY CLASSIFICATION AND USE, of the International Building Code.
7-02-040 Amendment of Chapter 4, SPECIAL DETAILED REQUIREMENTS BASED ON OCCUPANCY AND USE, of the International Building Code.
7-02-050 Amendment of Chapter 5, GENERAL BUILDING HEIGHTS AND AREAS, of the International Building Code.
7-02-060 Chapter 6, TYPES OF CONSTRUCTION, of the International Building Code.
7-02-070 Chapter 7, FIRE AND SMOKE PROTECTION FEATURES, of the International Building Code.
7-02-080 Chapter 8, INTERIOR FINISHES, of the International Building Code.
7-02-090 Amendment of Chapter 9, FIRE PROTECTION AND LIFE SAFETY SYSTEMS, of the International Building Code.
7-02-100 Chapter 10, MEANS OF EGRESS, of the International Building Code.
7-02-110 Chapter 11, ACCESSIBILITY, of the International Building Code.
7-02-120 Amendment of Chapter 12, INTERIOR ENVIRONMENT, of the International Building Code.
7-02-130 Reserved.
7-02-140 Chapter 14, EXTERIOR WALLS, of the International Building Code.
7-02-150 Amendment of Chapter 15, ROOF ASSEMBLIES AND ROOF TOP STRUCTURES, of the International Building Code.
7-02-160 Amendment of Chapter 16, STRUCTURAL DESIGN, of the International Building Code.
7-02-170 Chapter 17, SPECIAL INSPECTIONS AND TESTS, of the International Building Code.
7-02-180 Amendment of Chapter 18, SOILS AND FOUNDATIONS, of the International Building Code.
7-02-190 Amendment of Chapter 19, CONCRETE, of the International Building Code.
7-02-200 Chapter 20, ALUMINUM, of the International Building Code.
7-02-210 Amendment of Chapter 21, MASONRY, of the International Building Code.
7-02-220 Chapter 22, STEEL, of the International Building Code.
7-02-230 Amendment of Chapter 23, WOOD, of the International Building Code.
7-02-240 Chapter 24, GLASS AND GLAZING, of the International Building Code.
7-02-250 Chapter 25, GYPSUM BOARD, GYPSUM PANEL PRODUCTS AND PLASTER, of the International Building Code.
7-02-260 Chapter 26, PLASTIC, of the International Building Code.
7-02-270 Chapter 27, ELECTRICAL, of the International Building Code.
7-02-280 Chapter 28, MECHANICAL SYSTEMS, of the International Building Code.
7-02-290 Amendment of Chapter 29, Plumbing Systems, of the International Building Code.
7-02-300 Chapter 30, ELEVATORS AND CONVEYING SYSTEMS, of the International Building Code.
7-02-310 Chapter 31, SPECIAL CONSTRUCTION, of the International Building Code.
7-02-320 Chapter 32, ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY, of the International Building Code.
7-02-330 Chapter 33, SAFEGUARDS DURING CONSTRUCTION, of the International Building Code.
7-02-340 Amendment of Chapter 34, RESERVED, of the International Building Code.
7-02-350 Chapter 35, REFERENCED STANDARDS, of the International Building Code.

7-02-005 Adoption of the International Building Code.

The International Building Code, 2018 Edition, along with Appendices C, F, H, I and J, all as copyrighted by the International Code Council, with amendments contained in this document, are hereby adopted by reference as though fully set forth herein, as one of the technical codes of the Town of Prescott Valley. At least three (3) copies of the aforesaid IBC shall be filed in the Office of the Town Clerk and made available for public use and inspection.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 20, Amended, 01/10/80; Ord. No. 56, Amended, 08/27/81; Ord. No. 90, Rep&ReEn, 12/15/83; Ord. No. 154, Rep&ReEn, 08/27/87; Ord. No. 174, Amended, 02/25/88; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 178, Ren&Amd, 05/26/88, 7-05-010; Ord. No. 237, Ren&Amd, 09/13/90, 7-01-010; Ord. No. 237, Ren&Amd, 09/13/90, 7-09; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 375, Renumbered, 12/28/95, 7-02; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn 05/23/19)

7-02-010 Amendment of Chapter 1, SCOPE AND ADMINISTRATION, of the International Building Code.

A. SECTION 101, GENERAL, Subsection 101.1, Title, is hereby amended to read as follows:

SECTION 101 - GENERAL

101.1 Title. These regulations shall be known as the Building Code of the Town of Prescott Valley, hereinafter referred to as “this code.”

B. SECTION 101, GENERAL, Subsection 101.4.6, Energy, is hereby deleted in its entirety.

C. SECTION 101, GENERAL, is hereby amended by adding the following Subsection, to read as follows:

SECTION 101 - GENERAL

101.5 Administration of Building Code. This code shall be administered pursuant to Article 7-01, THE TOWN OF PRESCOTT VALLEY ADMINISTRATIVE CODE, in Chapter 7, BUILDING, of the Prescott Valley Town Code.
D. SECTION 102, APPLICABILITY, is hereby deleted in its entirety.

E. SECTION 103, DEPARTMENT OF BUILDING SAFETY, is hereby deleted in its entirety.

F. SECTION 104, DUTIES AND POWERS OF BUILDING OFFICIAL, is hereby deleted in its entirety.

G. SECTION 105, PERMITS, is hereby deleted in its entirety.

H. SECTION 107, SUBMITTAL DOCUMENTS, is hereby deleted in its entirety.

I. SECTION 108, TEMPORARY STRUCTURES AND USES, is hereby deleted in its entirety.

J. SECTION 109, FEES, is hereby deleted in its entirety.

K. SECTION 110, INSPECTIONS, is hereby deleted in its entirety.

L. SECTION 111, CERTIFICATE OF OCCUPANCY, is hereby deleted in its entirety.

M. SECTION 112, SERVICE UTILITIES, is hereby deleted in its entirety.

N. SECTION 113, BOARD OF APPEALS, is hereby deleted in its entirety.

O. SECTION 114, VIOLATIONS, is hereby deleted in its entirety.

P. SECTION 115, STOP WORK ORDER, is hereby deleted in its entirety.

Q. SECTION 116, UNSAFE STRUCTURES AND EQUIPMENT, is hereby deleted in its entirety.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-020 Amendment of Chapter 2, DEFINITIONS, of the International Building Code.

A. SECTION 201, GENERAL, Subsection 201.4, Terms Not Defined, is hereby amended in its entirety to read as follows:

SECTION 201 - GENERAL

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings and terms shall have their ordinarily accepted meanings within the context with which they are used.

B. SECTION 202, DEFINITIONS, is hereby amended as follows:
SECTION 202 - DEFINITIONS

ALTERATION. Any change, modification, construction or renovation to an existing structure or building service equipment other than repair or addition.

APPROVED. Approval by the building official of materials, types of construction, equipment and systems as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

APPROVED AGENCY. An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the building official.

BUILDING OFFICIAL. The officer charged with the administration and enforcement of this code, his designee or a duly authorized representative.

JURISDICTION. A state or political subdivision which adopts this code for administrative regulations within its area of authority.

LISTED. Terms referring to equipment and materials included in a list published by an approved testing laboratory, inspection agency or other organization concerned with evaluation of products that maintains periodic inspection of current production of listed equipment or materials. The published list shall state that the material or equipment complies with approved nationally recognized codes, standards or tests and has been tested or evaluated and found suitable for use in a specified manner.

PERMIT. An official document or certificate issued by the building official which authorizes performance of a specified activity.

REPAIR. The reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)
Amendment of Chapter 3, OCCUPANCY CLASSIFICATION AND USE, of the
International Building Code.

A. SECTION 305, EDUCATIONAL GROUP E, Subsection 305.1, Educational Group E, is
hereby deleted in its entirety.

B. SECTION 305, EDUCATIONAL GROUP E, Subsection 305.1, Educational Group E,
Subsubsection 305.1.1, Accessory to Places of Religious Worship, is hereby deleted in
its entirety.

C. SECTION 305, EDUCATIONAL GROUP E, Subsection 305.2, Group E, Day Care Facilities,
Subsubsection 305.2.1, Within Places of Religious Worship, is hereby deleted in its
entirety.

D. SECTION 305, EDUCATIONAL GROUP E, Subsection 305.2, Group E, Day Care Facilities,
is hereby amended by adding the following Exception, to read as follows:

SECTION 305 - EDUCATIONAL GROUP E

305.2 Group E, Day Care Facilities.

Exception: A child day care facility complying with the requirements of ARS
§36-897 et seq. and providing child care for less than 24 hours per day for not
less than five (5) children but no more than ten (10) children through the age
of twelve years shall be classified as Group R-3, provided that all child care
rooms are located on the level of exit discharge and each child care room has
an exit door directly to the exterior.

E. SECTION 308, INSTITUTIONAL GROUP I, Subsection 308.2, Institutional Group I-1, is
hereby amended in its entirety to read as follows:

SECTION 308 - INSTITUTIONAL GROUP I

308.2 Institutional Group I-1. This occupancy shall include buildings, structures or
parts thereof housing more than 10 persons, on a 24-hour basis, who because of age,
mental disability or other reasons, live in a supervised residential environment that
provides personal care services. The occupants are capable of responding to an
emergency situation without physical assistance from staff. This group shall include,
but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- Convalescent facilities
- Group Homes
Halfway houses  
Residential board and custodial care facilities  
Social rehabilitation facilities

F. SECTION 308, INSTITUTIONAL GROUP I, Subsection 308.2, Institutional Group I-1, Subsubsection 308.2.3, Six to Sixteen Persons Receiving Custodial Care, is hereby amended in its entirety to read as follows:

SECTION 308 - INSTITUTIONAL GROUP I

308.2 Institutional Group I-1.

308.2.3 Six to Ten Persons Receiving Custodial Care. A facility such as above, housing at least six and not more than 10 persons, shall be classified as Group R-4.

G. SECTION 308, INSTITUTIONAL GROUP I, Subsection 308.2, Institutional Group I-1, Subsubsection 308.2.4, Five or Fewer Persons Receiving Custodial Care, is hereby amended in its entirety to read as follows:

SECTION 308 - INSTITUTIONAL GROUP I

308.2 Institutional Group I-1.

308.2.4 Five or Fewer Persons Receiving Custodial Care. A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2 of the International Building Code.

H. SECTION 308, INSTITUTIONAL GROUP I, Subsection 308.3, Institutional Group I-2, is hereby amended in its entirety to read as follows:

SECTION 308 - INSTITUTIONAL GROUP I

308.3 Institutional Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing, custodial, personal, or directed care on a 24-hour basis for more than five persons who are not capable of self-preservation by responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

Foster care facilities  
Detoxification facilities  
Hospitals  
Nursing homes  
Psychiatric hospitals
This occupancy shall also include buildings and structures used for assisted living homes providing supervisory, personal, or directed care on a 24-hr basis for more than 10 persons who are not capable of self-preservation by responding to an emergency situation without physical assistance from staff. A facility such as the above with ten or fewer persons shall be classified as R-4 Condition 2.

I. SECTION 308, INSTITUTIONAL GROUP I, Subsection 308.3, Institutional Group I-2, Subsubsection 308.3.2, Five or Fewer Persons Receiving Medical Care, is hereby amended in its entirety to read as follows:

SECTION 308 - INSTITUTIONAL GROUP I

308.3 Institutional Group I-2.

308.3.2 Five or Fewer Persons Receiving Medical Care. A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2 of the International Building Code.

J. SECTION 308, INSTITUTIONAL GROUP I, Subsection 308.5, Institutional Group I-4, Day Care Facilities, Subsubsection 308.5.2, Within a Place of Religious Worship, is hereby deleted in its entirety.

K. SECTION 308, INSTITUTIONAL GROUP I, Subsection 308.5, Institutional Group I-4, Day Care Facilities, is hereby amended by adding the following Exception, to read as follows:

SECTION 308 - INSTITUTIONAL GROUP I

308.5 Institutional Group I-4, Day Care Facilities.

Exception: A child day care facility complying with the requirements of ARS §36-897 et seq. and providing child care for less than 24 hours per day for not less than five (5) children but no more than ten (10) children through the age of twelve years shall be classified as Group R-3, provided that all child care rooms are located on the level of exit discharge and each child care room has an exit door directly to the exterior.

L. SECTION 310, RESIDENTIAL GROUP R, Subsection 310.4, Residential Group R-3, is hereby amended in its entirety to read as follows:

SECTION 310, RESIDENTIAL GROUP R
310.4 Residential Group R-3. Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, as follows:

Buildings that do not contain more than two dwelling units as applicable in Section 101.2 of the International Residential Code.

Adult and child care facilities that provide accommodations for five or fewer persons of any age.

Adult and child care facilities that are within a single-family home are permitted to comply with the International Residential Code in accordance with Section 101.2 of the International Building Code.

M. SECTION 310, RESIDENTIAL GROUP R, Subsection 310.5, Residential Group R-4, is hereby amended in its entirety to read as follows:

SECTION 310, RESIDENTIAL GROUP R

310.5 Residential Group R-4. This occupancy includes the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as Group R-1, R-2, R-3 or an Institutional Group I. Residential occupancies shall include the following:

Buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 10 occupants, including staff.

310.5.1 Condition 1. This occupancy condition shall include facilities licensed to provide supervisory care services, in which occupants are capable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 1 facilities housing more than 10 persons shall be classified as a Group I-1.

310.5.2 Condition 2. This occupancy condition shall include facilities licensed to provide personal or directed care services, in which occupants are incapable of self-preservation by responding to an emergency without physical assistance from staff. Condition 2 facilities housing more than 10 persons shall be classified as Group I-2.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-040 Chapter 4, SPECIAL DETAILED REQUIREMENTS BASED ON OCCUPANCY AND USE, of the International Building Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)
Amendment of Chapter 5, GENERAL BUILDING HEIGHTS AND AREAS, of the International Building Code.

A. SECTION 502, BUILDING ADDRESS, Subsection 502.1, Address Identification, is hereby amended in its entirety to read as follows:

SECTION 502 - BUILDING ADDRESS

502.1 Address Identification. New or replacement address numbers shall be displayed on all buildings, without regard to actual occupancy (with the exception of accessory buildings as defined from time to time in the Zoning Code). Said address numbers shall be a minimum height of six (6) inches for all buildings, shall have a stroke not less than one-half inch (1/2") wide, shall contrast with their background in direct light, and shall either be located near a light source on the building (so as to be capable of being indirectly illuminated) or shall be reflective. If the address numbers for a building are not clearly visible from the street where the building is located, they shall be posted where they are otherwise clearly visible from that street.

(Ord. No. 49, Enacted, 01/22/81; Ord. No. 54, Amended, 06/25/81; Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 350, Amended, 02/09/95; Ord. No. 350, Amended, 02/09/95; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

Chapter 6, TYPES OF CONSTRUCTION, of the International Building Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

Chapter 7, FIRE AND SMOKE PROTECTION FEATURES, of the International Building Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

Chapter 8, INTERIOR FINISHES, of the International Building Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

Amendment of Chapter 9, FIRE PROTECTION AND LIFE SAFETY SYSTEMS, of the International Building Code.

A. SECTION 901, GENERAL, is hereby amended in its entirety to read as follows:

SECTION 901 - GENERAL
Fire protection and life safety systems shall be installed, repaired, operated, maintained and enforced in accordance with the requirements of the Central Arizona Fire and Medical Authority (CAFMA) and the International Fire Code (as adopted and amended from time to time by CAFMA, collectively, “CAFMA requirements.” The Building Official shall assist CAFMA in the inspection, testing and oversight of fire protection systems as may be required from time-to-time. The Building Official shall withhold approvals where fire protection systems are not in compliance with CAFMA requirements.

B. SECTION 902, FIRE PUMP AND RISER ROOM SIZE, is hereby deleted in its entirety.

C. SECTION 903, AUTOMATIC SPRINKLER SYSTEMS, is hereby deleted in its entirety.

D. SECTION 904, ALTERNATIVE AUTOMATIC FIRE-EXTINGUISHING SYSTEMS, is hereby deleted in its entirety.

E. SECTION 905, STANDPIPE SYSTEMS, is hereby deleted in its entirety.

F. SECTION 906, PORTABLE FIRE EXTINGUISHERS, is hereby deleted in its entirety.

G. SECTION 907, FIRE ALARM AND DETECTION SYSTEMS, is hereby deleted in its entirety.

H. SECTION 908, EMERGENCY ALARM SYSTEMS, is hereby deleted in its entirety.

I. SECTION 909, SMOKE CONTROL SYSTEMS, is hereby deleted in its entirety.

J. SECTION 910, SMOKE AND HEAT REMOVAL, is hereby deleted in its entirety.

K. SECTION 911, FIRE COMMAND CENTER, is hereby deleted in its entirety.

L. SECTION 912, FIRE DEPARTMENT CONNECTIONS, is hereby deleted in its entirety.

M. SECTION 913, FIRE PUMPS, is hereby deleted in its entirety.

N. SECTION 914, EMERGENCY RESPONDER SAFETY FEATURES, is hereby deleted in its entirety.

O. SECTION 915, CARBON MONOXIDE DETECTION, is hereby deleted in its entirety.

P. SECTION 916, GAS DETECTION SYSTEMS, is hereby deleted in its entirety.

Q. SECTION 917, MASS NOTIFICATION SYSTEMS, is hereby deleted in its entirety.

R. SECTION 918, EMERGENCY RESPONDER RADIO COVERAGE, is hereby deleted in its entirety.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)
7-02-100 Chapter 10, MEANS OF EGRESS, of the International Building Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-110 Chapter 11, ACCESSIBILITY, of the International Building Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 614, Amended, 02/10/05; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-120 Chapter 12, INTERIOR ENVIRONMENT, of the International Building Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-130 Reserved.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-140 Chapter 14, EXTERIOR WALLS, of the International Building Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-150 Amendment of Chapter 15, ROOF ASSEMBLIES AND ROOFTOP STRUCTURES, of the International Building Code.

A. SECTION 1507, REQUIREMENTS FOR ROOF COVERINGS, Subsection 1507.3 Clay and Concrete Tile, Subsubsection 1507.3.1 Deck Requirements, is hereby amended in its entirety to read as follows:

SECTION 1507 - REQUIREMENTS FOR ROOF COVERINGS

1507.3, Clay and Concrete Tile.

1507.3.1, Deck Requirements. Clay or concrete tile shall be installed over a solidly sheathed roof deck.

B. SECTION 1507, REQUIREMENTS FOR ROOF COVERINGS, Subsection 1507.4 Metal Roof Panels, Subsubsection 1507.4.1 Deck Requirements, is hereby amended in its entirety to read as follows:
SECTION 1507 - REQUIREMENTS FOR ROOF COVERINGS

1507.4, Metal Roof Panels.

1507.4.1, Deck Requirements. Metal roof panels shall be installed over a solidly sheathed roof deck.

C. SECTION 1507, REQUIREMENTS FOR ROOF COVERINGS, Subsection 1507.5 Metal Roof Shingles, Subsubsection 1507.5.1 Deck Requirements, is hereby amended in its entirety to read as follows:

SECTION 1507 - REQUIREMENTS FOR ROOF COVERINGS

1507.5, Metal Roof Shingles.

1507.5.1, Deck Requirements. Metal roof shingles shall be installed over a solidly sheathed roof deck.

D. SECTION 1507, REQUIREMENTS FOR ROOF COVERINGS, Subsection 1507.8 Wood Shingles, Subsubsection 1507.8.1 Deck Requirements, is hereby amended in its entirety to read as follows:

SECTION 1507 - REQUIREMENTS FOR ROOF COVERINGS

1507.8, Wood Shingles.

1507.8.1, Deck Requirements. Wood shingles shall be installed over a solidly sheathed roof deck.

E. SECTION 1507, REQUIREMENTS FOR ROOF COVERINGS, Subsection 1507.9 Wood Shakes, Subsubsection 1507.9.1 Deck Requirements, is hereby amended in its entirety to read as follows:

SECTION 1507 - REQUIREMENTS FOR ROOF COVERINGS

1507.9, Wood Shakes.

1507.9.1, Deck Requirements. Wood shakes shall be installed over a solidly sheathed roof deck.
F. **SECTION 1510, ROOFTOP STRUCTURES**, Subsection 1510.5, Towers, Spires, Domes, and Cupolas, is hereby amended by adding a new Subsubsection 1510.5.3, Obsolete Roof Equipment, to read as follows:

**SECTION 1510 - ROOFTOP STRUCTURES**

. . .

**1510.5 Towers, Spires, Domes and Cupolas.**

. . .

**1510.5.3 Obsolete Roof Equipment.** Mechanical and other equipment, including piping and ducts, which is located on the roof of a building and is no longer in use shall be removed from said roof and disposed of in a manner consistent with the requirements of the Prescott Valley Town Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-160 Amendment of Chapter 16, STRUCTURAL DESIGN, of the International Building Code.

A. **SECTION 1607, LIVE LOADS**, Table 1607.1, Minimum Uniformly Distributed Live Loads, and Minimum Concentrated Live Loads, Subparagraph #25, Residential, is hereby amended to read as follows:

**SECTION 1607 - LIVE LOADS**

. . .

**Table 1607.1**

. . .

25. Residential
One- and two-family dwellings

. . .

Uninhabitable equipment and/or limited storage platforms in attic - 40psf

. . .

B. **SECTION 1612, FLOOD LOADS**, is hereby deleted in its entirety.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-170 Chapter 17, SPECIAL INSPECTIONS AND TESTS, of the International Building Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)
Amendment of Chapter 18, SOILS AND FOUNDATIONS, of the International Building Code.

A. SECTION 1804, EXCAVATION, GRADING AND FILL, Subsection 1804.5, Grading and Fill in Flood Hazard Areas, is hereby deleted in its entirety.

B. SECTION 1808, FOUNDATIONS, Subsection 1808.1, General, is hereby amended by adding the following subparagraph, to read as follows:

SECTION 1808 - FOUNDATIONS

1808.1 General.

Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry, concrete or treated wood in conformance with this Chapter, and in all cases shall extend below the frost line. Footings of concrete and all masonry shall be of solid material. Foundation stem walls shall extend at least 7 inches above the adjacent finished grade. Footings shall have a minimum depth below finished grade as indicated in 1809.5 of the International Building Code, unless another depth is recommended based on a foundation investigation.

C. SECTION 1808, FOUNDATIONS, Subsection 1808.2, Design for Capacity and Settlement, is hereby amended by adding the following subparagraph to read as follows:

SECTION 1808 - FOUNDATIONS

1808.2 Design for Capacity and Settlement

For stud bearing walls, the minimum footing reinforcement is two #4 horizontal bars placed 3 inches from the footing bottom, with spacing between bars equal to the thickness of the stem wall. Additional steel may be required at the option of the building official if soil, structural, or other conditions so require. Bearing walls shall be supported on masonry, concrete foundations, piles, or another approved foundation system, which shall be of sufficient size to support all loads. Stem walls supporting wood stud framing shall be reinforced as follows:

1. For non-retaining stem walls less than 24 inches in height, a bond beam composed of one #4 rebar is required at the top of the wall and one #4 vertical rebar is required every 48 inches on center.

2. For stem walls 24 inches in height, a bond beam composed of two #4 rebar is required at the top of the wall, with one #4 vertical rebar 48 inches on center.

3. For stem walls over 48 inches in height or retaining 2 or more feet of earth, engineering may be required to determine footing size, wall thickness,
materials, steel placement and size (depending on soil conditions), height, surcharge loading, or other requirements at the option of the building official. Minimum stem wall height shall be 13 inches above the existing grade at the existing grade high elevation corner of the structure or the finished grade of the building pad. Where a design is not provided, the minimum foundation requirements for stud bearing walls shall be as set forth in Table No. 1809.7 of the International Building Code.

**Exceptions:** 1. A one-story wood or metal frame building not used for human occupancy and not over 400 square feet in floor area may be constructed with walls supported on a wooden foundation plate when approved by the building official. 2. The support of buildings by posts embedded in earth shall be designed as specified in Section 1810 of the International Building Code. Wood posts or poles embedded in earth shall be pressure treated with an approved preservative. Steel posts or poles shall be protected as specified in Subsection 1810.3.2.5 of the International Building Code.

D. **SECTION 1808, FOUNDATIONS, Subsection 1808.7, Foundations on or Adjacent to Slopes, Subsubsection 1808.7.4, Foundation Elevation, is hereby amended by adding the following subparagraph, to read as follows:**

**SECTION 1808 - FOUNDATIONS**

...  

1808.7 Foundations On or Adjacent to Slopes.

...  

1808.7.4 Foundation Elevation.

...  

No modification of any existing road ditch causing a decrease in the capacity of the ditch is permitted. An approved road ditch culvert installation shall be completed prior to receipt of any approval for excavation or foundation work. Provisions shall be made for the control and drainage of surface water around buildings and structures. [See also Appendix J of this code]

E. **SECTION 1809, SHALLOW FOUNDATIONS, Table 1809.7, Prescriptive Footings for Light-Frame Construction, is hereby amended in its entirety to read as follows:**

**SECTION 1809 - SHALLOW FOUNDATIONS**

...  

**Table 1809.7**  
Prescriptive Footings for Light-Frame Construction

<table>
<thead>
<tr>
<th>NUMBER OF FLOORS SUPPORTED BY THE FOUNDATION</th>
<th>THICKNESS OF FOUNDATION WALL (inches) Concrete Unit/Masonry</th>
<th>WIDTH OF FOOTING (inches)</th>
<th>THICKNESS OF FOOTING (inches)</th>
<th>DEPTH BELOW UNDISTURBED GROUND SURFACE (inches)</th>
</tr>
</thead>
</table>
1. Where frost conditions or other unusual conditions are found, footings and foundations shall be as required in Subsection 1809.5 of the International Building Code.

2. The ground under the floor may be excavated to the elevation of the top of the footing.

3. Foundations may support a roof in addition to the stipulated number of floors. Foundations supporting roofs only shall be as required for supporting one floor.

4. Interior-stud-bearing walls are permitted to be supported by isolated footings. The footing width and length shall be twice the width shown in this table, and footings shall be spaced not more than 6 feet on center.

5. Measurements for minimum footing and foundation depths shall be from top of existing undisturbed natural grade, top of the building Pad grade, top of certified engineered Pad grade or as determined by an individually provided, lot specific engineered soils report and recommendations.

...
2115.1.1 Installation. On or after December 31, 2001, no person, firm or corporation shall install a fireplace, wood stove or other solid-fuel-burning appliance, and the Town shall not approve or issue a permit to install same, unless the fireplace, wood stove or solid-fuel-burning appliance complies with at least one of the following:

1. The fireplace has a permanently installed gas or electric log insert.

2. The fireplace, wood stove, or other solid-fuel-burning appliance has been certified by the United States Environmental Protection Agency as conforming to 40 Code of Federal Regulations Part 60, Subpart AAA, effective July 1, 1990.

3. The fireplace, wood stove, or other solid-fuel-burning appliance has been tested and listed by a nationally-recognized testing agency as meeting performance standards equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA, effective July 1, 1990.

4. The fireplace has a permanently-installed wood stove insert that meets the requirements of subparagraph 2 or 3 above.

2115.1.2 Alterations. On or after December 31, 2001, no person, firm or corporation shall alter or remove a gas or electric log insert or wood stove insert from a fireplace for purposes of converting the fireplace to directly burn wood or other solid fuel, nor shall any person, firm or corporation alter a fireplace, wood stove or other solid-fuel-burning appliance in any manner that would void its certification or compliance with the requirements of this subsection.

2115.1.3 Penalties. Among other penalties that may apply, violations of this subsection are punishable as set forth in Section 7-01-130 of the Town Code.

2115.2 Definitions.

BARBECUE is a stationary open hearth of brazier, either fuel fired or electric, used for food preparation.

CHIMNEY is a hollow shaft containing one or more passage-ways, vertical or nearly so, for conveying products of combustion to the outside atmosphere.

CHIMNEY CLASSIFICATIONS:

Chimney, High-heat Industrial Appliance-type, is a factory-built, masonry or metal chimney suitable for removing the products of combustion from fuel-burning high-heat appliances producing combustion gases in excess of 2,000°F (1093°C) measured at the appliance flue outlet.

Chimney, Low-heat Industrial Appliance-type, is a factory-built, masonry or metal chimney suitable for removing the products of combustion from fuel-
burning low-heat appliances producing combustion gases not in excess of 1,000F (538C) under normal operating conditions but capable of producing combustion gases of 1,400F (760C) during intermittent forced firing for periods up to one hour. All temperatures are measured at the appliance flue outlet.

**Chimney, Medium-heat Industrial Appliance-type**, is a factory-built, masonry or metal chimney suitable for removing the products of combustion from fuel-burning medium-heat appliances producing combustion gases not in excess of 2,000F (1093C) measured at the appliance flue outlet.

**Chimney, Residential Appliance-type**, is a factory-built or masonry chimney suitable for removing the products of combustion from residential-type appliances producing combustion gases not in excess of 1,000F (538C) measured at the appliance flue outlet.

**CHIMNEY CONNECTOR** is the pipe or breeching that connects a fuel-burning appliance to a chimney. (See International Mechanical Code, Chapter 8)

**CHIMNEY, FACTORY-BUILT**, is a chimney manufactured at a location other than the building site and composed of listed, factory-built components assembled in accordance with the terms of the listing to form the completed chimney.

**CHIMNEY LINER** is a lining material of fireclay or approved refractory brick. For recognized standards on fireclay and refractory brick see Chapter 35 of the International Building Code, ASTM C 27-98 (2002), Specification for Standard Classification of Fireclay and High-alumina Refractory Brick; or ASTM C 1261-04, Specification for Firebox Brick for Residential Fireplaces.

**CHIMNEY, MASONRY** is a chimney of masonry units, bricks, stones or listed masonry chimney units lined with approved flue liners. For the purpose of this chapter, masonry chimneys shall include reinforced concrete chimneys.

**FIREBRICK** is a refractory brick.

**FIREPLACE** is a hearth and fire chamber or similar prepared place which is built in conjunction with a chimney and designed to burn solid fuel or to accommodate a gas or electric log insert or similar device, and which is intended for occasional recreational or aesthetic use, not for cooking, heating or industrial processes.

**FIREPLACE, FACTORY-BUILT** is a listed assembly of a fire chamber, its chimney and related factory-made parts designed for unit assembly without requiring field construction. Factory-built fireplaces are not dependent on mortar-filled joints for continued safe use.

**FIREPLACE, MASONRY** is a hearth and fire chamber of solid masonry units such as bricks, stones, masonry or reinforced concrete built with a suitable chimney.

**SOLID FUEL** includes, but is not limited to, wood, coal or other nongaseous or nonliquid fuels.
WOOD STOVE is a solid-fuel-burning heating appliance, including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-220  Chapter 22, STEEL, of the International Building Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-230  Amendment of Chapter 23, WOOD, of the International Building Code.

A. SECTION 2308, COVENTIONAL LIGHT-FRAME CONSTRUCTION, Table 2308.6.3(1) Bracing Methods, is hereby amended by deleting the following:

Table 2308.6.3(1) Bracing Methods. “LIB Let-in-bracing” and all provisions related thereto are hereby deleted.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-240  Chapter 24, GLASS AND GLAZING, of the International Building Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-250  Chapter 25, GYPSUM BOARD, GYPSUM PANEL PRODUCTS AND PLASTER, of the International Building Code.

(Ord. No. 20, Enacted, 01/10/80; Ord. No. 56, Rep&ReEn, 08/27/81; Ord. No. 90, Rep&ReEn, 12/15/83; Ord. No. 154, Rep&ReEn, 08/27/87; Ord. No. 178, Renumbered, 05/26/88, 7-05-010; Ord. No. 237, Ren&Amd, 09/13/90, 7-09; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-260  Chapter 26, PLASTIC, of the International Building Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-270  Chapter 27, ELECTRICAL, of the International Building Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-280  Chapter 28, MECHANICAL SYSTEMS, of the International Building Code.
BUILDING

7-02-290 Amendment of Chapter 29, PLUMBING SYSTEMS, of the International Building Code.

A. SECTION 2902, MINIMUM PLUMBING FACILITIES, Subsection 2902.1, Minimum Number of Fixtures, Table 2902.1 Minimum Number of Required Plumbing Fixtures, is hereby amended by adding new footnotes to Table 2902.1, to read as follows:

SECTION 2902 - MINIMUM PLUMBING FACILITIES

Table 2902.1

Minimum Number of Required Plumbing Fixtures a

(See Sections 2902.2 and 2902.3)

h. Water coolers, goose neck spigots at a provided non-restroom utility sink, or bottled water dispensers may be substituted for drinking fountains in B, M, and S occupancies with 15 or fewer occupants. Such water shall be free of charge and accessible to the public.

i. Goose neck faucets on a lavatory or a hose bib located within a restroom may be substituted for the required utility sink in B, M, and S occupancies with 15 or fewer occupants. Hose bibs shall comply with Section 608.15.4.2 of the International Plumbing Code.

j. Toilet facilities designed as Family or assisted-use and bath fixture restrooms shall apply toward 2-male/2-female minimum number requirements.

k. Family or assisted-use toilet and bath fixtures restrooms shall consist of a minimum A117.1-2009 compliant water closet, urinal, lavatory sink and wall affixed baby changing table with accommodating accessible clearances per A117.1-2009.

7-02-300 Chapter 30, ELEVATORS AND CONVEYING SYSTEMS, of the International Building Code.

(Ord. No. 20, Enacted, 01/10/80; Ord. No. 56, Rep&ReEn, 08/27/81; Ord. No. 57, Enacted, 09/17/81; Ord. No. 62, Rep&ReEn, 11/12/81; Ord. No. 90, Rep&ReEn, 12/15/83; Ord. No. 154, Repealed, 08/27/87; Ord. No. 154, Rep&ReEn, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 7-05-010; Ord. No. 237, Ren&Amd, 09/13/90, 7-09; Ord. No. 296, Enacted, 07/22/93; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 01/22/04; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

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7-02-310  Chapter 31, SPECIAL CONSTRUCTION, of the International Building Code.

(Ord. No. 296, Enacted, 07/22/93; Ord. No. 498, Rep&ReEn, 04/12/01; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-320  Chapter 32, ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY, of the International Building Code.

(Ord. No. 296, Enacted, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-330  Chapter 33, SAFEGUARDS DURING CONSTRUCTION, of the International Building Code.

(Ord. No. 20, Enacted, 01/10/80; Ord. No. 56, Rep&ReEn, 08/27/81; Ord. No. 90, Rep&ReEn, 12/15/83; Ord. No. 154, Rep&ReEn, 08/27/87; Ord. No. 178, Renumbered, 05/26/88, 7-05-010; Ord. No. 237, Ren&Amd, 09/13/90, 7-09; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-340  Chapter 34, Reserved.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-02-350  Chapter 35, REFERENCED STANDARDS, of the International Building Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)


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A. APPENDIX J, GRADING, is hereby amended in its entirety to read as follows:

Appendix J

GRADING

SECTION J101 - GENERAL

J101.1 Purpose. The purpose of this Appendix J is to safeguard life, limb, property and the public welfare by regulating excavation, grading, and drainage on private property.

J101.2 Scope. This Appendix sets forth rules and regulations to control excavation, grading, drainage and earthwork construction (including fills and embankments); establishes the administrative procedure for issuance of permits therefore; and provides for approval of plans and inspection of grading construction. Where conflicts occur between the technical requirements of this appendix and the soils report, the soils report shall govern.

J101.3 Flood Hazard Areas. The provisions of this Appendix J shall not apply to grading, excavation and earthwork construction, including fills and embankments, in floodways within flood hazard areas established in Section 1612.3 of the International Building Code or in flood hazard areas where design flood elevations are specified but floodways have not been designated, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed work will not result in any increase in the level of the base flood.

J101.4 Hazards. Whenever the building official determines that any existing construction, excavation, embankment, fill or drainage modification on private property has become a nuisance or hazard to the health, safety or welfare of the public, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the nuisance or hazard is located (or other person or agent in control of said property), shall repair or eliminate said nuisance or hazard in conformance with the requirements of this code.

The duty to repair or eliminate such a nuisance or hazard shall arise upon receipt of written notice from the building official in accordance with the procedural requirements of the International Property Maintenance Code as adopted and amended in Article 7-07 of Chapter 7 “BUILDING” of the Prescott Valley Town Code. Repair or elimination of such nuisances or hazards shall then be completed within the period specified in the notice. Examples of nuisances and hazards include, but are expressly not limited to, the following:

1. Alteration of the course of surface water, drainage ways or flood water by construction of buildings, walls, fences, berms, curbs, or any other excavation, fill or structure.
2. Alteration of a Town road ditch with fill dirt prior to the installation of an approved driveway culvert.

3. Accumulation of weeds, rubbish, garbage or trash of any type in drainage ways.

4. Destruction or damage to existing drainage facilities.

5. Contamination of a drainage way.

6. Creation of nuisance water.

SECTION J102 - DEFINITIONS

J102.1 Definitions. For the purposes of this Appendix J, the following definitions shall apply:

APPROVAL. The proposed work or completed work conforms to this Appendix, as amended, in the opinion of the building official.

APPROVAL or APPROVED BY THE BUILDING OFFICIAL. The proposed work or completed work is approved by the building official and the Town Engineer or his designee.

AS-GRADED. The extent of surface conditions on completion of grading.

BEDROCK. The in-place solid rock.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

BORROW. Each material acquired from an off-site location for use in grading on a site.

BUILDING OFFICIAL. The Building Official as defined in Section 7-01-040 of the Town of Prescott Valley Administrative Code.

CIVIL ENGINEER. A professional engineer registered in Arizona to practice in the field of civil works.

COMPACTION. The densification of a fill by mechanical means.

CUT. See Excavation.

DEVELOPER. The owner of property who builds or improves structures or appurtenances to structures on said property, or who contracts with a general contractor or specialty contractors, licensed by the appropriate jurisdiction, for such building or improvement of structures on said property.

DOWN DRAIN. A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

DRAINAGE. The outflow or withdrawal of water from one location to another.

EARTH MATERIAL. Any rock, natural soil or fill, or any combination thereof.
ENGINEERING GEOLOGIST. A geologist experienced and knowledgeable in engineering geology.

ENGINEERING GEOLOGY. The application of geologic knowledge and principles in the investigation and evaluation of naturally-occurring rock and soil for use in the design of civil works.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FILL. Deposition of earth materials by artificial means.

GEOTECHNICAL ENGINEER. [See definition of “SOILS ENGINEER”]

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

GRADE, FINISHED. The grade of the site at the conclusion of all grading efforts.

GRADE, ROUGH. The stage at which the grade approximately conforms to the approved plan.

GRADING. An excavation or fill or combination thereof.

KEY. A designed, compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

NUISANCE WATER. The ponding or drainage of water in areas other than designated detention basins or designated or natural drainage ways, which causes a health or safety hazard to the public.

PROFESSIONAL INSPECTION. The inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include those performed by persons supervised by such engineers or geologists. Said inspections shall be sufficient for the engineer or his designee to form an opinion relating to the conduct and quality of the work.

SITE. Any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

SLOPE. An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

SOIL. Naturally-occurring superficial deposits overlying bedrock.

SOILS ENGINEER (GEOTECHNICAL ENGINEER). An engineer experienced and knowledgeable in the practice of soils engineering (geotechnical engineering).
SOILS ENGINEERING (GEOTECHNICAL ENGINEERING). The application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials, and the inspection or testing of the construction thereof.

STRUCTURE. Structural paving systems. Structure may also refer to that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

TERRACE. A relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

SECTION J103 - PERMITS

J103.1 Permits Required. No person shall do any grading or drainage modification without first obtaining a grading and drainage permit from the building official. A separate permit shall be required for each site and may cover excavations, fills and drainage modifications.

Exceptions. A grading and drainage permit is not required for the following:

1. When approved by the building official, grading in an isolated, self-contained area (if there is no danger to private or public property).

2. An excavation below finished grade footings for basements and footings of a building, retaining wall or other structure authorized by a valid building permit.

3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells, tunnels, or public utilities (as well as private septic systems approved by the appropriate jurisdiction).

6. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

7. Exploratory excavations performed under the direction of soil engineers or engineering geologists.

Exemption from the permit requirements of this Appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Appendix or any other provisions of the Prescott Valley Town Code.

J103.2 Permit Application and Submittals. The provisions of Section 7-01-150 “Application for Permit” of the Town of Prescott Valley Administrative Code apply to grading and drainage. Applications for grading and drainage permits shall state the estimated quantities of work involved. Grading shall be designated as either “engineered grading” (J103.2.1) or “regular
grading” (J103.2.2).

**J103.2.1 Engineered Grading.** Engineered grading is grading designed, specified and supported by data generated by a certified engineer. “Engineered grading” shall be required by the building official for the following:

1. Grading in excess of 5,000 cubic yards.
2. Grading on any parcel affected by a Federal Emergency Management Agency (FEMA) 100-year floodplain.
3. Grading for any development considered by the building official to be other than single-family residential or multi-family of 4 units or less on individually-platted lots.
4. Grading or drainage modification where, in the opinion of the building official special conditions or unusual hazards exist.

The building official may approve “regular grading” for these situations, provided it can be demonstrated that the intent of this Appendix has been satisfied.

**J103.2.1.1 Engineered Grading Application.** Application for an engineered grading and drainage permit shall be accompanied by three sets of drawings and specifications and supporting data consisting of a soils engineering report and engineering geology report. The plan drawings and specifications shall be prepared and signed by an individual licensed in Arizona to prepare such plan drawings or specifications. The set of drawings and specifications with the required soils engineering and engineering geology reports are together an Engineered Drainage and Grading Plan. The requirement for the engineering geology report or soils engineering report may be waived by the building official for grading not intended to support structures, or where the building official has determined that no hazard or nuisance will occur as a result of such a waiver. However, no waiver will be permitted by the building official for grading in excess of 5,000 cubic yards. Engineered Drainage and Grading Plan specifications shall contain information covering material requirements and construction.

Plan drawings shall be drawn to scale upon substantial paper or mylar and shall be of sufficient clarity to indicate the nature and extent of the work proposed and to show in detail that they will conform to the provisions of the International Building Code and other relevant laws, ordinances, rules and regulations. The first sheet of each set of plan drawings shall give the location of the work, the name and address of the owner, and the person by whom they were prepared. The plan drawings shall include the following information:

1. General vicinity of the proposed site and the estimated quantities of earth work involved.
2. Property limits, rights-of-way and easements, along with accurate contours of existing ground, details of terrain, and area drainage.
3. Limiting dimensions, elevations or finished contours to be achieved by the grading, and proposed drainage channels and related construction.
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with or as a part of the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains.

5. Location and finished floor elevation of any buildings or structures on the property where the work is to be performed, and the location of any buildings or structures on land of adjacent owners which are within 15 feet of the property (or which may be affected by the proposed grading operations).

6. The recommendations included in the soils engineering report and the engineering geology report. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology report may be included by reference.

7. Dates of the soils engineering and engineering geology reports, together with the names, addresses and phone numbers of the firms or individuals who prepared the same.

8. If the site is affected by a FEMA 100-year floodplain or, in the opinion of the building official an unusual hazard exists, a certification that the finished floor of all buildings is at least 12 inches above the 100-year flood water surface elevation and that flood waters are not diverted to adversely impact adjoining, previously non-impacted property.

9. If required by the building official, on-site detention volumes, flow control structures, and design and construction details.

J103.2.1.1.1 Soils Engineering Report. The soils engineering report required by Subsection J103.2.1.1 above shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, and design criteria for corrective measures, including buttress fills when necessary. The report shall also include an opinion on the adequacy for the intended use of the site to be developed by the proposed grading, which opinion shall discuss soils engineering factors, including the stability of slopes.

J103.2.1.1.2 Engineering Geology Report. The engineering geology report required by Subsection J103.2.1.1 above shall include an adequate description of the geology of the site, and shall reach conclusions and provide recommendations regarding the effect of geologic conditions on the proposed development. It shall also include an opinion as to the adequacy for the intended use of the site to be developed by the proposed grading, which opinion shall discuss geologic factors.

J103.2.1.1.3 Liquefaction Study. The building official may require a geotechnical investigation in accordance with Section 1613 of the International Building Code. When, during the course of an investigation, all of the following conditions are discovered, the report shall address the potential for liquefaction:

1. Shallow ground water, 50 feet (15,240 mm) or less.

2. Unconsolidated sandy alluvium.
3. Seismic Design Categories C, D and E as established in Section 1613.5.5 and Table 1613.5.5 of the International Building Code.

J103.2.2 Regular Grading. All grading or drainage modifications that are not “Engineered Grading” as defined in Section J103.2.1 above.

J103.2.2.1 Regular Grading Application. Each application for a regular grading and drainage permit shall be accompanied by three sets of plan drawings that are sufficiently clear to indicate the nature and extent of the proposed work. The plan drawings shall give the location of the work, the name of the owner, and the name of the person who prepared the drawings. The plan drawings shall show the following (to scale):

1. General vicinity of the proposed site and the estimated quantities of earth work involved.

2. Property limits, rights-of-way and easements, and elevations of existing grade at all property corners, structure corners, and the road shoulder opposite the driveway; and flow lines of all drainage courses within 15 feet of the proposed grading.

3. Limiting dimensions and depth and slope of cut and fill.

4. Location and finished floor elevations of any buildings or structures where work is to be performed, and the location of any buildings or structures on adjacent property within 15 feet of the proposed grading.

5. If required by the building official, a cross-section drawing through the deepest cut and/or fill showing any building or structure, or any drainage course thereon.

6. Location, direction and dimensions of drainage swales or berms.

7. Location, dimensions and details of any proposed erosion protection, retaining or landscaping walls, or other features.

8. (If required by the building official) on-site detention volumes, flow control structures, and design and construction details.

J103.2.3 Modifications. The building official may require that grading and drainage operations and project designs be modified if weather-generated problems occur which were not considered at the time the permit was originally issued. The building official shall determine the impact of proposed grading and/or drainage modifications.

J103.3 Fees. Fees shall be assessed in accordance with the provisions of this Appendix.

J103.3.1 Plan Review Fees. When a plan or other data is required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in Section 7-01-200 of the Town of Prescott Valley Administrative Code. Separate plan review fees shall apply to retaining walls or major drainage structures as set forth in Section 7-01-200 of the Town of Prescott Valley Administrative Code. For excavation and fill on the same site, the fee shall be based on the
J103.3.2 Permit Fees. A fee for each grading and drainage permit shall be paid as set forth in Section 7-01-200 of the Town of Prescott Valley Administrative Code. Separate permits and fees shall apply to retaining walls or major drainage structures as set forth in Section 7-01-200 of the Town of Prescott Valley Administrative Code. There shall be no separate charge for standard terrace drains and similar facilities. Where the drainage and grading plans are an integral part of a larger building permit application and development, the permit and inspection fees will be assessed to the overall larger project.

J103.4 Bonds. The building official may require bonds in such form and amounts as he deems necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions. In lieu of a surety bond, the applicant may file a cash bond or irrevocable instrument of credit with the building official in an amount equal to what would be required in a surety bond.

J103.5 Permit Issuance. The provisions of Section 7-01-160 “Permit Issuance” of the Town of Prescott Valley Administrative Code apply to grading and drainage permits.

SECTION J104 - INSPECTIONS

J104.1. General. Grading and drainage operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations by civil engineers, soils engineers and engineering geologists may be required for engineered grading and regular grading as determined by the building official.

J104.1.1 Civil Engineer. When an inspection is required by a civil engineer, that engineer shall provide professional inspection within his/her area of technical specialty, consisting of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work, they shall be prepared by a civil engineer.

J104.1.2 Soils Engineer. When an inspection is required by a soils engineer, that engineer shall provide professional inspection within his/her area of technical specialty, including observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this Appendix. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted by the soils engineer to the permittee, the building official and the civil engineer.

J104.1.3 Engineering Geologist. When an inspection is required by an engineering geologist, that geologist shall provide professional inspection within his/her area of technical specialty, including professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted by the engineering geologist to the soils engineer.

J104.2 Responsible Party. The permittee shall be responsible that work be performed in
accordance with approved plans and specifications, and in conformance with the provisions of this Appendix. The permittee shall engage consultants, if necessary, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, any building contractor, and the building official. In the event of changed conditions, the permittee shall be responsible for informing the building official of such change, and shall provide revised plans for approval. Additional fees may be assessed in accordance with Section 7-01-200 of the Town of Prescott Valley Administrative Code.

J104.3 Transfer of Responsibility. If either the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept his/her predecessor’s technical responsibilities for completion and approval of the work. It shall be the duty of the permittee to notify the building official in writing of such change prior to resuming the grading work.

J104.4 Notice of Noncompliance. If, in the course of fulfilling their respective duties under this Appendix, the civil engineer, the soils engineer or the engineering geologist finds that the work is not being done in conformance with this Appendix or the approved grading and drainage plans, the discrepancies shall be reported immediately in writing to the permittee and to the building official.

J104.5 Final Reports. Upon completion of grading and drainage work for engineered grading (or regular grading involving professional inspection(s)), permittee shall provide the following reports, drawings and supplements to the building official:

1. An as-built Drainage and Grading Plan (mylar and digital “PDF” image) prepared by a civil engineer, showing property limits, original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, finished floor elevations of all buildings and structures, the locations and elevations of surface drainage facilities and the outlets of subsurface drains. At construction locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer. The civil engineer shall state in a sealed letter of certification that the as-built plan, to the best of his/her knowledge, certifies that the work within his/her area of responsibility was performed in accordance with the final approved Drainage and Grading Plan.

   *An as-built Drainage and Grading Plan may be required for drainage and grading work completed under a regular grading and drainage permit if, in the opinion of the building official, the finished drainage or grading work is substantially different than that proposed in the drainage and grading plan approved at the time of permitting. The as-built plan must include as-built information on all items found on the earlier proposed Drainage and Grading Plan.

2. A report prepared by a soils engineer including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. The soils engineer shall submit a statement in the report that, to the best of his/her knowledge, the work within his/her area of responsibility was performed in accordance with the approved soils engineering report and applicable provisions of this Appendix.
3. A report prepared by an engineering geologist including a final description of the geology of the site and any new information disclosed during the grading, and the effect of same on recommendations incorporated in the approved grading plan. The engineering geologist shall submit a statement in the report that, to the best of his/her knowledge, the work within his/her area of responsibility was performed in accordance with the approved engineering geologist report and applicable provisions of this Appendix.

4. The grading contractor shall submit, in a form prescribed by the building official, a statement of conformance to the as-built plan and the specifications.

J104.6 Notice of Completion. The permittee shall notify the building official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices as well as all erosion-control measures, have been completed in accordance with the final, approved grading plan and the Final Reports referenced in Subsection J104.5 above have been submitted.

SECTION J105 - GRADING AND DRAINAGE WORK

J105.1 Cuts. The slope of cut surfaces shall be no steeper than is safe for the intended use, and in no event shall be steeper than 2’ horizontal to 1’ vertical (2:1) unless the permittee furnishes a soils engineering or an engineering geology report (or both) stating that the site has been investigated, and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property. Acceptance of slopes greater than 2:1 shall be at the discretion of the building official.

Exception: In the absence of an approved soils engineering report, the requirements in Section J105.2 above may be waived in whole or part for minor cuts not intended to support structures.

J105.2 Fills. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this Appendix.

Exception: In the absence of an approved soils engineering report, the requirements in this Section J105.2 may be waived in whole or part for minor fills not intended to support structures.

J105.2.1 Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than 2:1. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the new fill. Where slopes are steeper than 5:1 and the height is greater than 5 feet, the ground surface shall be prepared by benching into sound bedrock or other competent material as determined by the soils engineer or the building official. The bench under the toe of a fill on a slope steeper than 5:1 shall be at least 10 feet wide. Either the area beyond the toe of fill shall be sloped for sheet overflow, or a drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet wide. Furthermore, the cut shall be made before placing the fill and shall first be accepted by a soils engineer or engineering geologist (or both) as being suitable foundation for fill.
J105.2.2 Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the building official, no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills.

Exception: The building official may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously inspects its placement, and approves the fill stability. In that event, the following conditions shall apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
2. Rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below grade (measured vertically).
3. Rocks shall be placed so as to assure filling of all voids with well-graded soil.

J105.2.3 Compaction. All fills shall be compacted to a minimum of 90 percent of maximum density as determined by ASTM D1557, modified proctor, in lifts not exceeding 12 inches in depth.

J105.2.4 Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use, and in no event shall fill slopes be steeper than 2’ horizontal to 1’ vertical (2:1) without the justification of a soils report.

J105.3 Setbacks. Cut and fill slopes shall be set back from site boundaries in accordance with this Appendix. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in the following Figure A-J-1 of this Appendix.

FIGURE A-J-1 - SETBACK DIMENSIONS
**J105.3.1 Top of Cut Slope.** The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of the cut, with a minimum of 2 feet and a maximum of 10 feet. When a public or utility easement exists on or through a site (or, in the opinion of the building official, may be required in the future), the top of cut slopes shall be made not nearer to the existing or proposed easement boundary than one-fifth of the vertical height of the cut, with a maximum of 10 feet. The setback may need to be increased for any required interceptor drains or berms. Interceptor drains or berms are not allowed within existing easements unless the easement is designated as a drainage easement. Where a cut slope is to be located near the site boundary, or where a cut slope has a vertical height greater than 30 inches and less than 10 feet with a slope of 2’ horizontal to 1’ vertical (2:1) or less, or where a cut slope has a vertical height greater than 10 feet with a slope of less than 3’ horizontal to 1’ vertical (3:1), the owner/developer of the property shall submit to the building official a plan endorsed by a qualified engineer to implement reasonable safety precautions in order to eliminate any and all hazards arising from the cut slope or, in the alternative, shall install safety precautions in accordance with the standards set forth in Section 1015 “Guards” in Chapter 10 “Means of Egress” of the International Building Code (as hereinafter adopted and amended by Chapter 7 of the Prescott Valley Town Code). Safety precautions endorsed by an engineer may include, but are not limited to:

1. additional setbacks;
2. provision for walls, fencing or barricading for retaining and/or fall protection;
3. mechanical, chemical or physical treatment of the cut slope surface to minimize erosion; and
4. erosion control and provision for the control of surface waters.

**J105.3.2 Toe of Fill Slope.** The toe of fill slope shall be made not nearer to the site boundary line than one-half the height of the slope, with a minimum of 2 feet and a maximum
of 20 feet. When a public or utility easement exists on or through a site (or, in the opinion of
the building official, such an easement may be required in the future), the toe of fill slope
shall be made no nearer than the existing or proposed easement boundary, with no fill
material being placed in the easement. Where a fill slope is to be located near the site
boundary, or where a fill slope has a vertical height greater than 30 inches and less than 10
feet with a slope of 2’ horizontal to 1’ vertical (2:1) or less, or where a fill slope has a
vertical height greater than 10 feet with a slope of less than 3’ horizontal to 1’ vertical (3:1),
the owner/developer of the property shall submit to the building official a plan endorsed by a
qualified engineer to implement reasonable safety precautions in order to eliminate any and
all hazards arising from the fill slope or, in the alternative, shall provide safety precautions in
accordance with the standards set forth in Section 1015 “Guards” in Chapter 10 “Means of
Egress” of the International Building Code (as hereinafter adopted and amended by Chapter 7
of the Prescott Valley Town Code). Safety precautions endorsed by an engineer may include,
but are not limited to:

1. additional setbacks;
2. provision for walls, fencing or barricading for retaining and/or fall protection;
3. mechanical, chemical or physical treatment of the fill slope surface to minimize
   erosion; and
4. erosion control and provision for the control of surface waters.

J105.3.3 Modification of Slope Location. The building official may require or approve
alternate setbacks. The building official may also require an investigation and
recommendation by a qualified engineer or engineering geologist to demonstrate that the
intent of this Appendix has been satisfied in a particular case.

J105.4 Drainage and Terracing. Unless otherwise indicated on the approved grading and
drainage plan, drainage facilities and terracing shall conform to the provisions of this
Appendix for cut or fill slopes steeper than 3’ horizontal to 1’ vertical (3:1).

J105.4.1 Terrace. Terraces at least 6 feet in width shall be established at not more than 30-
foot vertical intervals on all cut or fill slopes to control surface drainage and debris. However,
where only one terrace is required, it shall be at mid-height. For cut or fill slopes
greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately mid-
height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater
than 120 feet in height shall be designed by a civil engineer and approved by the building
official. Suitable access, including access for maintenance vehicles, shall be provided to
permit proper cleaning and maintenance of terraces.

All swales or ditches on terraces shall be designed and constructed to prevent erosion,
provide suitable drainage and provide durability.

J105.4.2 Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage
as necessary for stability.

J105.4.3 Disposal. All drainage facilities shall be designed to carry waters to the nearest
practicable drainage way approved by the building official (or by another appropriate
jurisdiction), as a safe place to deposit such waters. The building official may require that the permittee secure necessary drainage easements and provide a watercourse to a place approved by the building official (or another appropriate jurisdiction) to receive such waters. Erosion of ground in the area of discharge shall be prevented by installation of noncorrosive downdrains or other devices.

Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, unless the requirement is waived by the building official.

**EXCEPTION:** The gradient from a building pad may be 1 percent if all of the following conditions exist throughout the permit area:

1. No fills are greater than 10 feet in maximum depth.
2. No finished cut or fill slope faces have a vertical height in excess of 10 feet.
3. No existing slope faces which have a slope face steeper than 10’ horizontal to 1’ vertical (10:1) have a vertical height in excess of 10 feet.

J105.4.4 On-Site Detention. All developments, except single-family residential or multi-family residential of 2 units or less on individually platted lots or located in areas where regional detention has been approved through the adoption of a master plan, shall be required to provide on-site detention of storm water.

Wherever possible, storm water detention should be implemented on a regional basis. The storm water detention program should utilize regional detention based on a watershed-wide assessment of the effects of urbanization and planning and development of facilities at the most effective locations to minimize those effects. Such a watershed-wide assessment should include an evaluation of the cumulative effects of urbanization such that the implementation of the storm water detention program addresses both localized increases in runoff and regional effects to the extent possible. Where such a plan can be implemented, on-site detention should be avoided.

Where a regional watershed-wide detention program is not practical or attainable, on-site detention shall be required to hold runoff to historic peak levels for the full range of storm events from the 2-year through the 100-year event. It is necessary to demonstrate that runoff peaks are maintained at “undeveloped” levels for the 2-year, 10-year and 100-year storm events.

Policies, design procedures and safety considerations shall be as described in the Yavapai County Drainage Criteria Manual, August 2005, Chapter 5, “Stormwater Storage (Detention/Retention).”

J105.4.5 Interceptor Drains or Berms. Interceptor drains or berms shall be installed along the top of all cut and/or fill slopes where the upslope tributary area drains toward the cut or fill. Interceptor drains or berms shall be graded to provide suitable drainage and shall be designed to prevent erosion and provide durability.

J105.5 Erosion Control. The faces of cut and fill slopes shall be prepared and maintained to control erosion, generally through effective planting. This erosion protection shall be
installed as soon as practicable and prior to calling for final approval.

**Exception:** Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted upon approval of the building official.

**J105.5.1 Other Devices.** Where necessary, check dams, cribbing, rip-rap or other devices or methods shall be employed to control erosion.

**SECTION J106 - REFERENCED STANDARDS**

**ASTM D 1557-e01**  
Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort  
[56,000 ft-lb/ft³ (2,700 kN-m/m³)]

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)
Article 7-03 ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS (IRC)

7-03-005 Adoption of the International Residential Code for One- and Two-Family Dwellings.
7-03-010 Amendment to Chapter 1, SCOPE AND ADMINISTRATION, of the International Residential Code for One- and Two-Family Dwellings.
7-03-020 Amendment of Chapter 2, DEFINITIONS, of the International Residential Code for One- and Two-Family Dwellings.
7-03-030 Amendment of Chapter 3, BUILDING PLANNING, of the International Residential Code for One- and Two-Family Dwellings.
7-03-040 Amendment of Chapter 4, FOUNDATIONS, of the International Residential Code for One- and Two-Family Dwellings.
7-03-050 Amendment of Chapter 5, FLOORS, of the International Residential Code for One- and Two-Family Dwellings.
7-03-060 Amendment of Chapter 6, WALL CONSTRUCTION, of the International Residential Code for One- and Two-Family Dwellings.
7-03-070 Amendment of Chapter 7, WALL COVERING, of the International Residential Code for One- and Two-Family Dwellings.
7-03-080 Chapter 8, ROOF-CEILING CONSTRUCTION, of the International Residential Code for One- and Two-Family Dwellings.
7-03-090 Amendment of Chapter 9, ROOF ASSEMBLIES, of the International Residential Code for One- and Two-Family Dwellings.
7-03-100 Chapter 10, CHIMNEYS AND FIREPLACES, of the International Residential Code for One- and Two-Family Dwellings.
7-03-110 Reserved.
7-03-120 Chapter 12, MECHANICAL ADMINISTRATION, of the International Residential Code for One- and Two-Family Dwellings.
7-03-130 Amendment of Chapter 13, GENERAL MECHANICAL SYSTEM REQUIREMENTS, of the International Residential Code for One- and Two-Family Dwellings.
7-03-140 Chapter 14, HEATING AND COOLING EQUIPMENT AND APPLIANCES, of the International Residential Code for One- and Two-Family Dwellings.
7-03-150 Amendment of Chapter 15, EXHAUST SYSTEMS, of the International Residential Code for One- and Two-Family Dwellings.
7-03-160 Chapter 16, DUCT SYSTEMS, of the International Residential Code for One- and Two-Family Dwellings.
7-03-170 Chapter 17, COMBUSTION AIR, of the International Residential Code for One- and Two-Family Dwellings.
7-03-180 Chapter 18, CHIMNEYS AND VENTS, of the International Residential Code for One- and Two-Family Dwellings.
7-03-190 Chapter 19, SPECIAL APPLIANCES, EQUIPMENT AND SYSTEMS, of the International Residential Code for One- and Two-Family Dwellings.
7-03-200 Chapter 20, BOILERS AND WATER HEATERS, of the International Residential Code for One- and Two-Family Dwellings.
7-03-210 Chapter 21, HYDRONIC PIPING, of the International Residential Code for One- and Two-Family Dwellings.
7-03-220 Chapter 22, SPECIAL PIPING AND STORAGE SYSTEMS, of the International Residential Code for One- and Two-Family Dwellings.
7-03-230 Chapter 23, SOLAR THERMAL ENERGY SYSTEMS, of the International
Residential Code for One- and Two- Family Dwellings.

7-03-240 Amendment of Chapter 24, FUEL GAS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-250 Chapter 25, PLUMBING ADMINISTRATION, of the International Residential Code for One- and Two-Family Dwellings.

7-03-260 Amendment of Chapter 26, GENERAL PLUMBING REQUIREMENTS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-270 Amendment of Chapter 27, PLUMBING FIXTURES, of the International Residential Code for One- and Two-Family Dwellings.

7-03-280 Chapter 28, WATER HEATERS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-290 Chapter 29, WATER SUPPLY AND DISTRIBUTION, of the International Residential Code for One- and Two-Family Dwellings.

7-03-300 Amendment of Chapter 30, SANITARY DRAINAGE, of the International Residential Code for One- and Two-Family Dwellings.

7-03-310 Chapter 31, VENTS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-320 Chapter 32, TRAPS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-330 Chapter 33, STORM DRAINAGE, of the International Residential Code for One- and Two-Family Dwellings.

7-03-340 Chapter 34, GENERAL REQUIREMENTS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-350 Chapter 35, ELECTRICAL DEFINITIONS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-360 Chapter 36, SERVICES, of the International Residential Code for One- and Two-Family Dwellings.

7-03-370 Chapter 37, BRANCH CIRCUIT AND FEEDER REQUIREMENTS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-380 Chapter 38, WIRING METHODS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-390 Amendment of Chapter 39, POWER AND LIGHTING DISTRIBUTION, of the International Residential Code for One- and Two-Family Dwellings.

7-03-400 Chapter 40, DEVICES AND LUMINAIRES, of the International Residential Code for One- and Two-Family Dwellings.

7-03-410 Chapter 41, APPLIANCE INSTALLATION, of the International Residential Code for One- and Two-Family Dwellings.

7-03-420 Chapter 42, SWIMMING POOLS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-430 Chapter 43, CLASS 2 REMOTE-CONTROL SIGNALING AND POWER-LIMITED CIRCUITS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-440 Chapter 44, REFERENCED STANDARDS, of the International Residential Code for One- and Two-Family Dwellings.


7-03-440.D Appendix D, RECOMMENDED PROCEDURE FOR SAFETY INSPECTION OF AN EXISTING APPLIANCE INSTALLATION, of the International Residential Code for One- and Two- Family Dwellings.

7-03-440.F Appendix F, RADON CONTROL METHODS, of the International Residential Code for One- and Two- Family Dwellings.


7-03-440.I Appendix I, PRIVATE SEWAGE DISPOSAL, of the International Residential Code for One- and Two- Family Dwellings.


7-03-440.M Appendix M, HOME DAY CARE - R-3 OCCUPANCY, of the International Residential Code for One- and Two- Family Dwellings.


7-03-440.Q Appendix Q, TINY HOUSES, of the International Residential Code for One- and Two- Family Dwellings.


7-03-440.S Appendix S, STRAWBALE CONSTRUCTION, of the International Residential Code for One- and Two- Family Dwellings.


7-03-005 Adoption of the International Residential Code for One- and Two-Family Dwellings.

The International Residential Code for One- and Two-Family Dwellings (International Residential Code), 2018 Edition, along with Appendices A, B, C, D, F, G, H, I, J, K, M, N, O, P, Q, R, S and T, all as copyrighted by the International Code Council, with amendments contained in this document, are hereby adopted by reference as though fully set forth herein, as one of the technical codes of the Town of Prescott Valley. At least three (3) copies of the aforesaid IRC shall be filed in the Office of the Town Clerk and made available for public use and inspection.
7-03-010 Amendment of Chapter 1, SCOPE AND ADMINISTRATION, of the International Residential Code for One- and Two-Family Dwellings.

A. SECTION R101, GENERAL, Section R101.1, Title, is hereby amended to read as follows:

SECTION R101 - GENERAL

R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the Town of Prescott Valley, and shall be cited as such and will be referred to herein as "this code."

B. SECTION R101, GENERAL, is hereby amended by adding a new Subsection R101.4, to read as follows:

SECTION R101 - GENERAL

. . .

R101.4 Administration of International Residential Code for One- and Two-Family Dwellings.

This code shall be administered pursuant to Article 7-01, THE TOWN OF PRESCOTT VALLEY ADMINISTRATIVE CODE, in Chapter 7, BUILDING, of the Prescott Valley Town Code.

C. SECTION R102, APPLICABILITY, is hereby deleted in its entirety.

D. SECTION R103, DEPARTMENT OF BUILDING SAFETY, is hereby deleted in its entirety.

E. SECTION R104, DUTIES AND POWERS OF THE BUILDING OFFICIAL, is hereby deleted in its entirety.

F. SECTION R105, PERMITS, is hereby deleted in its entirety.

G. SECTION R106, CONSTRUCTION DOCUMENTS, is hereby deleted in its entirety.

H. SECTION R107, TEMPORARY STRUCTURES AND USES, is hereby deleted in its entirety.

I. SECTION R108, FEES, is hereby deleted in its entirety.

J. SECTION R109, INSPECTIONS, is hereby deleted in its entirety.

K. SECTION R110, CERTIFICATE OF OCCUPANCY, is hereby deleted in its entirety.

L. SECTION R111, SERVICE UTILITIES, is hereby deleted in its entirety.
M. SECTION R112, BOARD OF APPEALS, is hereby deleted in its entirety.

N. SECTION R113, VIOLATIONS, is hereby deleted in its entirety.

O. SECTION R114, STOP WORK ORDER, is hereby deleted in its entirety.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-020 Amendment of Chapter 2, DEFINITIONS, of the International Residential Code for One- and Two-Family Dwellings.

A. SECTION R201, GENERAL, Subsection R201.4, Terms Not Defined, is hereby amended in its entirety to read as follows:

SECTION R201 - GENERAL

... 

R201.4 Terms Not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Webster’s Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings and terms shall have their ordinarily accepted meanings within the context with which they are used.

B. SECTION R202, DEFINITIONS, is hereby amended by adding the following defined term, to read as follows:

SECTION R202 - DEFINITIONS

... 

ALLEY. Any public way, thoroughfare, or easement which has been dedicated or deeded to the public for public use as a secondary means of access to abutting properties.

... 

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-030 Amendment of CHAPTER 3, BUILDING PLANNING, of the International Residential Code for One- and Two-Family Dwellings.

A. SECTION R301, DESIGN CRITERIA, Table R301.2(1), Climatic and Geographic Design Criteria, is hereby amended to read as follows:

SECTION R301 - DESIGN CRITERIA

...
TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

<table>
<thead>
<tr>
<th>ROOF SNOW LOAD</th>
<th>WIND SPEED (MPH)</th>
<th>SEISMIC DESIGN CATEGORY</th>
<th>SUBJECT TO DAMAGE FROM</th>
<th>DECAY</th>
<th>WINTER DESIGN TEMP.</th>
<th>ICE SHIELD UNDERLAYMENT REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>30PSF</td>
<td>115 mph “C” Exposure</td>
<td>C</td>
<td>Negligible</td>
<td>18''</td>
<td>Moderate To Heavy</td>
<td>None To Slight</td>
</tr>
</tbody>
</table>

FLOOD HAZARDS | AIR FREEZING INDEX | MEAN ANNUAL TEMP.
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B. SECTION R301, DESIGN CRITERIA, Table R301.5, Minimum Uniformly Distributed Live Loads (in pounds per square foot), is hereby amended to read as follows:

SECTION R301 - DESIGN CRITERIA

TABLE R301.5
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS
(in pounds per square foot)

<table>
<thead>
<tr>
<th>USE</th>
<th>LIVE LOAD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Habitable attics and attics served with fixed stairs</td>
<td>40</td>
</tr>
<tr>
<td>Uninhabitable attic, equipment and/or limited storage</td>
<td>40</td>
</tr>
<tr>
<td>Platforms in attic</td>
<td></td>
</tr>
</tbody>
</table>

C. SECTION R313, AUTOMATIC FIRE SPRINKLER SYSTEMS, is hereby amended in its entirety to read as follows:

SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS. Automatic fire sprinkler systems must meet the requirements of Arizona Revised Statutes and the Central Arizona Fire and Medical Authority Code, as amended.

D. SECTION R322, FLOOD-RESISTANT CONSTRUCTION, is hereby deleted in its entirety.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 800, Amended, 12/4/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-040 Amendment of Chapter 4, FOUNDATIONS, of the International Residential Code for One- and Two-Family Dwellings.
A. SECTION R401, GENERAL, Subsection R401.3 Drainage, is hereby amended in its entirety to read as follows:

SECTION R401 - GENERAL

R401.3 Drainage. Drainage shall be provided in accordance with the provisions of Appendix J of the International Building Code, incorporated by this reference as if fully set forth herein.

B. SECTION R403, FOOTINGS, Subsection R403.1, General, Subsubsection R403.1.3, Footing and Stem Wall Reinforcing in Seismic Design Categories D\textsubscript{0}, D\textsubscript{1}, and D, Subsubsubsection R403.1.3.1, Concrete Stem Walls with Concrete Footings, is hereby amended in its entirety to read as follows:

SECTION R 403 - FOOTINGS

R403.1 General

R403.1.3 Footing and Stem Wall Reinforcing in Seismic Design Categories D\textsubscript{0}, D\textsubscript{1}, and D.

R403.1.3.1 Concrete Stem Walls with Concrete Footings. Foundations with stemwalls shall be provided with the following steel reinforcement or an equivalent approved by the building official, unless an engineered design is provided:

1) For non-retaining stem walls less than 24 inches in height, a bond beam composed on one horizontal #4 rebar is required at the top of the wall and one #4 vertical rebar is required at 48 inches on center. The vertical reinforcement shall extend into the footing with a minimum 4 inch bent hook having at least a 90° bend.

2) For stem walls 24 inches to 48 inches in height, a bond beam composed of two horizontal #4 rebar is required at the top of the wall and one #4 vertical rebar is required at 48 inches on center. The vertical reinforcement shall extend into the footing with a minimum 4 inch bent hook having at least a 90° bend.

3) For stem walls over 48 inches in height or retaining 2 or more feet of earth, engineering may be required to determine footing size, wall thickness, materials, steel placement and size (depending on soil conditions), height, surcharge loading or other requirements at the option of the building official.

Minimum stemwall height shall be 13 inches above the natural grade at the high elevation corner of the structure or 13 inches above the finished grade of an approved, graded building pad.
C. SECTION R403, FOOTINGS, Subsection R403.1, General, Subsubsection R403.1.3, Footing and Stem Wall Reinforcing in Seismic Design Categories D₀, D₁, and D, Subsubsubsection R403.1.3.2, Masonry Stem Walls with Concrete Footings, is hereby renamed “Minimum Footing Reinforcement” and amended in its entirety to read as follows:

SECTION R403 - FOOTINGS

R403.1 General

R403.1.3 Footing and Stem Wall Reinforcing in Seismic Design Categories D₀, D₁, and D.

R403.1.3.2 Masonry Stem Walls with Concrete Footings. Footings shall be provided with the following steel reinforcement or an equivalent approved by the building official, unless an engineered design is provided:

1) Continuous spread footing - shall be reinforced with two #4 horizontal bars placed 3 inches from the footing bottom, with spacing between bars equal to the thickness of the stem wall.

2) Monolithic interior and exterior concrete footings - shall be reinforced with at least two #4 horizontal bars located 3 inches from the bottom of the footing and one #4 horizontal bar located 3 inches from the top of the slab.

3) Pier and column footings - shall be reinforced with #4 horizontal bars spaced no more than 12 inches on center in each direction and located 3 inches from the bottom of the footing.

D. SECTION R404, FOUNDATION AND RETAINING WALLS, Subsection R404.1, Concrete and Masonry Foundation Walls, Subsubsection R404.1.1, Design Required, is hereby amended in its entirety to read as follows:

SECTION R404 - FOUNDATION AND RETAINING WALLS

R404.1 Concrete and Masonry Foundation Walls.

R404.1.1 Design Required. Concrete masonry foundation walls shall be constructed as set forth in Tables R404.1.1(2), R404.1.1(3) and R404.1.1(4) of the International Residential Code for the most restrictive design soil class, provided that the minimum vertical reinforcement is #4 bar spaced no more than 48 inches on center, and shall also comply with the provisions of this section and the applicable provisions of Sections R606, R607 and R608 of the International Residential Code. In Seismic Design Category D₀ and D₁, as established in Figure R301.2(2) of the International Residential Code, concrete masonry foundation walls shall comply with Section R404.1.4 of the International Residential Code. Rubble stone masonry walls shall not be used in
Prescott Valley, Arizona

Seismic Design Category C, \(D_1\) or \(D_2\), as established in Figure R301.2(2) of the International Residential Code.

E. SECTION R404, FOUNDATION AND RETAINING WALLS, Subsection R404.1, Concrete and Masonry Foundation Walls, Subsubsection R404.1.2, Design of Masonry Foundation Walls, is hereby amended in its entirety to read as follows:

SECTION R404 - FOUNDATION AND RETAINING WALLS

R404.1 Concrete and Masonry Foundation Walls.

R404.1.2 Design of Masonry Foundation Walls. Concrete foundation walls shall be constructed as set forth in Tables R404.1.1(2), R404.1.1(3) and R404.1.1(4) of the International Residential Code for the most restrictive design soil class, provided that the minimum vertical reinforcement is \#4 bar spaced no more than 48 inches on center, and shall also comply with the provisions of this section and the applicable provisions of Sections R402.2 and R612 of the International Residential Code. In Seismic Category \(D_1\) and \(D_2\), as established in Figure R301.2(2) of the International Residential Code, concrete foundation walls shall comply with Section R404.1.4 of the International Residential Code.

F. SECTION R404, FOUNDATION AND RETAINING WALLS, is hereby amended by adding a new Subsection R404.6, to read as follows:

SECTION R404 - FOUNDATION AND RETAINING WALLS

R404.6 Insulating Concrete Form Foundation Walls.

When Tables R404.4(1) through R404.4(5) of the International Residential Code are utilized for concrete foundation walls, reinforcement shall be as required for Soil Group III, as established by Table R405.1 of the International Residential Code, provided that the minimum vertical reinforcement is \#4 bar spaced no more than 48 inches on center. Where Tables R404.4(1) through R404.4(5) of the International Residential Code indicate “N/R” for vertical reinforcement size and spacing or where the Tables do not indicate the maximum height of unbalanced backfill for various heights, vertical reinforcement and spacing shall be provided as follows:

<table>
<thead>
<tr>
<th>Maximum Unbalanced Backfill Height (ft.)</th>
<th>Minimum Vertical Reinforcement Size and Spacing</th>
</tr>
</thead>
<tbody>
<tr>
<td>4’ and less</td>
<td>#4 @ 48”</td>
</tr>
<tr>
<td>5</td>
<td>#4 @ 3” or #5 @ 48”</td>
</tr>
<tr>
<td>6</td>
<td>#4 @ 20” or #5 @ 32”</td>
</tr>
<tr>
<td>7</td>
<td>#4 @ 12” or #5 @ 20”</td>
</tr>
</tbody>
</table>

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)
Amendment of Chapter 5, FLOORS, of the International Residential Code for One- and Two-Family Dwellings.

A. SECTION R506, CONCRETE FLOORS (ON GROUND), Subsection R506.2, Site Preparation, Subsubsection R506.2.3, Vapor Retarder, is hereby deleted in its entirety.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

Amendment of Chapter 6, WALL CONSTRUCTION, of the International Residential Code for One- and Two-Family Dwellings.

A. SECTION R602, WOOD WALL FRAMING, Table R602.10.4 Bracing Methods, is hereby amended by deleting the following:

Table R602.10.4 Bracing Methods. “LIB Let-in-bracing” and all provisions related thereto are hereby deleted.

B. SECTION R606, GENERAL MASONRY CONSTRUCTION, Subsection R606.12, Seismic Requirements, Subsubsection R606.12.2, Seismic Design Category C, Subsubsubsection R606.12.2.2, Design of Elements not Part of the Lateral Force-Resisting System, Subsubsubsubsection R606.12.2.2.3, Reinforcement Requirements for Masonry Elements, is hereby amended to read as follows:

SECTION R606 - GENERAL MASONRY CONSTRUCTION

R606.12 Seismic Requirements.

R606.12.2 Seismic Design Category C.

R606.12.2.2 Design of Elements not Part of the Lateral Force-Resisting System.

R606.12.2.2.3 Reinforcement Requirements for Masonry Elements.

1. Horizontal reinforcement.

2. Vertical reinforcement. Vertical reinforcement of at least one #4 bar shall be provided at corners, within 16 inches of each side of openings, within 8 inches of each side of movement joints, within 8 inches of the ends of walls, and at a maximum spacing of 48 inches.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord.

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Amendment of Chapter 7, WALL COVERING, of the International Residential Code for One- and Two-Family Dwellings.

A. SECTION R702, INTERIOR COVERING, Table R702.3.5, Minimum Thickness and Application of Gypsum Board and Gypsum Panel Products, is hereby amended to read as follows:

SECTION R702 - INTERIOR COVERING

TABLE R702.3.5
MINIMUM THICKNESS AND APPLICATION OF GYPSUM BOARD AND GYPSUM PANEL PRODUCTS

With the exception of garage ceilings adjoining living areas, one-half-inch-thick (1/2”) single-ply gypsum board shall be used on a ceiling where a water-based texture finish is to be applied, or where it will be required to support insulation above the ceiling. Five-eighths-inch-thick (5/8”) Type ‘X’ single-ply gypsum board shall be used on garage ceilings adjoining living areas.

B. SECTION R703, EXTERIOR COVERING, Subsection R703.7, Exterior Plaster (Stucco), Subsubsection R703.7.4 Application, is hereby amended by adding the following subparagraph, to read as follows:

SECTION R703 - EXTERIOR COVERING

R703.7, Exterior Plaster (Stucco).

Certification of installation of exterior plaster per the manufacturer’s installation instructions shall be provided to the building official prior to building final inspection.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

Chapter 8, ROOF-CEILING CONSTRUCTION, of the International Residential Code for One- and Two- Family Dwellings.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)
Amendment of Chapter 9, ROOF ASSEMBLIES, of the International Residential Code for One- and Two-Family Dwellings.

A. SECTION R905, REQUIREMENTS FOR ROOF COVERINGS, Subsection R905.3, Clay and Concrete Tile, Subsubsection R905.3.1, Deck Requirements, is hereby amended in its entirety to read as follows:

R905.3.1, Deck Requirements. Clay or concrete tile shall be installed over a solidly sheathed roof deck.

B. SECTION R905, REQUIREMENTS FOR ROOF COVERINGS, Subsection R905.4, Metal Roof Shingles, Subsubsection R905.4.1, Deck Requirements, is hereby amended in its entirety to read as follows:

R905.4.1, Deck Requirements. Metal roof shingles shall be installed over a solidly sheathed roof deck.

C. SECTION R905, REQUIREMENTS FOR ROOF COVERINGS, Subsection R905.7, Wood Shingles, Subsubsection R905.7.1, Deck Requirements, is hereby amended in its entirety to read as follows:

R905.7.1, Deck Requirements. Wood shingles shall be installed over a solidly sheathed roof deck.

D. SECTION R905, REQUIREMENTS FOR ROOF COVERINGS, Subsection R905.8, Wood Shakes, Subsubsection R905.8.1, Deck Requirements, is hereby amended in its entirety to read as follows:
R905.8, Wood Shakes.

R905.8.1, Deck Requirements. Wood shakes shall be installed over a solidly sheathed roof deck.

E. SECTION R905, REQUIREMENTS FOR ROOF COVERINGS, Subsection R905.10, Metal Roof Panels, Subsubsection R905.10.1, Deck Requirements, is hereby amended in its entirety to read as follows:

SECTION R905 - REQUIREMENTS FOR ROOF COVERINGS

R905.10, Metal Roof Panels.

R905.10.1, Deck Requirements. Metal roof panels shall be installed over a solidly sheathed roof deck.

7-03-100 Chapter 10, CHIMNEYS AND FIREPLACES, of the International Residential Code for One- and Two- Family Dwellings.

7-03-110 Reserved.

7-03-120 Chapter 12, MECHANICAL ADMINISTRATION, of the International Residential Code for One- and Two- Family Dwellings.

7-03-130 Amendment of Chapter 13, GENERAL MECHANICAL SYSTEM REQUIREMENTS, of the International Residential Code for One- and Two-Family Dwellings.

A. SECTION M1307, APPLIANCE INSTALLATION, Subsection M1307.3, Elevation of Ignition Source, is hereby amended by adding the following Exception #2, to read as follows:
SECTION M1307 - APPLIANCE INSTALLATION

M1307.3 Elevation of Ignition Source.

Exception #2: This section shall not apply to the following appliances:

1. Clothes dryers.

(Ord. No. 296, Enacted, 07/22/93: Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-140 Chapter 14, HEATING AND COOLING EQUIPMENT AND APPLIANCES, of the International Residential Code for One- and Two- Family Dwellings.

(Ord. No. 485, Enacted, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-150 Chapter 15, EXHAUST SYSTEMS, of the International Residential Code for One- and Two- Family Dwellings.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-160 Chapter 16, DUCT SYSTEMS, of the International Residential Code for One- and Two- Family Dwellings.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-170 Chapter 17, COMBUSTION AIR, of the International Residential Code for One- and Two- Family Dwellings.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-180 Chapter 18, CHIMNEYS AND VENTS, of the International Residential Code for One- and Two- Family Dwellings.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-190 Chapter 19, SPECIAL APPLIANCES, EQUIPMENT AND SYSTEMS, of the International Residential Code for One- and Two- Family Dwellings.
7-03-200  Chapter 20, BOILERS AND WATER HEATERS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-210  Chapter 21, HYDRONIC PIPING, of the International Residential Code for One- and Two-Family Dwellings.

7-03-220  Chapter 22, SPECIAL PIPING AND STORAGE SYSTEMS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-230  Chapter 23, SOLAR THERMAL ENERGY SYSTEMS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-240  Amendment of Chapter 24, FUEL GAS, of the International Residential Code for One- and Two-Family Dwellings.

A.  SECTION G2415, PIPING SYSTEM INSTALLATION, Subsection G2415.3, Prohibited Locations, is hereby amended by adding the following subparagraph, to read as follows:

SECTION G2415 - PIPING SYSTEM INSTALLATION

...  
G2415.3 Prohibited Locations.

...  
Liquefied petroleum gas piping shall not serve any gas-fired appliance or equipment located in a pit, attic or basement where heavier-than-air gas might collect to form a flammable mixture.

B.  SECTION G2415, PIPING SYSTEM INSTALLATION, Subsection G2415.12, Minimum Burial Depth, is hereby amended in its entirety to read as follows:

SECTION G2415 - PIPING SYSTEM INSTALLATION
G2415.12 Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping. Plastic type piping shall be eighteen (18) inches (457 mm) below finished grade or twenty-four (24) inches if under a driveway. Underground ferrous gas piping shall be electrically isolated from the rest of the gas system with listed or approved isolation fittings installed a minimum six (6) inches above grade.

C. SECTION G2415, PIPING SYSTEM INSTALLATION, Subsection G2415.12, Minimum Burial Depth, Subsubsection G2415.12.1, Individual Outdoor Appliances, is hereby amended by adding the following sentence to read as follows:

SECTION G2415 - PIPING SYSTEM INSTALLATION

G2415.12.1 Individual Outdoor Appliances. All plastic type gas piping shall be a minimum of twelve (12) inches below finished grade.

D. SECTION G2417, INSPECTION, TESTING AND PURGING, Subsection G2417.4, Test Pressure Measurement, Subsubsection G2417.4.1, Test Pressure, is hereby amended in its entirety to read as follows:

SECTION G2417 - INSPECTION, TESTING AND PURGING

G2417.4 Test Pressure Measurement.

G2417.4.1 Test Pressure. The test pressure to be used shall be not less than one and one-half times the proposed maximum working pressure, but not less than 10 psig (66 KPa gauge), irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

E. SECTION G2420, SHUTOFF VALVES, Subsection G2420.2, Meter Valve, is hereby amended in its entirety to read as follows:

SECTION G2420 - SHUTOFF VALVES

G2420.2 Meter Valve. Every meter shall be equipped with a shutoff valve located on the supply side of the meter. Such shutoff valve shall be manually operated, placed on the supply piping located outside the building it supplies and must be readily accessible at all times.

F. SECTION G2420, SHUTOFF VALVES, Subsection G2420.3, Individual Buildings, is hereby renamed “Building Shutoff” and amended in its entirety to read as follows:
SECTION G2420 - SHUTOFF VALVES

G2420.3 Building Shutoff. All buildings shall be provided with a shutoff valve located on the downstream side of the gas meter, between the gas meter and the building. Multiple buildings on the same system shall have a separate shutoff valve for each building.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-250 Chapter 25, PLUMBING ADMINISTRATION, of the International Residential Code for One- and Two- Family Dwellings.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-260 Amendment of Chapter 26, GENERAL PLUMBING REQUIREMENTS, of the International Residential Code for One- and Two-Family Dwellings.

A. SECTION P2603, STRUCTURAL AND PIPING PROTECTION, Subsection P2603.5, Freezing, Subsubsection P2603.5.1, Sewer Depth, is hereby amended in its entirety to read as follows:

SECTION P2603 - STRUCTURAL AND PIPING PROTECTION

P2603.5 Freezing.

P2603.5.1 Sewer Depth. Building sewers that connect to private sewage disposal systems shall be a minimum of eighteen (18) inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of eighteen (18) inches below grade.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-270 Amendment of Chapter 27, PLUMBING FIXTURES, of the International Residential Code for One- and Two- Family Dwellings.

A. SECTION P2722, FIXTURE FITTING, Subsection P2722.2, Hot Water, is hereby amended by adding the following subparagraph, to read as follows:

SECTION P2722, FIXTURE FITTING

P2722.2 Hot Water.

7 - 95
A hot water recirculating pump shall be installed in all new residences with two or more bathrooms. NOTE: Recirculating hot water shall be run to hand sinks, tubs, tub showers and showers. Piping for the recirculating hot water system shall be insulated with approved insulation.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-280 Chapter 28, WATER HEATERS, of the International Residential Code for One- and Two- Family Dwellings.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-290 Amendment of Chapter 29, WATER SUPPLY AND DISTRIBUTION, of the International Residential Code for One- and Two- Family Dwellings.

A. SECTION P2904 DWELLING UNIT FIRE SPRINKLER SYSTEMS, is hereby amended in its entirety to read as follows;

P2904 DWELLING UNIT FIRE SPRINKLER SYSTEMS. Dwelling unit fire sprinkler systems must meet the requirements of Arizona Revised Statutes and the Central Arizona Fire and Medical Authority Code, as amended.

(Ord. No. 576, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-300 Amendment of Chapter 30, SANITARY DRAINAGE, of the International Residential Code for One- and Two-Family Dwellings.

A. SECTION P3005, DRAINAGE SYSTEM, Subsection P3005.2, Cleanouts Required, Subsubsection P3005.2.10, Cleanout Access, is hereby amended to read as follows:

SECTION P3005 - DRAINAGE SYSTEM

P3005.2 Cleanouts Required.

P3005.2.10 Cleanout Access. Required cleanouts shall not be installed in concealed locations. For the purposes of this section, concealed locations include, but are not limited to, the inside of plenums, within walls, within floor/ceiling assemblies, below grade and in crawl spaces where the height from the crawl space floor to the nearest obstruction along the path from the crawl space opening to the cleanout location is less than twenty-four (24) inches (610mm). Cleanouts with openings at finished wall shall have the face of the opening flush with the finished wall surface. Cleanouts located below grade shall be extended to grade level so that the top of the cleanout plug is at or above grade. A cleanout installed in a floor or walkway that will not have
a trim cover installed shall have a counter-sunk plug installed so the top surface of the plug is flush with the finished surface of the floor or walkway.

B. SECTION P3005, DRAINAGE SYSTEM, Subsection P3005.3, Horizontal Drainage Piping Slope, is hereby amended by adding the following subparagraphs, to read as follows:

SECTION P3005 - DRAINAGE SYSTEM

P3005.3 Horizontal Drainage Piping Slope.

No building sewer shall be located in such a way as to preclude a gravity-flow connection to an available public sewer.

Exception: Building sewers may be located in such a way as to preclude a gravity-flow connection to an available public sewer if that building sewer is otherwise connected to the available public sewer, and owners or developers expressly agree in writing (for themselves and their successors-in-interest), to 1) take complete financial responsibility for construction and on-going maintenance of any non-gravity flow connection, and 2) to allow such agreement to be recorded in the Office of the Yavapai County Recorder upon payment of a fee. Nothing herein shall otherwise modify any other provision of the Town Code allocating responsibility for construction and maintenance of service connections.

Prior to the availability of a public sewer as defined in Section 701.2 of the International Plumbing Code, but after a preliminary design for such a public sewer has been established and is available for review at the Community Development Office, no building sewer shall be located in such a way as to preclude a subsequent gravity-flow connection to that future public sewer. Furthermore, the building sewer shall be located so as to minimize the length of sewer service line that will be necessary to connect to the future public sewer, by being located on the same half of the lot as the future public sewer pipeline and by avoiding walls and fences wherever possible.

Exception: Building sewers may be located in such a way as to preclude a subsequent gravity-flow connection to the future public sewer, or so as not to minimize the length of sewer service line necessary to connect to the future public sewer, if owners or developers expressly agree in writing (for themselves and their successors-in-interest) to 1) take complete financial responsibility for construction of any non-gravity flow connection at the time of converting from private sewage disposal systems to the public sewer, 2) take complete financial responsibility for on-going maintenance of any such non-gravity flow connection at the time of converting from private sewage disposal systems to the public sewer, 3) take complete financial responsibility for any additional cost of constructing and maintaining sewer service lines beyond the minimal length necessary at the time of converting from private sewage disposal systems to the public sewer, and 4) allow such agreement to be recorded in the Office of the Yavapai County Recorder upon payment of a fee. Nothing herein shall otherwise modify any other provision of the Town Code allocating responsibility for construction and maintenance of service connections.
B. SECTION P3008, BACKWATER VALVES, Subsection P3008.1, Where Required, is hereby amended in its entirety to read as follows:

**SECTION P3008 - BACKWATER VALVES**

**P3008.1 Where Required.** All structures connected to a public sewer system shall be protected by an approved backwater valve.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-310 Chapter 31, VENTS, of the International Residential Code for One- and Two-Family Dwellings.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 620, Rep&ReEn, 04/28/05; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-320 Chapter 32, TRAPS, of the International Residential Code for One- and Two-Family Dwellings.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-330 Chapter 33, STORM DRAINAGE, of the International Residential Code for One- and Two-Family Dwellings.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-340 Chapter 34, GENERAL REQUIREMENTS, of the International Residential Code for One- and Two-Family Dwellings.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-350 Chapter 35, ELECTRICAL DEFINITIONS, of the International Residential Code for One- and Two-Family Dwellings.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-360 Chapter 36, SERVICES, of the International Residential Code for One- and Two-Family Dwellings.
7-03-370 Chapter 37, BRANCH CIRCUIT AND FEEDER REQUIREMENTS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-380 Chapter 38, WIRING METHODS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-390 Chapter 39, POWER AND LIGHTING DISTRIBUTION, of the International Residential Code for One- and Two-Family Dwellings.

7-03-400 Amendment of Chapter 40, DEVICES AND LUMINAIRES, of the International Residential Code for One- and Two-Family Dwellings.

A. SECTION E4002, RECEPTACLES, Subsection R4002.14, Tamper-Resistant Receptacles, is hereby deleted in its entirety.

7-03-410 Chapter 41, APPLIANCE INSTALLATION, of the International Residential Code for One- and Two-Family Dwellings.

7-03-420 Chapter 42, SWIMMING POOLS, of the International Residential Code for One- and Two-Family Dwellings.

7-03-430 Chapter 43, CLASS 2 REMOTE-CONTROL SIGNALING AND POWER-LIMITED CIRCUITS, of the International Residential Code for One- and Two-Family Dwellings.
7-03-440 Chapter 44, REFERENCED STANDARDS, of the International Residential Code for One- and Two- Family Dwellings.

(Ord. No. 788, Enacted, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)


(Ord. No. 788, Enacted, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)


(Ord. No. 788, Enacted, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)


(Ord. No. 788, Enacted, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-440.D Appendix D, RECOMMENDED PROCEDURE FOR SAFETY INSPECTION OF AN EXISTING APPLIANCE INSTALLATION, of the International Residential Code for One- and Two- Family Dwellings.

(Ord. No. 788, Enacted, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-440.F Appendix F, RADON CONTROL METHODS, of the International Residential Code for One- and Two- Family Dwellings.

(Ord. No. 788, Enacted, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)


(Ord. No. 788, Enacted, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-03-440.I  Appendix I, PRIVATE SEWAGE DISPOSAL, of the International Residential Code for One- and Two- Family Dwellings.


7-03-440.Q  Appendix Q, TINY HOUSES, of the International Residential Code for One- and Two- Family Dwellings.

BUILDING

7-03-440.S  Appendix S, STRAWBALE CONSTRUCTION, of the International Residential Code for One- and Two- Family Dwellings.

(Ord. No. 861, Enacted, 05/23/19)


(Ord. No. 861, Enacted, 05/23/19)
Article 7-04 ADOPTION OF THE INTERNATIONAL MECHANICAL CODE (IMC)

7-04-005 Adoption of the International Mechanical Code.

7-04-010 Amendment of Chapter 1, SCOPE AND ADMINISTRATION, of the International Mechanical Code.

7-04-020 Amendment of Chapter 2, DEFINITIONS, of the International Mechanical Code.

7-04-030 Amendment of Chapter 3, GENERAL REGULATIONS, of the International Mechanical Code.

7-04-040 Chapter 4, VENTILATION, of the International Mechanical Code.

7-04-050 Chapter 5, EXHAUST SYSTEMS, of the International Mechanical Code.

7-04-060 Chapter 6, DUCT SYSTEMS, of the International Mechanical Code.

7-04-070 Chapter 7, COMBUSTION AIR, of the International Mechanical Code.

7-04-080 Chapter 8, CHIMNEYS AND VENTS, of the International Mechanical Code.

7-04-090 Chapter 9, SPECIFIC APPLIANCES, FIREPLACES AND SOLID FUEL-BURNING EQUIPMENT, of the International Mechanical Code.

7-04-100 Chapter 10, BOILERS, WATER HEATERS AND PRESSURE VESSELS, of the International Mechanical Code.

7-04-110 Chapter 11, REFRIGERATION, of the International Mechanical Code.

7-04-120 Chapter 12, HYDRONIC PIPING, of the International Mechanical Code.

7-04-130 Chapter 13, FUEL OIL PIPING AND STORAGE, of the International Mechanical Code.

7-04-140 Chapter 14, SOLAR THERMAL SYSTEMS, of the International Mechanical Code.

7-04-150 Chapter 15, REFERENCED STANDARDS, of the International Mechanical Code.

7-04-150.A Appendix A, CHIMNEY CONNECTOR PASS-THROUGHS, of the International Mechanical Code.

7-04-005 Adoption of the International Mechanical Code.

The International Mechanical Code (IMC), 2018 Edition, along with Appendix A, as copyrighted by the International Code Council, with amendments contained in this document, are hereby adopted by reference as though fully set forth herein, as one of the technical codes of the Town of Prescott Valley. At least three (3) copies of the aforesaid IMC shall be filed in the Office of the Town Clerk and made available for public use and inspection.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 90, Ren&Amd, 12/15/83, 7-03; Ord. No. 154, Rep&ReEn, 08/27/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 237, Ren&Amd, 09/13/90, 7-01-040; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 375, Renumbered, 12/28/95, 7-04; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-04-010 Amendment of Chapter 1, SCOPE AND ADMINISTRATION, of the International Mechanical Code.

A. SECTION 101, GENERAL, Section 101.1, Title, is hereby amended to read as follows:

SECTION 101 - GENERAL
101.1 Title. These regulations shall be known as the Mechanical Code of the Town of Prescott Valley, hereinafter referred to as “this code.”

B. SECTION 101, GENERAL, is hereby amended by adding the following Subsection, to read as follows:

**SECTION 101 - GENERAL**

...  

101.5 Administration of the Mechanical Code. This Mechanical Code shall be administered pursuant to Article 7-01, THE TOWN OF PRESCOTT VALLEY ADMINISTRATIVE CODE, in Chapter 7, BUILDING, of the Prescott Valley Town Code.

C. SECTION 102, APPLICABILITY, is hereby deleted in its entirety.

D. SECTION 103, DEPARTMENT OF MECHANICAL INSPECTION, is hereby deleted in its entirety.

E. SECTION 104, DUTIES AND POWERS OF THE CODE OFFICIAL, is hereby deleted in its entirety.

F. SECTION 105, APPROVAL, is hereby deleted in its entirety.

G. SECTION 106, PERMITS, is hereby deleted in its entirety.

H. SECTION 107, INSPECTIONS AND TESTING, is hereby deleted in its entirety.

I. SECTION 108, VIOLATIONS, is hereby deleted in its entirety.

J. SECTION 109, MEANS OF APPEAL, is hereby deleted in its entirety.

K. SECTION 110, TEMPORARY EQUIPMENT, SYSTEMS AND USES, is hereby deleted in its entirety.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-04-020 Amendment of Chapter 2, DEFINITIONS, of the International Mechanical Code.

A. SECTION 201, GENERAL, Subsection 201.4, Terms Not Defined, is hereby amended in its entirety to read as follows:

**SECTION 201 - GENERAL**

...  

201.4 Terms Not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as
the context implies. Webster’s Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings and terms shall have their ordinarily accepted meanings within the context with which they are used.

B. SECTION 202, GENERAL DEFINITIONS, is hereby amended to read as follows:

SECTION 202 - GENERAL DEFINITIONS

APPROVED. Approval by the building official of materials, types of construction, equipment and systems as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

APPROVED AGENCY. An established and recognized agency that is regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the building official.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

CODE OFFICIAL. The Building Official as defined in Section 7-01-040 of the Town of Prescott Valley Administrative Code.

LISTED/LISTING. Terms referring to equipment and materials included in a list published by an approved testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of current productions of listed equipment or materials. The published list shall state that the material or equipment complies with approved nationally recognized codes, standards or tests and has been tested or evaluated and found suitable for use in a specified manner.

OCCUPANCY. The purpose for which a building, or portion thereof, is used or intended to be used.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-04-030 Amendment of Chapter 3, GENERAL REGULATIONS, of the International Mechanical Code.

A. SECTION 301, GENERAL REGULATIONS, Subsection 301.2, Energy Utilization, is hereby deleted in its entirety.
B. SECTION 303, EQUIPMENT AND APPLIANCE LOCATION, Subsection 303.7, Pit Locations, is hereby amended by adding the following subparagraph to read as follows:

SECTION 303 - EQUIPMENT AND APPLIANCE LOCATION

303.7 Pit Locations.

Liquefied petroleum gas piping shall not serve any gas-fired appliance or equipment located in a pit or basement where heavier-than-air gas might collect to form a flammable mixture.

C. SECTION 304, INSTALLATION, Subsection 304.3, Elevation of Ignition Source, is hereby amended by amending the following Exception, to read as follows:

SECTION 304 - INSTALLATION

304.3 Elevation of Ignition Source.

Exception:

1. Elevation of the ignition source is not required for appliances that are listed as flammable vapor ignition resistant.

2. This section shall not apply to clothes dryers installed in private garages.

D. SECTION 306, ACCESS AND SERVICE SPACE, Subsection 306.5, Equipment and Appliances on Roofs or Elevated Structures, is hereby amended by adding the following design criteria, to read as follows:

SECTION 306 - ACCESS AND SERVICE SPACE

306.5 Equipment and Appliances on Roofs or Elevated Structures.

Permanent ladders installed to provide the required access shall comply with the following minimum design criteria:

11. Permanent exterior ladders providing roof access shall extend down to ten (10) feet above finished grade.

E. SECTION 307, CONDENSATE DISPOSAL, Subsection 307.2, Evaporators and Cooling Coils, Subsubsection 307.2.2, Drain Pipe Materials and Sizes, is amended by adding the following sentence, to read as follows:
SECTION 307 - CONDENSATE DISPOSAL

307.2 Evaporators and Cooling Coils.

307.2.2 Drain Pipe Materials and Sizes

Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth (1/8) unit vertical in twelve (12) units horizontal (1-percent slope).

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-04-040  Chapter 4, VENTILATION, of the International Mechanical Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-04-050  Chapter 5, EXHAUST SYSTEMS, of the International Mechanical Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-04-060  Chapter 6, DUCT SYSTEMS, of the International Mechanical Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-04-070  Chapter 7, COMBUSTION AIR, of the International Mechanical Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-04-080  Chapter 8, CHIMNEYS AND VENTS, of the International Mechanical Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-04-090  Chapter 9, SPECIFIC APPLIANCES, FIREPLACES AND SOLID FUEL-BURNING EQUIPMENT, of the International Mechanical Code.
7-04-100 Chapter 10, BOILERS, WATER HEATERS AND PRESSURE VESSELS, of the International Mechanical Code.

7-04-110 Chapter 11, REFRIGERATION, of the International Mechanical Code.

7-04-120 Chapter 12, HYDRONIC PIPING, of the International Mechanical Code.

7-04-130 Chapter 13, FUEL OIL PIPING AND STORAGE, of the International Mechanical Code.

7-04-140 Chapter 14, SOLAR THERMAL SYSTEMS, of the International Mechanical Code.

7-04-150 Chapter 15, REFERENCED STANDARDS, of the International Mechanical Code.

7-04-150.A Appendix A, CHIMNEY CONNECTOR PASS-THROUGHS, of the International Mechanical Code.
Article 7-05 ADOPTION OF THE NATIONAL ELECTRICAL CODE (NEC)

7-05-005 Adoption of the National Electrical Code.
7-05-007 Amendment of ARTICLE 90, INTRODUCTION, of the National Electrical Code.
7-05-010 Amendment of Chapter 1, GENERAL, of the National Electrical Code.
7-05-020 Chapter 2, WIRING AND PROTECTION, of the National Electrical Code.
7-05-030 Chapter 3, WIRING METHODS AND MATERIALS, of the National Electrical Code.
7-05-040 Amendment of Chapter 4, EQUIPMENT FOR GENERAL USE, of the National Electrical Code.
7-05-050 Chapter 5, SPECIAL OCCUPANCIES, of the National Electrical Code.
7-05-060 Chapter 6, SPECIAL EQUIPMENT, of the National Electrical Code.
7-05-070 Chapter 7, SPECIAL CONDITIONS, of the National Electrical Code.
7-05-080 Chapter 8, COMMUNICATIONS SYSTEMS, of the National Electrical Code.
7-05-090 Chapter 9, TABLES, of the National Electrical Code.

7-05-005 Adoption of the National Electrical Code.

The National Electrical Code (NEC), 2017 Edition, as copyrighted by the National Fire Protection Association, Inc., with amendments contained in this document, is hereby adopted by reference as though fully set forth herein, as one of the technical codes of the Town of Prescott Valley. At least three (3) copies of the aforesaid NEC shall be filed in the Office of the Town Clerk and made available for public use and inspection.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 55, Rep&ReEn, 07/09/81; Ord. No. 90, Renumbered, 12/15/83, 7-02; Ord. No. 91, Amended, 12/15/83; Ord. No. 154, Rep&ReEn, 08/27/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 237, Ren&Amd, 09/13/90, 7-01-030; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 375, Renumbered, 12/28/95, 7-05; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Amended, 1/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-05-007 Amendment of ARTICLE 90, INTRODUCTION, of the National Electrical Code.

A. ARTICLE 90, INTRODUCTION, is hereby amended by adding the following subparagraph, to read as follows:

ARTICLE 90 INTRODUCTION

These provisions shall be known as the National Electrical Code of the Town of Prescott Valley, and shall be cited as such and will be referred to herein as "this Code."

. . .

B. ARTICLE 90 INTRODUCTION, Subsection 90.1, Purpose, Subparagraph (A), Practical Safeguarding, is hereby amended by adding the following text, to read as follows:

ARTICLE 90 INTRODUCTION

90.1 - PURPOSE
(A) Practical Safeguarding.

Any and all electrical work for light, heat, power or any other purpose shall be installed in conformity with the rules and regulations as set forth in that document titled the National Electrical Code, 2017 Edition, as amended herein, and in conformity with the rules and regulations set forth by the building official.

C. ARTICLE 90 INTRODUCTION, Subsection 90.4, Enforcement, is hereby amended by adding the following subparagraph, to read as follows:

ARTICLE 90 INTRODUCTION

90.4 - ENFORCEMENT

This National Electrical Code shall be administered and enforced pursuant to Article 7-01, THE TOWN OF PRESCOTT VALLEY ADMINISTRATIVE CODE, in Chapter 7, BUILDING, of the Prescott Valley Town Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 375, Renumbered, 12/28/95, 7-05; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Amended, 1/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-05-010 Amendment of Chapter 1, GENERAL, of the National Electrical Code.

A. ARTICLE 100, DEFINITIONS, Subsection, Scope, is hereby amended by addition of the following text to the first paragraph, to read as follows:

ARTICLE 100 - DEFINITIONS

Scope.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings and terms shall have their ordinarily accepted meanings within the context with which they are used.

B. ARTICLE 110, REQUIREMENTS FOR ELECTRICAL INSTALLATIONS, Part I, General, Subsection 110.8, Wiring Methods, is hereby amended in its entirety to read as follows:

ARTICLE 110 - REQUIREMENTS FOR ELECTRICAL INSTALLATIONS

I. General
110.8 Wiring Methods.

(A) **New Construction.** Only wiring methods recognized as suitable are included in this National Electrical Code. The recognized methods of wiring shall be permitted to be installed in any type of building or occupancy, except as otherwise provided in this National Electrical Code.

(B) **Existing or Relocated Buildings and Structures.**

(1) The provisions contained in this Article shall apply to all existing or relocated buildings if the wiring methods in such buildings are deemed to be inadequate or unsafe by the building official. If the existing wiring methods are deemed to be adequate and safe, then application of this National Electrical Code to existing or relocated buildings shall be governed by Section 7-01-030, Application to Existing Buildings and Building Service Equipment, of the Prescott Valley Town Code, except as otherwise provided herein.

(2) All relocated buildings or structures shall have service equipment which conforms to the provisions of ARTICLE 230, SERVICES, of this National Electrical Code.

(3) Additions to, or alterations in, existing wiring must first be approved by the building official.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00: Ord. No. 576, Amended, 1/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-05-020  **Chapter 2, WIRING AND PROTECTION, of the National Electrical Code.**

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-05-030  **Chapter 3, WIRING METHODS AND MATERIALS, of the National Electrical Code.**

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 1/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-05-040  **Amendment of Chapter 4, EQUIPMENT FOR GENERAL USE, of the National Electrical Code.**

A. ARTICLE 406, RECEPTACLES, CORD CONNECTORS, AND ATTACHMENT PLUGS (CAPS), Subsection 406.4(D)(5), Tamper-Resistant Receptacles, is hereby deleted in its entirety.
B. ARTICLE 406, RECEPTACLES, CORD CONNECTORS, AND ATTACHMENT PLUGS (CAPS), Subsection 406.12, Tamper-Resistant Receptacles, is hereby amended by adding the following Exception, to read as follows:

**ARTICLE 406, RECEPTACLES, CORD CONNECTORS, AND ATTACHMENT PLUGS (CAPS)**

. . .

**406.12 Tamper-Resistant Receptacles.**

. . .

**Exception:** This subsection shall not apply to detached one and two-family dwelling units.

C. ARTICLE 408, SWITCHBOARDS, SWITCHGEAR, AND PANELBOARDS, Part III, Panelboards, Subsection 408.30, General, is hereby amended by adding the following subparagraph, to read as follows:

**ARTICLE 408 - SWITCHBOARDS, SWITCHGEAR, AND PANELBOARDS**

. . .

III. Panelboards.

**408.30 General.**

. . .

Each separate commercial unit in a shopping center or building, each separate unit in an apartment building, and any separate unit used as a dwelling shall be wired so that each separate store, apartment, or dwelling has separate lighting and/or power distribution panels. Such panels shall not serve other units of the building. Hotels, motels, hotel apartments and similar types of buildings may be wired from one or more distributions panels.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 1/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-05-050 Chapter 5, SPECIAL OCCUPANCIES, of the National Electrical Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-05-060 Chapter 6, SPECIAL EQUIPMENT, of the National Electrical Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-05-070 Chapter 7, SPECIAL CONDITIONS, of the National Electrical Code.
7-05-080  Chapter 8, COMMUNICATIONS SYSTEMS, of the National Electrical Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-05-090  Chapter 9, TABLES, of the National Electrical Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)
Article 7-06 ADOPTION OF THE INTERNATIONAL PLUMBING CODE (IPC)

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7-06-005 Adoption of the International Plumbing Code.

The International Plumbing Code (IPC), 2018 Edition, along with Appendices B, C, D, and E, as copyrighted by the International Code Council, with amendments contained in this document, are hereby adopted by reference as though fully set forth herein, as one of the technical codes of the Town of Prescott Valley. At least three (3) copies of the aforesaid IPC shall be filed in the Office of the Town Clerk and made available for public use and inspection.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 375, Renumbered, 12/28/95, 7-06; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-06-010 Amendment of Chapter 1, SCOPE AND ADMINISTRATION, of the International
Prescott Valley, Arizona

Plumbing Code.

A. SECTION 101, GENERAL, Subsection 101.1, Title, is hereby amended to read as follows:

SECTION 101 - GENERAL

101.1 Title. These regulations shall be known as the International Plumbing Code of the Town of Prescott Valley, hereinafter referred to as “this code.”

B. SECTION 101, GENERAL, is hereby amended by adding the following Subsection, to read as follows:

SECTION 101 - GENERAL

101.5 Administration of the Plumbing Code. This Plumbing Code shall be administered pursuant to Article 7-01, THE TOWN OF PRESCOTT VALLEY ADMINISTRATIVE CODE, in Chapter 7, BUILDING, of the Prescott Valley Town Code.

C. SECTION 102, APPLICABILITY, is hereby deleted in its entirety.

D. SECTION 103, DEPARTMENT OF PLUMBING INSPECTION, is hereby deleted in its entirety.

E. SECTION 104, DUTIES AND POWERS OF THE CODE OFFICIAL, is hereby deleted in its entirety.

F. SECTION 105, APPROVAL, is hereby deleted in its entirety.

G. SECTION 106, PERMITS, is hereby deleted in its entirety.

H. SECTION 107, INSPECTIONS AND TESTING, is hereby deleted in its entirety.

I. SECTION 108, VIOLATIONS, is hereby deleted in its entirety.

J. SECTION 109, MEANS OF APPEAL, is hereby deleted in its entirety.

K. SECTION 110, TEMPORARY EQUIPMENT, SYSTEMS AND USES, is hereby deleted in its entirety.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-06-020 Amendment of Chapter 2, DEFINITIONS, of the International Plumbing Code.

A. SECTION 201, GENERAL, Subsection 201.4, Terms not Defined, is hereby amended in its entirety to read as follows:
SECTION 201 - GENERAL

201.4 Terms not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings and terms shall have their ordinarily accepted meanings within the context with which they are used.

B. SECTION 202, GENERAL DEFINITIONS, is hereby amended to read as follows:

SECTION 202 - GENERAL DEFINITIONS

APPROVED. Approval by the building official of materials, types of construction, equipment and systems as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

APPROVED AGENCY. An established and recognized agency that is regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the building official.

CODE OFFICIAL. The Building Official as defined in Section 7-01-040 of the Town of Prescott Valley Administrative Code.

OCCUPANCY. The purpose for which a building or portion thereof is used or intended to be used.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-06-030 Amendment of Chapter 3, GENERAL REGULATIONS, of the International Plumbing Code.

A. SECTION 305, PROTECTION OF PIPES AND PLUMBING SYSTEM COMPONENTS, Subsection 305.4, Freezing, Subsubsection 305.4.1, Sewer Depth, is hereby amended in its entirety to read as follows:

SECTION 305 - PROTECTION OF PIPES AND PLUMBING SYSTEM COMPONENTS

305.4 Freezing.
305.4.1 Sewer Depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 18 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 18 inches below grade.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-06-040 Amendment of Chapter 4, FIXTURES, FAUCETS AND FIXTURE FITTINGS, of the International Plumbing Code.

A. SECTION 403, MINIMUM PLUMBING FACILITIES, Subsection 403.1, Minimum Number of Fixtures, Table 403.1, Minimum Number of Required Plumbing Fixtures, is hereby amended by adding new footnotes to Table 403.1, to read as follows:

SECTION 403 - MINIMUM PLUMBING FACILITIES

403.1 Minimum Number of Fixtures.

Table 403.1
Minimum Number of Required Plumbing Fixtures
(See Sections 403.2 and 403.3)

h. Water coolers, goose neck spigot at a non-restroom/utility sink, or bottled water dispensers may be substituted for drinking fountains in B, M, and S occupancies with 25 or fewer occupants. Such water shall be free of charge and accessible to the public.

i. Goose neck faucets on a lavatory or a hose bib located within a restroom may be substituted for the required utility sink in B, M, and S occupancies with 25 or fewer occupants. Hose bibs shall comply with Section 608.15.4.2 of the International Plumbing Code.

j. Family or assisted-use toilet and bath fixtures restrooms shall consist of a minimum A117.1-2009 compliant toilet, lavatory sink, urinal and baby changing table with accommodating accessible clearances per A117.1-2009.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-06-050 Chapter 5, WATER HEATERS, of the International Plumbing Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-06-060 Amendment of Chapter 6, WATER SUPPLY AND DISTRIBUTION, of the International Plumbing Code.
A. SECTION 602, WATER REQUIRED, Subsection 602.2, Potable Water Required, is hereby amended in its entirety to read as follows:

SECTION 602 - WATER REQUIRED

602.2 Potable Water Required. Each plumbing fixture shall be provided with an adequate supply of potable running water piped thereto in an approved manner, so arranged as to flush and keep it in a clean and sanitary condition without danger of backflow or cross-connection. Water closets and urinals shall be flushed by means of an approved flush tank or flushometer valve. Faucets and diverters shall be connected to the water distribution system so that hot water corresponds to the left side of the fittings.

When a public water system, intended to serve any lot or premises, is available in any public easement, thoroughfare or right-of-way abutting such lot or premises, the plumbing fixtures in any building or structure thereon shall be connected to the public water system.

The public water system is considered available under Subsection 602.2 of this code when such water system or any facility connected thereto is located three hundred (300) feet or less from any proposed building or plumbing fixture on any lot or premises which abuts and is served by said system.

No permit shall be issued for the installation, alteration or repair of any private water system, or part thereof, on any lot or premises for which a connection with a public water system is available.

On every lot or premises hereafter connected to the public water system, all plumbing or parts thereof on such lot or premises shall be connected to said water system.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-06-070 Amendment of Chapter 7, SANITARY DRAINAGE, of the International Plumbing Code.

A. SECTION 701, GENERAL, Subsection 701.2, Connection to Sewer Required, is hereby amended in its entirety to read as follows:

SECTION 701 - GENERAL

701.2 Connection to Sewer Required. Every building in which plumbing fixtures are installed and every premises having drainage piping thereon, shall have a connection to a public or private sewer.
When a public sewer, intended to serve any lot or premises, is available in any public easement, thoroughfare or right-of-way abutting such lot or premises, drainage piping from any building or works shall be connected to the public sewer.

Within the limits prescribed, the rearrangement or subdivision into smaller parcels of a lot which abuts and is served by a public sewer shall not be deemed cause to permit the construction of a private sewage disposal system, and all plumbing or drainage systems on any such smaller parcel or parcels shall connect to the public sewer.

The public sewer is considered available when such public sewer or any building or any exterior drainage facility connected thereto, is located three hundred (300) feet (91.2 m) or less from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

No permit shall be issued for the installation, alteration or repair of any private sewage disposal system or part thereof, on any lot for which a connection with a public sewer is available.

On every lot or premises hereafter connected to the public sewer, all plumbing and drainage systems or parts thereof on such lot or premises shall be connected with such public sewer.

Exceptions:

1. Single family dwellings and buildings or structures accessory thereto, existing and connected to an approved private sewage disposal system prior to the time a public sewer is available may, when no hazard, nuisance or unsanitary condition is evidenced and written permission has been obtained from the building official, remain connected to such properly maintained private sewage disposal system when there is insufficient grade or fall to permit drainage to the public sewer by gravity. However, once the public sewer is available, nothing herein shall be construed to authorize use of a private sewage disposal system instead of connecting to the public sewer, including insufficient grade or fall to permit gravity flow to the public sewer.

2. Any building, dwelling, facility or structure otherwise prohibited from connecting to the public sewer by state or federal statute, rule or regulation.

B. SECTION 701, GENERAL, Subsection 701.5, Damage to Drainage System or Public Sewer, is hereby amended in its entirety to read as follows:

SECTION 701 - GENERAL

701.5 Damage to Drainage System or Public Sewer. No rain, surface or subsurface water shall be connected to, discharged into, or allowed to infiltrate in any drainage system.
No building sewer shall be located in any lot other than the lot which is the site of
the building or structure served by such sewer; nor shall any building sewer be located at
any point having less than the minimum distances indicated in Table 608.18.1 of the
International Plumbing Code.

Nothing contained in this code shall be construed to prohibit the use of all or part of
an abutting lot to:

1. Provide access to connect a building sewer to an available public sewer, when
   proper cause and legal easement not in violation of other requirements has
   been first established to the satisfaction of the building official.

2. Provide additional space for a building sewer when proper cause, transfer of
   ownership, or change of boundary not in violation of other requirements has
   been first established to the satisfaction of the building official. The
   instrument recording such action shall constitute an agreement with the
   building official, which shall clearly state and show that the areas so joined or
   used shall be maintained as a unit (only for the purposes of this Section) during
   the time they are so used. Such an agreement shall be recorded in the Office of
   the Yavapai County Recorder as part of the conditions of ownership of said
   properties, and shall be binding on all heirs, successors and assigns to such
   properties. A copy of the instrument recording such proceedings shall be filed
   with the building official.

C. SECTION 704, DRAINAGE PIPING INSTALLATION, Subsection 704.1, Slope of Horizontal
   Drainage Piping, is hereby amended by adding the following subparagraphs and
   exceptions, to read as follows:

SECTION 704 - DRAINAGE PIPING INSTALLATION

704.1 Slope of Horizontal Drainage Piping.

No building sewer shall be located in such a way as to preclude a gravity-flow
connection to an available public sewer.

Exception: Building sewers may be located in such a way as to preclude a
gravity-flow connection to an available public sewer if that building sewer is
otherwise connected to the available public sewer, and owners or developers
expressly agree in writing (for themselves and their successors-in-interest), to
1) take complete financial responsibility for construction and on-going
maintenance of any non-gravity flow connection, and 2) to allow such
agreement to be recorded in the Office of the Yavapai County Recorder upon
payment of a fee. Nothing herein shall otherwise modify any other provision of
the Town Code allocating responsibility for construction and maintenance of
service connections.

Prior to the availability of a public sewer as defined in Section 701.2 of the
International Plumbing Code, but after a preliminary design for such a public sewer
has been established and is available for review at the Community Development Office, no building sewer shall be located in such a way as to preclude a subsequent gravity-flow connection to that future public sewer. Furthermore, the building sewer shall be located so as to minimize the length of sewer service line that will be necessary to connect to the future public sewer, by being located on the same half of the lot as the future public sewer pipeline and by avoiding walls and fences wherever possible.

Exception: Building sewers may be located in such a way as to preclude a subsequent gravity-flow connection to the future public sewer, or so as not to minimize the length of sewer service line that will be necessary to connect to the future public sewer, if owners or developers expressly agree in writing (for themselves and their successors-in-interest) to 1) take complete financial responsibility for construction of any non-gravity flow connection at the time of converting from private sewage disposal systems to the public sewer, 2) take complete financial responsibility for on-going maintenance of any such non-gravity flow connection at the time of converting from private sewage disposal systems to the public sewer, 3) take complete financial responsibility for any additional cost of constructing and maintaining sewer service lines beyond the minimal length necessary at the time of converting from private sewage disposal systems to the public sewer, and 4) allow such agreement to be recorded in the Office of the Yavapai County Recorder upon payment of a fee. Nothing herein shall otherwise modify any other provision of the Town Code allocating responsibility for construction and maintenance of service connections.

D. SECTION 708, CLEANOUTS, Subsection 708.1, Cleanouts Required, Subsubsection 708.1.10, Cleanout Access, is hereby amended in its entirety to read as follows:

SECTION 708 - CLEANOUTS

708.1 Cleanouts Required

708.1.10 Cleanout Access. Required cleanouts shall not be installed in concealed locations. For the purposes of this section, concealed locations include, but are not limited to, the inside of plenums, within walls, within floor/ceiling assemblies, below grade and in crawl spaces where the height from the crawl space floor to the nearest obstruction along the path from the crawl space opening to the cleanout location is less than 24 inches (610 mm). Cleanouts with openings at finished wall shall have the face of the opening flush with the finished wall surface. Cleanouts located below grade shall be extended to grade level so that the top of the cleanout plug is at or above grade. A cleanout installed in a floor or walkway that will not have a trim cover installed shall have a countersunk plug installed so the top surface of the plug is flush with the finished surface of the floor or walkway.

E. SECTION 714, BACKWATER VALVES, Subsection 714.1, Sewage Backflow, is hereby amended in its entirety to read as follows:

SECTION 714 - BACKWATER VALVES
**714.1 Sewage Backflow.** All structures connected to a public sewer system shall be protected by an approved backwater valve.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

**7-06-080 Chapter 8, INDIRECT/SPECIAL WASTE, of the International Plumbing Code.**

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

**7-06-090 Amendment of Chapter 9, VENTS, of the International Plumbing Code.**

A. SECTION 903, VENT TERMINALS, Subsection 903.1, Roof Extension, is hereby amended in its entirety to read as follows:

**SECTION 903 - VENT TERMINALS**

**903.1 Roof extension.** All open vent pipes that extend through a roof shall be terminated at least 6 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet above the roof.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

**7-06-100 Chapter 10, TRAPS, INTERCEPTORS AND SEPARATORS, of the International Plumbing Code.**

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

**7-06-110 Chapter 11, STORM DRAINAGE, of the International Plumbing Code.**

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00: Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

**7-06-120 Chapter 12, SPECIAL PIPING AND STORAGE SYSTEMS, of the International Plumbing Code.**

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

**7-06-130 Chapter 13, NONPOTABLE WATER SYSTEMS, of the International Plumbing Code.**
7-06-140 Chapter 14, SUBSURFACE LANDSCAPE IRRIGATION SYSTEMS, of the International Plumbing Code.

(Ord. No. 788, Enacted, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-06-150 Chapter 15. REFERENCED STANDARDS, of the International Plumbing Code.

(Ord. No. 861, Enacted, 05/23/19)


(Ord. No. 788, Enacted, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)


(Ord. No. 861, Enacted, 05/23/19)

7-06-150.D Appendix D, DEGREE DAY AND DESIGN TEMPERATURES, of the International Plumbing Code.

(Ord. No. 788, Enacted, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-06-150.E Appendix E, SIZING OF WATER PIPING SYSTEM, of the International Plumbing Code.

(Ord. No. 788, Enacted, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)
Article 7-07 ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)

7-07-005 Adoption of the International Property Maintenance Code.

7-07-010 Amendment of Chapter 1, SCOPE AND ADMINISTRATION, of the International Property Maintenance Code.

7-07-020 Amendment of Chapter 2, DEFINITIONS, of the International Property Maintenance Code.

7-07-030 Amendment of Chapter 3, GENERAL REQUIREMENTS, of the International Property Maintenance Code.

7-07-040 Chapter 4, LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS, of the International Property Maintenance Code.

7-07-050 Chapter 5, PLUMBING FACILITIES AND FIXTURE REQUIREMENTS, of the International Property Maintenance Code.

7-07-060 Chapter 6, MECHANICAL AND ELECTRICAL REQUIREMENTS, of the International Property Maintenance Code.

7-07-070 Amendment of Chapter 7, FIRE SAFETY REQUIREMENTS, of the International Property Maintenance Code.

7-07-080 Chapter 8, REFERENCED STANDARDS, of the International Property Maintenance Code.

7-07-005 Adoption of the International Property Maintenance Code.

The International Property Maintenance Code (IPMC), 2018 Edition, as copyrighted by the International Code Council, with amendments contained in this document, is hereby adopted by reference as though fully set forth herein, as one of the technical codes of the Town of Prescott Valley. At least three (3) copies of the aforesaid IPMC shall be filed in the Office of the Town Clerk and made available for public use and inspection.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 375, Renumbered, 12/28/95, 7-07; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-07-010 Amendment of Chapter 1, SCOPE AND ADMINISTRATION, of the International Property Maintenance Code.

A. SECTION 101, GENERAL, Subsection 101.1, Title, is hereby amended to read as follows:

SECTION 101 - GENERAL

...  

101.1 Title. These regulations shall be known as the Property Maintenance Code of the Town of Prescott Valley, hereinafter referred to as “this code.”

B. SECTION 101, GENERAL, is hereby amended by adding the following subsection, to read as follows:

SECTION 101 - GENERAL
101.5 Administration of the Property Maintenance Code. This Property Maintenance Code shall be administered pursuant to Article 7-01, THE TOWN OF PRESCOTT VALLEY ADMINISTRATIVE CODE, in Chapter 7, BUILDING, of the Prescott Valley Town Code.

C. SECTION 102, APPLICABILITY, is hereby amended in its entirety to read as follows:

SECTION 102 - APPLICABILITY

102.1, General, is hereby deleted in its entirety.

102.2, Maintenance, is hereby deleted in its entirety.


102.4, Existing Remedies, is hereby deleted in its entirety.

102.5, Workmanship, is hereby deleted in its entirety.

102.6, Historic Buildings, is hereby deleted in its entirety.

102.7, Referenced Codes and Standards, is hereby deleted in its entirety.

102.8, Requirements Not Covered By Code, is hereby deleted in its entirety.

102.9, Application of References, is hereby deleted in its entirety.

102.10, Other Laws, is hereby deleted in its entirety.

D. SECTION 103, DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION, is hereby deleted in its entirety.

E. SECTION 104, DUTIES AND POWERS OF THE CODE OFFICIAL, is hereby deleted in its entirety.

F. SECTION 105, APPROVAL, is hereby deleted in its entirety.

G. SECTION 106, VIOLATIONS, Subsection 106.3, Prosecution of Violation, is hereby amended in its entirety to read as follows:

SECTION 106 - VIOLATIONS

...
106.3 Prosecution of Violation. Any person found responsible for or guilty of failing to comply with a notice of violation or order served in accordance with Section 107 shall be guilty of a misdemeanor and/or responsible for civil offense and shall be prosecuted in accordance with Town Code Section 7-01-130.

H. SECTION 106, VIOLATIONS, Subsection 106.4, Violation Penalties, is hereby deleted in its entirety.

I. SECTION 106, VIOLATIONS, Subsection 106.5, Abatement of Violation, is hereby amended to read as follows:

SECTION 106 - VIOLATIONS

106.5 Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Town of Prescott Valley from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. Any action taken by the Town of Prescott Valley to restrain, correct or abate a violation of this Chapter shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

J. SECTION 111, MEANS OF APPEAL, is hereby deleted in its entirety.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 620, Amended, 04/28/05; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-07-020 Amendment of Chapter 2, DEFINITIONS, of the International Property Maintenance Code.

A. SECTION 201, GENERAL, Subsection 201.4, Terms Not Defined, is hereby amended in its entirety to read as follows:

SECTION 201 - GENERAL

201.4 Terms Not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings and terms shall have their ordinarily accepted meanings within the context with which they are used.

B. SECTION 202, GENERAL DEFINITIONS, is hereby amended by deleting the defined term INOPERABLE MOTOR VEHICLE and by amending the following defined terms, to read as follows:

SECTION 202 - GENERAL DEFINITIONS
APPROVED. Approval by the building official of materials, types of construction, equipment and systems as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

CODE OFFICIAL. The Building Official as defined in Section 7-01-040 of the Town of Prescott Valley Administrative Code.

OCCUPANCY. The purpose for which a building or portion thereof is used or intended to be used.

OWNER. Any person, agent, firm or corporation having a legal or equitable interest in the property.

PERSON. An individual, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

7-07-030 Amendment of Chapter 3, GENERAL REQUIREMENTS, of the International Property Maintenance Code.

A. SECTION 302, EXTERIOR PROPERTY AREAS, Subsection 302.4, Weeds, is hereby deleted in its entirety.

B. SECTION 302, EXTERIOR PROPERTY AREAS, Subsection 302.8, Motor Vehicles, is hereby deleted in its entirety.

C. SECTION 303, SWIMMING POOLS, SPAS AND HOT TUBS, is hereby deleted in its entirety.

D. SECTION 308, RUBBISH AND GARBAGE, Subsection 308.2, Disposal of Rubbish, Subsubsection 308.2.2, Refrigerators, is hereby amended in its entirety to read as follows:

SECTION 308 - RUBBISH AND GARBAGE

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)
308.2 Disposal of Rubbish.

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-07-040 Chapter 4, LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS, of the International Property Maintenance Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-07-050 Chapter 5, PLUMBING FACILITIES AND FIXTURE REQUIREMENTS, of the International Property Maintenance Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-07-060 Chapter 6, MECHANICAL AND ELECTRICAL REQUIREMENTS, of the International Property Maintenance Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-07-070 Amendment of Chapter 7, FIRE SAFETY REQUIREMENTS, of the International Property Maintenance Code.

A. SECTION 704, FIRE PROTECTION SYSTEMS, Subsection 704.1, Inspection, Testing and Maintenance, is hereby amended in its entirety to read as follows:

SECTION 704 - FIRE PROTECTION SYSTEMS

704.1 Inspection, Testing and Maintenance. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the requirements of the Central Arizona Fire and Medical Authority (“CAFMA”) and the International Fire Code (as adopted and amended from time to time by CAFMA).

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)
7-07-080 Chapter 8, REFERENCED STANDARDS, of the International Property Maintenance Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)
Article 7-08 ADOPTION OF THE INTERNATIONAL FUEL GAS CODE (IFGC)

7-08-005 Adoption of the International Fuel Gas Code.

7-08-010 Amendment of Chapter 1, SCOPE AND ADMINISTRATION, of the International Fuel Gas Code.

7-08-020 Amendment of Chapter 2, DEFINITIONS, of the International Fuel Gas Code.

7-08-030 Amendment of Chapter 3, GENERAL REGULATIONS, of the International Fuel Gas Code.

7-08-040 Amendment of Chapter 4, GAS PIPING INSTALLATIONS, of the International Fuel Gas Code.

7-08-050 Chapter 5, CHIMNEYS AND VENTS, of the International Fuel Gas Code.

7-08-060 Amendment of Chapter 6, SPECIFIC APPLIANCES, of the International Fuel Gas Code.

7-08-070 Chapter 7, GASEOUS HYDROGEN SYSTEMS, of the International Fuel Gas Code.

7-08-080 Chapter 8, REFERENCED STANDARDS, of the International Fuel Gas Code.


7-08-080.D Appendix D, RECOMMENDED PROCEDURE FOR SAFETY INSPECTION OF AN EXISTING APPLIANCE INSTALLATION, of the International Fuel Gas Code.

7-08-005 Adoption of the International Fuel Gas Code.

The International Fuel Gas Code (IFGC), 2018 Edition, along with Appendices A, B, C, and D, as copyrighted by the International Code Council, with amendments contained in this document, are hereby adopted by reference as though fully set forth herein, as one of the technical codes of the Town of Prescott Valley. At least three (3) copies of the aforesaid IFGC shall be filed in the Office of the Town Clerk and made available for public use and inspection.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 375, Renumbered, 12/28/95, 7-08; Ord. No. 485, Amended, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-08-010 Amendment of Chapter 1, SCOPE AND ADMINISTRATION, of the International Fuel Gas Code.

A. SECTION 101 (IFGC), GENERAL, Subsection 101.1, Title, is hereby amended to read as follows:

SECTION 101 (IFGC) - GENERAL

101.1 Title. These regulations shall be known as the Fuel Gas Code of the Town of

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Prescott Valley, Arizona

Prescott Valley, hereinafter referred to as "this code."

B. SECTION 101 (IFGC), GENERAL, is hereby amended by adding the following subsection, to read as follows:

SECTION 101 (IFGC) - GENERAL

101.6 Administration of the Fuel Gas Code. This Fuel Gas Code shall be administered pursuant to Article 7-01, THE TOWN OF PRESCOTT VALLEY ADMINISTRATIVE CODE, in Chapter 7, BUILDING, of the Prescott Valley Town Code.

C. SECTION 102 (IFGC), APPLICABILITY, is hereby deleted in its entirety.

D. SECTION 103 (IFGC), DEPARTMENT OF INSPECTION, is hereby deleted in its entirety.

E. SECTION 104 (IFGC), DUTIES AND POWERS OF THE CODE OFFICIAL, is hereby deleted in its entirety.

F. SECTION 105 (IFGC), APPROVAL, is hereby deleted in its entirety.

G. SECTION 106 (IFGC), PERMITS, is hereby deleted in its entirety.

H. SECTION 107 (IFGC), INSPECTIONS AND TESTING, is hereby deleted in its entirety.

I. SECTION 108 (IFGC), VIOLATIONS, is hereby deleted in its entirety.

J. SECTION 109 (IFGC), MEANS OF APPEAL, is hereby deleted in its entirety.

K. SECTION 110 (IFGC), TEMPORARY EQUIPEMENT, SYSTEMS AND USES, is hereby deleted in its entirety.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-08-020 Amendment of Chapter 2, DEFINITIONS, of the International Fuel Gas Code.

A. SECTION 201 (IFGC), GENERAL, Subsection 201.4, Terms Not Defined, is hereby amended in its entirety to read as follows:

SECTION 201 (IFGC) - GENERAL

201.4 Terms not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings and terms shall have their ordinarily accepted meanings within the context with which they are used.

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B. SECTION 202 (IFGC), GENERAL DEFINITIONS, is hereby amended to read as follows:

SECTION 202 - GENERAL DEFINITIONS

APPROVED. Approval by the building official of materials, types of construction, equipment and systems as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

APPROVED AGENCY. An established and recognized agency that regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the building official.

CODE OFFICIAL. The Building Official as defined in Section 7-01-040 of the Town of Prescott Valley Administrative Code.

OCCUPANCY. The purpose for which a building, or portion thereof, is used or intended to be used.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-08-030 Amendment of Chapter 3, GENERAL REGULATIONS, of the International Fuel Gas Code.

A. SECTION 303 (IFGC), APPLIANCE LOCATION, Subsection 303.7, Pit Locations, is hereby amended by adding a subparagraph to read as follows:

SECTION 303 (IFGC) - APPLIANCE LOCATION

303.7 Pit Locations.

Liquefied petroleum gas piping shall not serve any gas-fired appliance or equipment located in a pit or basement where heavier-than-air gas might collect to form a flammable mixture.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-08-040 Amendment of Chapter 4, GAS PIPING INSTALLATIONS, of the International Fuel Gas Code.
A. SECTION 404 (IFGC), PIPING SYSTEM INSTALLATION, Subsection 404.10, Isolation, is hereby amended by adding the following sentence to read as follows:

SECTION 404 (IFGC) - PIPING SYSTEM INSTALLATION

404.10 Isolation.

Underground ferrous gas piping shall be electrically isolated from the rest of the gas system with listed or approved isolation fittings installed a minimum of six (6) inches above grade.

B. SECTION 404 (IFGC), PIPING SYSTEM INSTALLATION, Subsection 404.12, Minimum Burial Depth, is hereby amended to read as follows:

SECTION 404 (IFGC) - PIPING SYSTEM INSTALLATION

404.12 Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of twelve (12) inches (305mm) below grade, except as provided for in Section 404.12.1. All plastic type gas piping shall be a minimum of eighteen (18) inches below finished grade and twenty-four (24) inches when installed under a driveway.

C. SECTION 404 (IFGC), PIPING SYSTEM INSTALLATION, Subsection 404.12, Minimum Burial Depth, Subsubsection 404.12.1 Individual Outdoor Appliances, is hereby amended by adding the following sentence to read as follows:

SECTION 404 (IFGC) - PIPING SYSTEM INSTALLATION


404.12.1 Individual Outdoor Appliances. Individual lines to outdoor lights, grills and other appliances shall be installed not less than eight (8) inches (203mm) below finished grade, provided that such installation is approved and is installed in locations not susceptible to physical damage. All plastic type gas piping shall be a minimum of twelve (12) inches below finished grade.

D. SECTION 406 (IFGS), INSPECTION, TESTING AND PURGING, Subsection 406.4, Test Pressure Measurement, Subsubsection 406.4.1, Test Pressure, is hereby amended in its entirety to read as follows:

SECTION 406 (IFGS) - INSPECTION, TESTING AND PURGING

406.4 Test Pressure Measurement.
406.4.1 Test Pressure. The test pressure to be used shall be no less than 1 ½ times the proposed maximum working pressure, but not less than 10 psig, irrespective of design pressure. Where the test pressure exceeds 125 psig, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

E. SECTION 409, SHUTOFF VALVES, Subsection 409.3, Shutoff Valves for Multiple-House Line Systems, Subsubsection 409.3.2, Individual Buildings, is hereby renamed “Building Shutoff” and amended in its entirety to read as follows:

SECTION 409 (IFGC) - SHUTOFF VALVES

409.3 Shutoff Valves for Multiple-House Line Systems.

409.3.2 Building Shutoff. All buildings shall be provided with a shutoff valve located on the downstream side of the gas meter, between the gas meter and the building. Multiple buildings on the same system shall have a separate shutoff valve for each building.

(Amended by Ord. No. 237; enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-08-050 Chapter 5, CHIMNEYS AND VENTS, of the International Fuel Gas Code.

(Amended by Ord. No. 237; enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-08-060 Amendment of Chapter 6, SPECIFIC APPLIANCES, of the International Fuel Gas Code.

A. SECTION 602 (IFGC), DECORATIVE APPLIANCES FOR INSTALLATION IN FIREPLACES, is hereby amended by adding the following subsection, to read as follows:

SECTION 602 (IFGC) - DECORATIVE APPLIANCES FOR INSTALLATION IN FIREPLACES

602.4 Gas Logs. Approved gas logs installed in solid-fuel-burning fireplaces shall comply with the following:

1. The gas log shall be installed in accordance with the manufacturer’s installation instructions.

2. If the fireplace is equipped with a damper, it shall be permanently blocked open to a sufficient amount to prevent spillage of combustion products into the room.
3. The minimum flue passageway shall be not less than 1 square inch per 2,000 Btu/h input (1.09 mm²/W).

4. Gas logs, when equipped with a pilot, shall have a listed safety shutoff valve.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-08-070 Chapter 7, GASEOUS HYDROGEN SYSTEMS, of the International Fuel Gas Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-08-080 Chapter 8, REFERENCED STANDARDS, of the International Fuel Gas Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)


(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)


(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)


(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)

7-08-080.D Appendix D, RECOMMENDED PROCEDURE FOR SAFETY INSPECTION OF AN EXISTING APPLIANCE INSTALLATION, of the International Fuel Gas Code.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 788, Rep&ReEn, 04/24/14; Ord. No. 861, Rep&ReEn, 05/23/19)
Article 7-09 ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC)

7-09-005 Adoption of the International Energy Conservation Code.

7-09-010 Amendment of Chapter 1, ADMINISTRATION, of the International Energy Conservation Code.

7-09-020 Chapter 2, DEFINITIONS, of the International Energy Conservation Code.

7-09-030 Chapter 3, CLIMATE ZONES, of the International Energy Conservation Code.

7-09-040 Chapter 4, RESIDENTIAL ENERGY EFFICIENCY, of the International Energy Conservation Code.

7-09-050 Amendment of Chapter 5, COMMERCIAL ENERGY EFFICIENCY, of the International Energy Conservation Code.

7-09-060 Chapter 6, REFERENCED STANDARDS, of the International Energy Conservation Code.

7-09-070 Reserved.

7-09-005 Adoption of the International Energy Conservation Code.

The International Energy Conservation Code, 2006 Edition, as copyrighted by the International Code Council and with amendments contained in this document, is hereby adopted by reference as though fully set forth herein, as one of the technical codes of the Town of Prescott Valley. At least three (3) copies of the aforesaid IECC shall be filed in the Office of the Town Clerk and made available for public use and inspection.

(Ord. No. 738, Enacted, 12/17/09)

7-09-010 Amendment of Chapter 1, ADMINISTRATION, of the International Energy Conservation Code.

A. SECTION 101, SCOPE AND GENERAL REQUIREMENTS, Subsection 101.1 Title, is hereby amended to read as follows:

SECTION 101. SCOPE AND GENERAL REQUIREMENTS

101.1 Title. These regulations shall be known as the Energy Conservation Code of the Town of Prescott Valley, hereinafter referred to as “this code.”

B. SECTION 101, SCOPE AND GENERAL REQUIREMENTS, Subsection 101.4.4, Change in Occupancy, is hereby deleted in its entirety.

C. SECTION 101, SCOPE AND GENERAL REQUIREMENTS, Subsection 101.4.5, Mixed Occupancy, is hereby amended to read as follows:

101.4.5 Mixed Occupancy. Where a building includes both residential and commercial occupancies, the residential occupancy shall meet the applicable provisions of Chapter 4 for residential only. The building thermal envelope that encloses the residential
space shall also include the element which separates the residential from the commercial occupancy.

D. SECTION 101, SCOPE AND GENERAL REQUIREMENTS, Subsection 101.5, Compliance, is hereby amended to read as follows:

101.5 Compliance. Residential buildings shall meet the provisions of Chapter 4.

E. SECTION 101, SCOPE AND GENERAL REQUIREMENTS, Subsection 101, Scope and General Requirements, is hereby amended by adding the following Subsection, to read as follows:

Section 101 Scope and General Requirements

... 

101.6 Administration of the Energy Conservation Code. This code shall be administered pursuant to Article 7-01, THE TOWN OF PRESCOTT VALLEY ADMINISTRATIVE CODE, in Chapter 7, BUILDING, of the Prescott Valley Town Code.

F. SECTION 101, SCOPE AND GENERAL REQUIREMENTS, Subsection 105, Inspections, is hereby amended by adding the following Subsection, to read as follows:

Section 105 Inspections

... 

105.5. Energy Efficiency Inspection. Insulation inspection shall be made after frame and exterior lath or dried in an exterior wall and all rough plumbing, mechanical, gas and electrical systems are approved and prior to covering or concealment. Blown or sprayed roof/ceiling insulation shall be verified by inspection prior to building final inspection approval.

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 276, Rep&ReEn, 06/11/92; Ord. No. 521, Rep&ReEn, 05-09-02; Ord. No. 738, Rep&ReEn, 12/17/09)

7-09-020 Chapter 2, DEFINITIONS, of the International Energy Conservation Code.

(Ord. No. 276, Enacted, 06/11/92; Ord. No. 485, Amended, 05/25/00; Ord. No. 521, Rep&ReEn, 05/09/02; Ord. No. 788, Rep&ReEn, 04/24/14)

7-09-030 Chapter 3, CLIMATE ZONES, of the International Energy Conservation Code.

(Ord. No. 276, Enacted, 06/11/92; Ord. No. 485, Amended, 05/25/00; Ord. No. 521, Rep&ReEn, 05/09/02; Ord. No. 788, Rep&ReEn, 04/24/14)

7-09-040 Chapter 4, RESIDENTIAL ENERGY EFFICIENCY, of the International Energy Conservation Code.
7-09-050 Amendment of Chapter 5, COMMERCIAL ENERGY EFFICIENCY, of the International Energy Conservation Code.

A. CHAPTER 5, COMMERCIAL ENERGY EFFICIENCY, is hereby deleted in its entirety.

7-09-060 Chapter 6, REFERENCED STANDARDS, of the International Energy Conservation Code.

7-09-070 Reserved.
Article 7-10  GENERAL PROVISIONS AND PUBLIC RIGHTS OF WAY

7-10-010  Construction Trash.

All litter, trash, rubbish, waste or garbage produced by construction activities shall be contained in receptacles which are adequate to prevent such materials from littering adjacent properties. All such litter, trash, rubbish, waste or garbage shall be completely and properly removed from all construction sites prior to the final inspection. The contractor shall not dump waste or other material on private property without first obtaining from the owner written permission for such dumping. All such dumping shall be in strict conformance with all provisions of this Code and any other governmental rules and regulations, including the requirement for a fill permit.

(Ord. No. 64, Enacted, 01/28/82; Ord. No. 90, Ren&Amd, 12/15/83, 11-01-220; Ord. No. 154, Renumbered, 08/27/87, 7-04-040; Ord. No. 178, Ren&Amd, 05/26/88, 7-04-050; Ord. No. 237, Ren&Amd, 09/13/90, 7-07; Ord. No. 375, Renumbered, 12/28/95, 7-10)

7-10-020  Construction in Front of Private Driveways.

Access to private property shall be maintained to keep inconvenience to the property owner to a minimum. Prior to any construction in front of driveways, the contractor shall notify the property owner twenty-four (24) hours in advance. Inconvenience caused by construction across driveways and sidewalks shall be kept to a minimum by restoring serviceability as soon as possible. If it is necessary to leave an open excavation unattended, the contractor shall provide structurally adequate steel plates to bridge the excavation or shall provide warning signals and barriers appropriately placed around the excavation for the protection of the property and all residents or others traveling thereon.

(Ord. No. 64, Enacted, 01/28/82; Ord. No. 90, Ren&Amd, 12/15/83, 11-01-220; Ord. No. 154, Renumbered, 08/27/87, 7-04-040; Ord. No. 178, Ren&Amd, 05/26/88, 7-04-050; Ord. No. 237, Ren&Amd, 09/13/90, 7-07; Ord. No. 375, Renumbered, 12/28/95, 7-10)

7-10-030  Excavation in Rights-of-Way.

Any pipe, line or other item which is installed or placed across, under or in the roads or streets located within the Town, must be installed by drilling or boring. Digging, excavating or similar actions in or on the roads and streets of the Town shall be a misdemeanor unless permitted by the Town Engineer or his designated representative.

(Ord. No. 64, Enacted, 01/28/82; Ord. No. 90, Ren&Amd, 12/15/83, 11-01-220; Ord. No. 154, Renumbered, 08/27/87, 7-04-040; Ord. No. 178, Ren&Amd, 05/26/88, 7-04-050; Ord. No. 237, Ren&Amd, 09/13/90, 7-07; Ord. No. 375, Renumbered, 12/28/95, 7-10)
Article 7-11 DEVELOPMENT FEES

7-11-010 Title.
This Article shall be known as the “2011 Development Impact Fee Ordinance of the Town of Prescott Valley,” and may be cited as such.

(Ord. No. 297, Enacted, 07/22/93; Ord. No. 335, Repealed, 09/15/94; Ord. No. 357, Enacted, 03/23/95; Ord. No. 764, Rep&ReEn, 01/12/12)

7-11-020 Legislative Intent and Purpose.
This Article is adopted for the purpose of promoting the health, safety and general welfare of the residents of the Town by:

A. Requiring new development to pay its proportionate share of the costs incurred by the Town that are associated with providing Necessary Public Services to new development.

B. Setting forth standards and procedures for creating and assessing development impact fees consistent with the requirements of Arizona Revised Statutes ("A.R.S.") §9-463.05, including requirements pursuant to A.R.S. §9-463.05(K) that, on or before August 1, 2014, the Town replace its development impact fees that were adopted prior to January 1, 2012 with development impact fees adopted pursuant to the requirements of A.R.S. §9-463.05 as amended by the state legislature in SB 1525, Fiftieth Legislature, First Regular Session.

C. Providing for the temporary continuation of certain development impact fees adopted prior to January 1, 2012 until otherwise replaced pursuant to this Article, or longer where such development impact fees were pledged to support Financing or Debt for a
Prescott Valley, Arizona

Prescott Valley, Arizona

Grandfathered Facility as permitted by A.R.S. §9-463.05(K), (R), and (S).

D. Setting forth procedures for administering the development impact fee program, including mandatory offsets, Credits, and refunds of development impact fees. All development impact fee assessments, offsets, Credits, or refunds must be administered in accordance with the provisions of this Article.

This Article shall not affect the Town’s zoning authority or its authority to adopt or amend its General Plan, provided that planning and zoning activities by the Town may require amendments to development impact fees as provided in Article 7-11-070 of this Article.

(Ord. No. 297, Enacted, 07/22/93; Ord. No. 315, Amended, 01/27/94; Ord. No. 323, Amended, 04/28/94; Ord. No. 335, Repealed, 09/15/94; Ord. No. 357, Enacted, 03/23/95; Ord. No. 454, Amended, 03/11/99; Ord. No. 764, Rep&ReEn, 01/12/12)

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.

1. Applicant: A person who applies to the Town for a Building Permit.

2. Appurtenance: Any fixed machinery or equipment, structure or other fixture, including integrated hardware, software or other components, associated with a Capital Facility that are necessary or convenient to the operation, use, or maintenance of a Capital Facility, but excluding replacement of the same after initial installation.

3. Aquatic Center: A facility primarily designed to host non-recreational competitive functions generally occurring within water, including, but not limited to, water polo games, swimming meets, and diving events. Such facility may be indoors, outdoors, or any combination thereof, and includes all necessary supporting amenities, including but not limited to, locker rooms, offices, snack bars, bleacher seating, and shade structures.

4. Building Permit: Any permit issued by the Town that authorizes vertical construction, increases square footage, authorizes changes to land use, or provides for the addition of a residential or non-residential point of demand to a water or wastewater system.

5. Capital Facility: An asset having a Useful Life of three (3) or more years that is a component of one (1) or more Categories of Necessary Public Service provided by the Town. A Capital Facility may include any associated purchase of real property, architectural and engineering services leading to the design and construction of buildings and facilities, improvements to existing facilities, improvements to or expansions of existing facilities, and associated financing and professional services. Wherever used herein, “infrastructure” shall have the same meaning as “Capital Facilities.”

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

7. Category of Development: A specific category of residential, commercial, or industrial development against which a development impact fee is calculated and assessed. The Town assesses development impact fees against the following categories of development: single-family housing, multi-family housing, retail, commercial/office and industrial.

8. Commercial/Office Land Use: That category of land use that includes office and commercial facilities which act as a buffer between residential and other areas and which do not typically offer materials or equipment for sale, as further defined and regulated in Article 13 of the Town Code.

9. Credit: A reduction in an assessed development impact fee resulting from developer contributions to, payments for, construction of, or dedications for capital facilities included in an Infrastructure Improvements Plan pursuant to Section 7-11-120 of this Article (or as otherwise permitted by this Article).

10. Credit Agreement: A written agreement between the Town and the developer(s) of Subject Development that allocates Credits to the Subject Development pursuant to Section 7-11-120 of this Article. A Credit Agreement may be included as part of a Development Agreement pursuant to Section 7-11-130 of this Article.

11. Credit Allocation: A term used to describe when Credits are distributed to a particular development or parcel of land after execution of a Credit Agreement, but are not yet issued.

12. Credit Issuance: A term used to describe when the amount of an assessed development impact fee attributable to a particular development or parcel of land is reduced by applying a Credit allocation.

13. Developer: An individual, group of individuals, partnership, corporation, limited liability company, association, municipal corporation, state agency, or other person or entity undertaking land development activity, and their respective successors and assigns.

14. Development Agreement: An agreement prepared in accordance with the requirements of Section 7-11-130 of this Article, A.R.S. §9-500.05, and any applicable requirements of the Town Code.

15. Direct Benefit: A benefit to an EDU resulting from a Capital Facility that: (a) addresses the need for a Necessary Public Service created in whole or in part by the EDU; and that (b) meets either of the following criteria: (i) the Capital Facility is located in the immediate area of the EDU and is needed in the immediate area of the EDU to maintain the Level of Service; or (ii) the Capital Facility substitutes for, or eliminates the need for a Capital Facility that would have otherwise have been needed in the immediate area of the EDU to maintain the Town’s Level of Service.

16. Dwelling Unit: A house, apartment, mobile home or trailer, group of rooms, or
single room occupied as separate living quarters or, if vacant, intended for occupancy as separate living quarters.

17. Equipment: Machinery, tools, materials, and other supplies, not including vehicles, that are needed by a Capital Facility to provide the Level of Service specified by the Infrastructure Improvement Plan, but excluding replacement of the same after initial development of the Capital Facility.

18. Equivalent Demand Unit (EDU): A unit of development within a particular Category of Development, defined in terms of a standardized measure of the demand that a unit of development in that Category of Development generates for Necessary Public Services in relation to the demand generated by a detached single-family Dwelling Unit. For all Categories of Necessary Public Services, the EDU factor for a detached single-family Dwelling Unit is one (1), while the EDU factor for a unit of development within another Category of Development is represented as a ratio of the demand for each Category of Necessary Public Services typically generated by that unit as compared to the demand for such services typically generated by a detached single-family Dwelling Unit. An EDU shall be a “service unit” for purposes of A.R.S. §9-463.05(T)(10).

19. Excluded Library Facility: Library facilities for which development impact fees may not be charged pursuant to A.R.S. §9-463.05, including that portion of any Library facility that exceeds 10,000 square feet, and Equipment, Vehicles or Appurtenances associated with Library operations.

20. Excluded Park Facility: Park and recreational facilities for which development impact fees may not be charged pursuant to A.R.S. §9-463.05, including amusement parks, aquariums, Aquatic Centers, auditoriums, arenas, arts and cultural facilities, bandstand and orchestra facilities, bathhouses, boathouses, clubhouses, community centers greater than 3000 square feet in floor area, environmental education centers, equestrian facilities, golf course facilities, greenhouses, lakes, museums, theme parks, water reclamation or riparian areas, wetlands, or zoo facilities.

21. Fee Report: A written report developed pursuant to Section 7-11-090 of this Article that identifies the methodology for calculating the amount of each development impact fee, explains the relationship between the development impact fee to be assessed and the Plan-Based Cost per EDU calculated in the Infrastructure Improvements Plan, and which meets other requirements set forth in A.R.S. §9-463.05.

22. Financing or Debt: Any debt, bond, note, loan, interfund loan, fund transfer, or other debt service obligation used to finance the development or expansion of a Capital Facility.

23. Grandfathered Facilities: Capital Facilities provided through Financing or Debt incurred before June 1, 2011 for which a development impact fee has been pledged towards repayment as described in Section 7-11-050(C) of this Article.

24. General Plan: Refers to the overall land-use plan for the Town establishing
areas of the Town for different purposes, zones and activities adopted pursuant to Town Resolution 1066, as amended, and including any specific area plans adopted by Town Resolution.

25. Gross Impact Fee: The total development impact fee to be assessed against a Subject Development on a per unit basis, prior to subtraction of any Credits.

26. Industrial Land Use: That category of land use that includes manufacturing development, wholesale & commercial uses as further defined and regulated in Article 13 of the Town Code.

27. Infrastructure Improvements Plan: A document or series of documents that meet the requirements set forth in A.R.S. §9-463.05, including those adopted pursuant to Section 7-11-090 of this Article to cover any Category or combination of Categories of Necessary Public Services.

28. Interim Fee Schedule: Any development impact fee schedule established prior to January 1, 2012 in accordance with then-applicable law, and which shall expire not later than August 1, 2014 pursuant to Section 7-11-110 of this Article.

29. Land Use Assumptions: Projections of changes in land uses, densities, intensities and population for a Service Area over a period of at least ten (10) years as specified in Section 7-11-070 of this Article.

30. Level of Service: A quantitative and/or qualitative measure of a Necessary Public Service that is to be provided by the Town to development in a particular Service Area, defined in terms of the relationship between service capacity and service demand, accessibility, response times, comfort or convenience of use, or other similar measures or combinations of measures. Level of Service may be measured differently for different Categories of Necessary Public Services, as identified in the applicable Infrastructure Improvements Plan.

31. Library Facilities: A Category of Necessary Public Services in which literary, musical, artistic, or reference materials are kept (materials may be kept in any form of media such as electronic, magnetic, or paper) for non-commercial use by the public in a facility providing a Direct Benefit to development. Libraries do not include Excluded Library Facilities, although a Library may contain, provide access to, or otherwise support an Excluded Library Facility.

32. Necessary Public Services: “Necessary Public Services” shall have the meaning prescribed in A.R.S. §9-463.05(T)(5).

33. Offset: An amount which is subtracted from the overall costs of providing Necessary Public Services to account for those capital components of infrastructure or associated debt that have been or will be paid for by a development through taxes, fees (except for development impact fees), and other revenue sources, as determined by the Town pursuant to Section 7-11-080 of this Article.
34. Parks and Recreational Facilities: A Category of Necessary Public Services including but not limited to parks, swimming pools and related facilities and equipment located on real property not larger than 30 acres in area, as well as park facilities larger than thirty (30) acres where such facilities provide a Direct Benefit. Parks and Recreational Facilities do not include Excluded Park Facilities, although Parks and Recreational Facilities may contain, provide access to, or otherwise support an Excluded Park Facility.

35. Plan-Based Cost Per EDU: The total future capital costs listed in the Infrastructure Improvements Plan for a Category of Necessary Public Services divided by the total new equivalent demand units projected in a particular Service Area for that Category of Necessary Public Services over the same time period.

36. Pledged: Where used with reference to a development impact fee, a development impact fee shall be considered “pledged” where it was identified by the Town as a source of payment or repayment for Financing or Debt that was identified as the source of financing for a Necessary Public Service for which a development impact fee was assessed pursuant to the then-applicable provisions of A.R.S. §9-463.05.

37. Police Facilities: A Category of Necessary Public Services, including Vehicles and Equipment, that are used by law enforcement agencies to preserve the public peace, prevent crime, detect and arrest criminal offenders, protect the rights of persons and property, regulate and control motorized and pedestrian traffic, train sworn personnel, and/or provide and maintain police records, vehicles, equipment, and communications systems. Police Facilities do not include Vehicles and Equipment used to provide administrative services, or helicopters or airplanes. Police Facilities do not include any facility that is used for training officers from more than one (1) station or substation.

38. Private School: An institution of learning offering education for children which charges students tuition, including some or all of the grades from kindergarten through twelfth (12th) grade. The site may contain athletic, dining, assembly and recreation facilities.

39. Public School: An institution of learning offering free education for all children, including some or all of the grades from kindergarten through 12th grade. The site may contain athletic, dining, assembly and recreation facilities.

40. Qualified Professional: Any 1 of the following: (a) a professional engineer, surveyor, financial analyst or planner, or other licensed professional providing services within the scope of that person’s education or experience related to Town planning, zoning, or impact development fees and holding a license issued by an agency or political subdivision of the State of Arizona; (b) a financial analyst, planner, or other non-licensed professional that is providing services within the scope of the person’s education or experience related to Town planning, zoning, or impact development fees; or (c) any other person operating under the supervision of 1 or more of the above.
41. Residential Land Use: That category of land use that includes single-family and multi-family dwelling units as further defined and regulated in Article 13 of the Town Code.

42. Retail: That category of land use that typically generates transaction privilege taxes for the Town as further defined and regulated in Article 13 of the Town Code.

43. Service Area: Any specified area within the boundaries of the Town within which: (a) the Town will provide a Category of Necessary Public Services to development at a planned Level of Service; and (b) within which (i) a Substantial Nexus exists between the Capital Facilities to be provided and the development to be served, or (ii) in the case of Library Facilities or a Park Facility larger than 30 acres, a Direct Benefit exists between the Library Facilities or Park Facilities and the development to be served, each as prescribed in the Infrastructure Improvements Plan. Some or all of the Capital Facilities providing service to a Service Area may be physically located outside of that Service Area provided that the required Substantial Nexus or Direct Benefit is demonstrated to exist.

44. Street Facilities: A Category of Necessary Public Services including arterial or collector streets or roads, traffic signals, rights-of-way, and improvements thereon, bridges, culverts, irrigation tiling, storm drains, and regional transportation facilities.

45. Storm Drainage: A Category of Necessary Public Services including but not limited to storm sewers constructed in sizes needed to provide for storm water management for areas beyond major street projects and storm water detention/retention basins, tanks, pump stations and channels necessary to provide for proper storm water management, including any appurtenances for those facilities.

46. Subject Development: A land area linked by a unified plan of development, which must be contiguous unless the land area is part of a development agreement executed in accordance with Section 7-11-130 of this Article.

47. Substantial Nexus: A substantial nexus exists where the demand for Necessary Public Services that will be generated by an EDU can be reasonably quantified in terms of the burden it will impose on the available capacity of existing Capital Facilities, the need it will create for new or expanded Capital Facilities, and/or the benefit to the development from those Capital Facilities.

48. Swimming Pool: A public facility primarily designed and/or utilized for recreational non-competitive functions generally occurring within water, including, but not limited to, swimming classes, open public swimming sessions, and recreational league swimming/diving events. The facility may be indoors, outdoors, or any combination thereof, and includes all necessary supporting amenities.

50. Useful Life: The period of time in which an asset can reasonably be expected to be used under normal conditions, whether or not the asset will continue to be owned and operated by the Town over the entirety of such period.

51. Vehicle: Any device, structure, or conveyance utilized for transportation in the course of providing a particular Category of Necessary Public Services at a specified Level of Service, excluding helicopters and other aircraft.

52. Warehouse: That category of land use for goods that typically are for storage and distribution as further defined and regulated in Article 13 of the Town Code.

53. Wholesale: That category of land use for goods that typically are not for sale to the general public and may generate TPT as further defined and regulated in Article 13 of the Town Code.

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

7-11-040 Applicability.

A. Except as otherwise provided herein, from and after January 1, 2012, this Article shall apply to all new development within any Service Area, except for the development of any public school, private school or Town facility.

B. The provisions of this Article shall apply to all of the territory within the corporate limits of the Town.

C. The Town manager or his/her designee is authorized to make determinations regarding the application, administration and enforcement of the provisions of this Article.

(Ord. No. 357, Enacted, 03/23/95; Ord. No. 557, Amended, 06/12/03; Ord. No. 764, Rep&ReEn, 01/12/12)

7-11-050 Authority for Development Impact Fees.

A. Fee Report and Implementation. The Town may assess and collect a development impact fee for costs of Necessary Public Services, including all professional services required for the preparation or revision of an Infrastructure Improvements Plan, Fee Report, development impact fee, and required reports or audits conducted pursuant to this Article. Development impact fees shall be subject to the following requirements:

1. The Town shall develop and adopt a Fee Report that analyzes and defines the development impact fees to be charged in each Service Area for each Capital Facility Category, based on the Infrastructure Improvements Plan and the Plan-Based Cost per EDU calculated pursuant to Section 7-11-080(A)(12) of this Article.

2. Development impact fees shall be assessed against all new retail,
commercial/office, residential, and industrial developments, provided that the Town may assess different amounts of development impact fees against specific Categories of Development based on the actual burdens and costs that are associated with providing Necessary Public Services to that Category of Development. No development impact fee shall exceed the Plan-Based Cost per EDU for any Category of Development.

3. No development impact fees shall be charged, or Credits issued, for any Capital Facility that does not fall within one (1) of the Categories of Necessary Public Services for which development impact fees may be assessed as identified in Section 7-11-080(A)(1) of this Article.

4. Costs for Necessary Public Services made necessary by new development shall be based on the same Level of Service provided to existing development in the same Service Area. Development impact fees may not be used to provide a higher Level of Service to existing development or to meet stricter safety, efficiency, environmental, or other regulatory standards to the extent that these are applied to existing Capital Facilities that are serving existing development.

5. Development impact fees may not be used to pay the Town’s administrative, maintenance, or other operating costs.

6. Projected interest charges and financing costs can only be included in development impact fees to the extent they represent principal and/or interest on the portion of any Financing or Debt used to finance the construction or expansion of a Capital Facility identified in the Infrastructure Improvements Plan.

7. Except for any fees included on Interim Fee Schedules, all development impact fees charged by the Town must be included in a “Fee Schedule” prepared pursuant to this Article and included in the Fee Report.

8. All development impact fees shall meet the requirements of A.R.S. §9-463.05.

B. Costs per EDU. The Fee Report shall summarize the costs of Capital Facilities necessary to serve new development on a per EDU basis as defined and calculated in the Infrastructure Improvements Plan, including all required Offsets, and shall recommend a development impact fee structure for adoption by the Town. The actual impact fees to be assessed shall be disclosed and adopted in the form of impact fee schedules adopted by Resolution of the Town Council by the procedures contained herein.

C. Carry-over of Previously-Established Development Impact Fees and Grandfathered Facilities. Notwithstanding the requirements of this Article, certain development impact fees adopted by the Town prior to the effective date of this Article shall continue in effect as follows:

1. Until August 1, 2014 or the date a new development impact fee is adopted for the applicable Category of Necessary Public Services in a Service Area pursuant
to this Article, whichever occurs first, development impact fees established prior to January 1, 2012 shall continue in full force and effect to the extent that the development impact fee is used to provide a Category of Necessary Public Services that is authorized by Section 7-11-080 of this Article. Development impact fees collected prior to January 1, 2012, shall be expended on Capital Facilities within the same Category of Necessary Public Services for which they were collected.

2. The Town may continue to collect and use any development impact fee established before January 1, 2012, even if the development impact fee would not otherwise be permitted to be collected and spent pursuant to A.R.S. §9-463.05, as amended by the state legislature in SB 1525, Fiftieth Legislature, First Regular Session, if either of the following apply:

a. Both of the following conditions are met:

i. Prior to June 1, 2011, the development impact fee was pledged towards the repayment of Financing or Debt incurred by the Town to provide a Capital Facility.

ii. The applicable Capital Facility was included in the Town’s Infrastructure Improvements Plan, or other Town planning document prepared pursuant to applicable law, prior to June 1, 2011.

b. Before August 1, 2014, the Town uses the development impact fee to finance a Capital Facility in accordance with A.R.S. §9-463.05(S).

3. Defined terms in any previously established fee schedule shall be interpreted according to the ordinance in effect at the time of their adoption.

(Ord. No. 357, Enacted, 03/23/95; Ord. No. 557, Amended, 06/12/03; Ord. No. 764, Rep&ReEn, 01/12/12)

7-11-060 Administration of Development Impact Fees.

A. Separate Accounts. Development impact fees collected pursuant to this Article shall be placed in separate, interest-bearing accounts for each Capital Facility category within each Service Area.

B. Limitations on Use of Fees. Development impact fees and any interest thereon collected pursuant to this Article shall be spent to provide Capital Facilities associated with the same Category of Necessary Public Services in the same Service Area for which they were collected, including costs of Financing or Debt used by the Town to finance such Capital Facilities and other costs authorized by this Article that are included in the Infrastructure Improvements Plan.

C. Time Limit. Development impact fees collected after July 31, 2014 shall be used within ten (10) years of the date upon which they were collected for all Categories of Necessary Public Services.
7-11-070  Land Use Assumptions.

The Infrastructure Improvements Plan shall be consistent with the Town’s current Land Use Assumptions for each Service Area and each Category of Necessary Public Services as adopted by the Town pursuant to A.R.S. §9-463.05.

A. Reviewing the Land Use Assumptions. Prior to the adoption or amendment of an Infrastructure Improvements Plan, the Town shall review and evaluate the Land Use Assumptions on which the Infrastructure Improvements Plan is to be based to ensure that the Land Use Assumptions within each Service Area conform to the General Plan.

B. Evaluating Necessary Changes. If the Land Use Assumptions upon which an Infrastructure Improvements Plan is based have not been updated within the last five (5) years, the Town shall evaluate the Land Use Assumptions to determine whether changes are necessary. If, after general evaluation, the Town determines that the Land Use Assumptions are still valid, the Town shall issue the report required in Section 7-11-100 of this Article.

C. Required Modifications to Land Use Assumptions. If the Town determines that changes to the Land Use Assumptions are necessary in order to adopt or amend an Infrastructure Improvements Plan, it shall make such changes as necessary to the Land Use Assumptions prior to or in conjunction with the review and approval of the Infrastructure Improvements Plan pursuant to Section 7-11-100 of this Article.

7-11-080  Infrastructure Improvements Plan.

A. Infrastructure Improvements Plan Contents. The Infrastructure Improvements Plan shall be developed by Qualified Professionals and may be based upon or incorporated within the Town’s Capital Improvements Plan. The Infrastructure Improvements Plan shall:

1. Specify the Categories of Necessary Public Services for which the Town may impose a development impact fee, which may include any or all of the following:
   a. Storm Water, Drainage, and Flood Control
   b. Libraries
   c. Street Facilities
   d. Police
   e. Parks
2. Define and provide a map of one (1) or more Service Areas within which the Town will provide each Category of Necessary Public Services for which development impact fees will be charged. Each Service Area must be defined in a manner that demonstrates a Substantial Nexus between the Capital Facilities to be provided in the Service Area and the EDUs to be served by those Capital Facilities. For Libraries and for Parks larger than thirty (30) acres, each Service Area must be defined in a manner that demonstrates a Direct Benefit between the Capital Facilities and the EDUs to be served by those Capital Facilities. The Town may cover more than 1 category of Capital Facilities in the same Service Area provided that there is an independent Substantial Nexus or Direct Benefit, as applicable, between each Category of Necessary Public Services and the EDUs to be served.

3. Identify and describe the Land Use Assumptions upon which the Infrastructure Improvements Plan is based in each Service Area.

4. Analyze and identify the existing Level of Service provided by the Town to existing EDUs for each Category of Necessary Public Services in each Service Area.

5. Identify the Level of Service to be provided by the Town for each Category of Necessary Public Services in each Service Area based on the relevant Land Use Assumptions and any established Town standards or policies related to required Levels of Service. If the Town provides the same Category of Necessary Public Services in more than 1 Service Area, the Infrastructure Improvements Plan shall include a comparison of the Levels of Service to be provided in each Service Area.

6. For each Category of Necessary Public Services, analyze and identify the existing capacity of the Capital Facilities in each Service Area, the utilization of those Capital Facilities by existing EDUs, and the available excess capacity of those Capital Facilities to serve new EDUs including any existing or planned commitments or agreements for the usage of such capacity. The Infrastructure Improvements Plan shall additionally identify: (a) any changes or upgrades to existing Capital Facilities that will be needed to achieve or maintain the planned Level of Service to existing EDUs, or to meet new safety, efficiency, environmental, or other regulatory requirements for services provided to existing EDUs; and (b) those portions of Capital Facilities that will be necessary to serve any new public school, private school, or Town facility for which development impact fees will not be assessed.

7. Identify any Grandfathered Facilities and the impact thereof on the need for Necessary Public Services in each affected Service Area.

8. Estimate the total number of existing and future EDUs within each Service Area based on the Town’s Land Use Assumptions and projected new EDUs in each Service Area.

9. Based on the analysis in Subsections (3)-(6) above, provide a summary table or tables describing the Level of Service for each Category of Necessary Public Services.
Services by relating the required Capital Facilities to EDUs in each Service Area, and identifying the applicable EDU factor associated with each Category of Development.

10. For each Category of Necessary Public Services, analyze and identify the projected utilization of any available excess capacity in existing Capital Facilities, and all new or expanded Capital Facilities that will be required to provide and maintain the planned Level of Service in each Service Area as a result of the new projected EDUs in that Service Area, for a period not to exceed ten (10) years. Nothing in this Subsection shall prohibit the Town from additionally including in its Infrastructure Improvements Plan projected utilization of, or needs for, Capital Facilities for a period longer than 10 years, provided that the costs of such Capital Facilities are excluded from the calculation of the Plan-Based Cost per EDU.

11. For each Category of Necessary Public Services, estimate the total cost of any available excess capacity and/or new or expanded Capital Facilities that will be required to serve new EDUs, including costs of land acquisition, improvements, engineering and architectural services, studies leading to design, design, construction, financing, and administrative costs, as well as projected costs of inflation. Such total costs shall not include costs for ongoing operation and maintenance of Capital Facilities, nor for replacement of Capital Facilities to the extent that such replacement is necessary to serve existing EDUs. If the Infrastructure Improvements Plan includes changes or upgrades to existing Capital Facilities that will be needed to achieve or maintain the planned Level of Service to existing EDUs, or to meet new regulatory requirements for services provided to existing EDUs, such costs shall be identified and distinguished in the Infrastructure Improvements Plan.

12. Forecast the revenues from taxes, fees, assessments or other sources that will be available to fund the new or expanded Capital Facilities identified in the Infrastructure Improvements Plan, which shall include estimated state-shared revenue, highway users revenue, federal revenue, ad valorem property taxes, construction contracting or similar excise taxes and the capital recovery portion of utility fees attributable to development based on the approved land use assumptions. The Infrastructure Improvements Plan shall additionally estimate the time required to finance, construct and implement the new or expanded Capital Facilities.

13. Calculate required Offsets as follows:

   a. From the forecasted revenues in Subsection (12) of this Section, identify those sources of revenue that: (i) are attributable to new development, and (ii) will contribute to paying for the capital costs of Necessary Public Services.

   b. For each source and amount of revenue identified pursuant to Subsection (a) of this Subsection, calculate the relative contribution of each Category of Development to paying for the capital costs of Necessary Public Services in each Service Area.
Based on the relative contributions identified pursuant to Subsection (b) of this Subsection, for each Category of Necessary Public Services, calculate the total Offset to be provided to each Category of Development in each Service Area.

d. For each Category of Necessary Public Services, convert the total Offset to be provided to each Category of Development in each Service Area into an offset amount per EDU by dividing the total Offset for each Category of Development by the number of EDUs associated with that Category of Development.

e. Beginning August 1, 2014, for purposes of calculating the required Offset, if the Town imposes a construction, contracting, or similar excise tax rate in excess of the percentage amount of the transaction privilege tax rate that is imposed on the majority of other transaction privilege tax classifications in the Town, the entire excess portion of the construction, contracting, or similar excise tax shall be treated as a contribution to the capital costs of Necessary Public Services provided to new development unless the excess portion is already utilized for such purpose pursuant to this Section.

f. In determining the amount of required Offset for land included in a community facilities district established under A.R.S. Title 48, Chapter 4, Article 6, the Town shall take into account any Capital Facilities provided by the district that are included in the Infrastructure Improvements Plan and the capital costs paid by the district for such Capital Facilities, and shall offset impact fees assessed within the community facilities district proportionally.

14. Calculate the Plan-Based Cost per EDU by:

a. Dividing the total projected costs to provide Capital Facilities to new EDUs for each Category of Necessary Public Services in each Service Area as determined pursuant to Subsection (9) of this Section into the number of new EDUs projected for that Service Area over a period not to exceed ten (10) years, considering the specific EDU factor(s) associated with such EDUs for each Category of Necessary Public Services.

b. Subtracting the required Offset per EDU calculated pursuant to Subsection (11) of this Section.

B. Multiple Plans. An Infrastructure Improvements Plan adopted pursuant to this Subsection may address one (1) or more of the Town’s Categories of Necessary Public Services in any or all of the Town’s Service Areas. Each Capital Facility shall be subject to no more than 1 Infrastructure Improvements Plan at any given time.

C. Reserved Capacity. The Town may reserve capacity in an Infrastructure Improvements Plan to serve 1 or more planned future developments, including capacity reserved through a Development Agreement pursuant to Section 7-11-130 of this Article. All
reservations of existing capacity must be disclosed in the Infrastructure Improvements Plan at the time it is adopted.

(Ord. No. 357, Enacted, 03/23/95; Ord. No. 557, Amended, 06/12/03; Ord. No. 764, Rep&ReEn, 01/12/12)

7-11-090 Adoption and Modification Procedures.

A. Adopting or Amending the Infrastructure Improvements Plan. The Infrastructure Improvements Plan shall be adopted or amended subject to the following procedures:

1. Major Amendments to the Infrastructure Improvements Plan. Except as provided in Subsection (2) of this Subsection, the adoption or amendment of an Infrastructure Improvement Plan shall occur at one (1) or more public hearings according to the following schedule, and may occur concurrently with the adoption of an update of the Town’s Land Use Assumptions as provided in Section 7-11-070 of this Article:

   a. Sixty (60) days before the first (1st) public hearing regarding a new or updated Infrastructure Improvements Plan, the Town shall provide public notice of the hearing and post the Infrastructure Improvements Plan and the underlying Land Use Assumptions on its website; the Town shall additionally make available to the public the documents used to prepare the Infrastructure Improvements Plan and underlying Land Use Assumptions and the amount of any proposed changes to the Plan-Based Cost per EDU.

   b. The Town shall conduct a public hearing on the Infrastructure Improvements Plan and underlying Land Use Assumptions at least 30 days, but no more than 60 days, before approving or disapproving the Infrastructure Improvements Plan.

2. Minor Amendments to the Infrastructure Improvements Plan. Notwithstanding the other requirements of this Section, the Town may update the Infrastructure Improvements Plan and/or its underlying Land Use Assumptions without a public hearing if all of the following apply:

   a. The changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions will not add any new Category of Necessary Public Services to any Service Area.

   b. The changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions will not increase the Level of Service to be provided in any Service Area.

   c. Based on an analysis of the Fee Report and the Town’s adopted development impact fee schedules, the changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions would not, individually or cumulatively with other amendments undertaken pursuant to this Subsection, have caused a development impact fee in
any Service Area to have been increased by more than five per cent (5%) above the development impact fee that is provided in the current development impact fee schedule.

d. At least thirty (30) days prior to the date that the any amendment pursuant to this Section is adopted, the Town shall post the proposed amendments on the Town website and shall provide the Advisory Committee with written notice of the proposed amendments and the basis for compliance with this Section.

B. Amendments to the Fee Report. Any adoption or amendment of a Fee Report and fee schedule shall occur at one (1) or more public hearings according to the following schedule:

1. The first public hearing on the Fee Report must be held at least 30 days after the adoption or approval of an Infrastructure Improvements Plan as provided in Subsection (A) of this Section. The Town must give at least 30 days notice prior to the hearing, provided that this notice may be given on the same day as the approval or disapproval of the Infrastructure Improvements Plan.

2. The Town shall make the Infrastructure Improvements Plan and underlying Land Use Assumptions available to the public on the Town’s website 30 days prior to the public hearing described in Subsection (1) of this Subsection.

3. The Fee Report may be adopted by the Town no sooner than 30 days, and no later than 60 days, after the hearing described in Subsection (1) of this Section.

4. The development fee schedules in the Fee Report adopted pursuant to this Subsection shall become effective seventy-five (75) days after adoption of the Fee Report by the Town.

(Ord. No. 764, Enacted, 01/12/12)

7-11-100 Timing for the Renewal and Updating of the Infrastructure Improvements Plan and the Land Use Assumptions.

A. Renewing the Infrastructure Improvements Plan. Except as provided in Subsection (B) of this Section, not later than every five (5) years the Town shall update the applicable Infrastructure Improvements Plan and Fee Report related to each Category of Necessary Public Services pursuant to Section 7-11-090 of this Article. Such 5-year period shall be calculated from the date of the adoption of the Infrastructure Improvements Plan or the date of the adoption of the Fee Report, whichever occurs later.

B. Determination of No Changes. Notwithstanding Subsection (A) of this Section, if the Town determines that no changes to an Infrastructure Improvements Plan, underlying Land Use Assumptions, or Fee Report are needed, the Town may elect to continue the existing Infrastructure Improvements Plan and Fee Report without amendment by providing notice as follows:
1. Notice of the determination shall be published at least one-hundred-eighty (180) days prior to the end of the 5-year period described in Subsection (A) of this Section.

2. The notice shall identify the Infrastructure Improvements Plan and Fee Report that shall continue in force without amendment.

3. The notice shall provide a map and description of the Service Area(s) covered by such Infrastructure Improvements Plan and Fee Report.

4. The notice shall identify an address to which any resident of the Town may submit, within sixty (60) days, a written request that the Town update the Infrastructure Improvements Plan, underlying Land Use Assumptions, and/or Fee Report and the reasons and basis for the request.

C. Response to Comments. The Town shall consider and respond within thirty (30) days to any timely requests submitted pursuant to Subsection (B)(4) of this Section.

(Ord. No. 764, Enacted, 01/12/12)

7-11-110 Collection of Development Impact Fees.

A. Collection. Development impact fees, together with administrative charges assessed pursuant to Subsection (A)(6) of this Section, shall be calculated and collected prior to issuance of permission to commence development; specifically:

1. Unless otherwise specified pursuant to a Development Agreement adopted pursuant to 7-11-130 of this Article, development impact fees shall be paid prior to issuance of a building permit according to the current development impact fee schedule for the applicable Service Area(s) as adopted pursuant to this Article, or according to any other development impact fee schedule as authorized in this Article.

2. If a building permit is not required for the development, but water or wastewater connections are required, any and all development impact fees due shall be paid at the time the water service connection is purchased. If only a wastewater connection is required, the development impact fees shall be paid prior to approval of a connection to the sewer system.

3. If the development is located in a Service Area with a Storm Water, Drainage, and Flood Control development impact fee, and neither a building permit, water, or sewer service connection is required, the Storm Drainage development impact fee due shall be paid at the time a civil or site permit is issued for the development.

4. No building permit, water or sewer connection, or certificate of occupancy shall be issued if a development impact fee is not paid as directed in the previous Subsections.
5. If the building permit is for a change in the type of building use, an increase in square footage, a change to land use, or an addition to a residential or non-residential point of demand to the water or wastewater system, the development impact fee shall be assessed on the additional service units resulting from the expansion or change, and following the development impact fee schedule applicable to any new use type.

6. For issued permits that expire or are voided, development impact fees and administrative charges shall be as follows:

   a. If the original permittee is seeking to renew an expired or voided permit, and the development impact fees paid for such development have not been refunded, then the permittee shall pay the difference between any development impact fees paid at the time the permit was issued and those in the fee schedule at the time the permit is reissued or renewed.

   b. If a new or renewed permit for the same development is being sought by someone other than the original permittee, the new permit Applicant shall pay the full development impact fees specified in the fee schedule in effect at the time that the permits are reissued or renewed. If the original permittee has assigned its rights under the permits to the new permit Applicant, the new permit Applicant shall pay development impact fees as if it were the original permittee.

B. Exceptions. Development impact fees shall not be owed under either of the following conditions:

1. Development impact fees have been paid for the development and the permit(s) which triggered the collection of the development impact fees have not expired or been voided.

2. The approval(s) that trigger the collection of development impact fees involve modifications to existing residential or non-residential development that do not: (a) add new EDUs, (b) increase the impact of existing EDUs on existing or future Capital Facilities, or (c) change the land-use type of the existing development to a different category of development for which a higher development impact fee would have been due. To the extent that any modification does not meet the requirements of this Subsection, the development impact fee due shall be the difference between the development impact fee that was or would have been due on the existing development and the development impact fee that is due on the development as modified.

C. Temporary Exemptions from Development Impact Fee Schedules. New developments in the Town shall be temporarily exempt from increases in development impact fees that result from the adoption of new or modified development impact fee schedules as follows:

1. Residential Uses. On or after the day that the first building permit is issued for
a single-family residential development, the Town shall, at the permittee’s request, provide the permittee with an applicable development impact fee schedule that shall be in force for a period of twenty-four (24) months beginning on the day that the first building permit is issued, and which shall expire at the end of the first business day of the twenty-fifth (25th) month thereafter. During the effective period of the applicable development impact fee schedule, any building permit issued for the same single-family residential development shall not be subject to any new or modified development impact fee schedule.

2. Commercial, Industrial and Multifamily Uses. On or after the day that the final approval, as defined in A.R.S. §9-463.05(T)(4), is issued for a retail, commercial/office, industrial or multifamily development, the Town shall provide an applicable development impact fee schedule that shall be in force for a period of 24 months beginning on the day that final development approval of a site plan or final subdivision plat is given, and which shall expire at the end of the first business day of the 25th month thereafter. During the effective period of the applicable development impact fee schedule, any building permit issued for the same development shall not be subject to any new or modified development impact fee schedule.

3. Other Development. Any Category of Development not covered under Subsections (1) and (2) of this Subsection shall pay development impact fees according to the fee schedule that is current at the time of collection as specified in Subsection (A) of this Section.

4. Changes to Site Plans and Subdivision Plats. Notwithstanding the other requirements of this Subsection, if changes are made to a development’s final site plan or subdivision plat that will increase the number of service units after the issuance of a grandfathered development impact fee schedule, the Town may assess any new or modified development impact fees against the additional service units. If the Town reduces the amount of an applicable development impact fee during the period that a grandfathered development impact fee schedule is in force, the Town shall assess the lower development impact fee.

D. Option to Pursue Special Fee Determination. Where a development is of a type that does not closely fit within a particular Category of Development appearing on an adopted development impact fee schedule, or where a development has unique characteristics such that the actual burdens and costs associated with providing Necessary Public Services to that development will differ substantially from that associated with other developments in a specified Category of Development, the Town may require the Applicant to provide the Town Community Development Director or authorized designee with an alternative development impact fee analysis. Based on a projection of the actual burdens and costs that will be associated with the development, the alternative development impact fee analysis may propose a unique fee for the development based on the application of an appropriate EDU factor to the applicable Plan-Based Cost per EDU, or may propose that the development be covered under the development impact fee schedule governing a different and more analogous Category of Development. The Town Community Development Director or authorized
designee shall review the alternative impact fee analysis and shall make a determination as to the development impact fee to be charged. Such decision shall be appealable pursuant to Section 7-11-140 of this Article. The Town Community Development Director or authorized designee may require the Applicant to pay an administrative fee to cover the actual costs of reviewing the special fee determination application.

(Ord. No. 764, Enacted, 01/12/12)

7-11-120 Development Impact Fee Credits and Credit Agreements.

A. Eligibility of Capital Facility. All development impact fee Credits must meet the following requirements:

1. One (1) of the following is true:
   a. The Capital Facility, or the financial contribution toward a Capital Facility that will be provided by the developer and for which a Credit will be issued, must be identified in an adopted Infrastructure Improvements Plan and Fee Report as a Capital Facility for which a development impact fee was assessed; or
   b. The Applicant must demonstrate to the satisfaction of the Town that, given the class and type of improvement, the subject Capital Facility should have been included in the Infrastructure Improvements Plan in lieu of a different Capital Facility that was included in the Infrastructure Improvements Plan and for which a development impact fee was assessed. If the subject Capital Facility is determined to be eligible for a Credit in this manner, the Town shall amend the Infrastructure Improvements Plan to (i) include the subject replacement facility and (ii) delete the Capital Facility that will be replaced.

2. Credits shall not be available for any infrastructure provided by a developer if the cost of such infrastructure will be repaid to the developer by the Town through another agreement or mechanism. To the extent that the developer will be paid or reimbursed by the Town for any contribution, payment, construction, or dedication from any Town funding source including an agreement to reimburse the developer with future collected development impact fees pursuant to Section 7-11-130 of this Article, any Credits claimed by the developer shall be: (a) deducted from any amounts to be paid or reimbursed by the Town; or (b) reduced by the amount of such payment or reimbursement.

B. Eligibility of Subject Development. To be eligible for a Credit, the Subject Development must be located within the Service Area of the eligible Capital Facility.

C. Calculation of Credits. Credits will be based on that portion of the costs for an eligible Capital Facility identified in the adopted Infrastructure Improvements Plan for which a development fee was assessed pursuant to the Fee Report. If the Gross
Impact Fee for a particular category of Necessary Public Service is adopted at an amount lower than the Plan-Based Cost per EDU, the amount of any Credit shall be reduced in proportion to the difference between the Plan-Based Cost per EDU and the Gross Impact Fee adopted. A Credit shall not exceed the actual costs the Applicant incurred in providing the eligible Capital Facility.

D. Allocation of Credits. Before any Credit can be issued to a Subject Development (or portion thereof), the Credit must be allocated to that development as follows:

1. The Developer and the Town must execute a Credit Agreement including all of the following:
   a. The total amount of the Credits resulting from provision of an eligible Capital Facility.
   b. The estimated number of EDUs to be served within the Subject Development.
   c. The method by which the Credit values will be distributed within the Subject Development.

2. It is the responsibility of the developer to request allocation of development impact fee Credits through an application for a Credit Agreement (which may be part of a Development Agreement entered into pursuant to Section 7-11-130 of this Article).

3. If a building permit is issued or a water/sewer connection is purchased, and a development impact fee is paid prior to execution of a Credit Agreement for the Subject Development, no Credits may be allocated retroactively to that permit or connection. Credits may be allocated to any remaining permits for the Subject Development in accordance with this Article.

4. If the entity that provides an eligible Capital Facility sells or relinquishes a development (or portion thereof) that it owns or controls prior to execution of a Credit Agreement or Development Agreement, Credits resulting from the eligible Capital Facility will only be allocated to the development if the entity legally assigns such rights and responsibilities to its successor(s) in interest for the Subject Development.

5. If multiple entities jointly provide an eligible Capital Facility, both entities must enter into a single Credit Agreement with the Town, and any request for the allocation of Credit within the Subject Development(s) must be made jointly by the entities that provided the eligible Capital Facility.

6. Credits may only be reallocated from or within a Subject Development with the Town’s approval of an amendment to an executed Credit Agreement, subject to the following conditions:
   a. The entity that executed the original agreement with the Town, or its legal successor in interest and the entity that currently controls the
Subject Development are parties to the request for reallocation.

b. The reallocation proposal does not change the value of any Credits already issued for the Subject Development.

7. A Credit Agreement may authorize the allocation of Credits to a non-contiguous parcel only if all of the following conditions are met:

a. The entity that executed the original agreement with the Town or its legal successor in interest, the entity that currently controls the Subject Development, and the entity that controls the non-contiguous parcel are parties to the request for reallocation.

b. The reallocation proposal does not change the value of any Credits already issued for the Subject Development.

c. The non-contiguous parcel is in the same Service Area as that served by the eligible Capital Facility.

d. The non-contiguous parcel receives a Necessary Public Service from the eligible Capital Facility.

e. The Credit Agreement specifically states the value of the Credits to be allocated to each parcel and/or EDU, or establishes a mechanism for future determination of the Credit values.

f. The Credit Agreement does not involve the transfer of Credits to or from any property subject to a Development Agreement.

E. Credit Agreement. Credits shall only be issued pursuant to a Credit Agreement executed in accordance with Subsection (D) of this Section. The Town Manager or Authorized Designee is authorized by this Article to enter into a Credit Agreement with the controlling entity of a Subject Development, subject to the following:

1. The Developer requesting the Credit Agreement shall provide all information requested by the Town to allow it to determine the value of the Credit to be applied.

2. An application for a Credit Agreement shall be submitted to the Town by the Developer within one (1) year of the date on which ownership or control of the Capital Facility passes to the Town.

3. The Developer shall submit a draft Credit Agreement to the Town Manager or authorized designee(s) for review in the form provided to the Applicant by the Town. The draft Credit Agreement shall include, at a minimum, all of the following information and supporting documentation:

a. A legal description and map depicting the location of the Subject Development for which Credit is being applied. The map shall depict the location of the Capital Facilities that have been or will be provided.
b. An estimate of the total EDUs that will be developed within the Subject Development depicted on the map and described in the legal description.

c. A list of the Capital Facilities, associated physical attributes, and the related costs as stated in the Infrastructure Improvements Plan.

d. Documentation showing the date(s) of acceptance by the Town, if the Capital Facilities have already been provided.

e. The total amount of Credit to be applied within the Subject Development and the calculations leading to the total amount of Credit.

f. The Credit amount to be applied to each EDU within the Subject Development for each Category of Necessary Public Services.

4. The Credit Agreement shall be approved by the Town Council prior to its execution. The Town’s determination of the Credit to be allocated is final.

5. Upon execution of the Credit Agreement by the Town and the Applicant, Credits shall be deemed allocated to the Subject Development.

6. Any amendment to a previously approved Credit Agreement must be initiated within two (2) years of the Town’s final acceptance of the eligible Capital Facility for which the amendment is requested.

7. Any Credit Agreement approved as part of a Development Agreement shall be amended in accordance with the terms of the Development Agreement and Section 7-11-130 of this Article.

F. Issuance of Credits. Credits allocated pursuant to Subsection (D) of this Section may be issued and applied toward the Gross Impact Fees due from a development, subject to the following conditions:

1. Credits issued for an eligible Capital Facility may only be applied to the development impact fee due for the applicable Category of Necessary Public Services, and may not be applied to any fee due for another Category of Necessary Public Services.

2. Credits shall only be issued when the eligible Capital Facility from which the Credits were derived has been accepted by the Town or when adequate security for the completion of the eligible Capital Facility has been provided in accordance with all terms of an executed Development Agreement.

3. Where Credits have been issued pursuant to Subsection (2) of this Subsection, an impact fee due at the time a building permit is issued shall be reduced by the Credit amount stated in or calculated from the executed Credit Agreement. Where Credits have not yet been issued, the Gross Impact Fee shall be paid in full, and a refund of the Credit amount shall be due when the Developer
demonstrates compliance with Subsection (2) of this Subsection in a written request to the Town.

4. Credits, once issued, may not be rescinded or reallocated to another permit or parcel, except that Credits may be released for reuse on the same Subject Development if a building permit for which the Credits were issued has expired or been voided and is otherwise eligible for a refund under Section 7-11-150(A)(2)(a) of this Article.

5. Notwithstanding the other provisions of this Section 7-11-120, Credits issued prior to January 1, 2012 may only be used for the Subject Development for which they were issued. Such Credits may be transferred to a new owner of all or part of the Subject Development in proportion to the percentage of ownership in the Subject Development to be held by the new owner.

(Ord. No. 764, Enacted, 01/12/12)

7-11-130 Development Agreements.

Development Agreements containing provisions regarding development impact fees, development impact fee Credits, and/or disbursement of revenues from development impact fee accounts shall comply with the following:

A. Development Agreement Required. A Development Agreement is required to authorize any of the following:

1. To issue Credits prior to the Town's acceptance of an eligible Capital Facility.

2. To allocate Credits to a parcel that is not contiguous with the Subject Development and that does not meet the requirements of Section 7-11-120(D)(7) of this Article.

3. To reimburse the developer of an eligible Capital Facility using funds from development impact fee accounts.

4. To allocate different Credit amounts per EDU to different parcels within a Subject Development.

5. For a single family residential Dwelling Unit, to allow development impact fees to be paid at a later time than the issuance of a building permit as provided in this Section.

B. General Requirements. All Development Agreements shall be prepared and executed in accordance with A.R.S. §9-500.05 and any applicable requirements of the Town Code. Except where specifically modified by this Section, all provisions of Section 7-11-120 of this Article shall apply to any Credit Agreement that is authorized as part of a Development Agreement.

C. Early Credit Issuance. A Development Agreement may authorize the issuance of Credits
prior to acceptance of an eligible Capital Facility by the Town when the Development Agreement specifically states the form and value of the security (i.e. bond, letter of Credit, etc.) to be provided to the Town prior to issuance of any Credits. The Town shall determine the acceptable form and value of the security to be provided.

D. Non-Contiguous Credit Allocation. A Development Agreement may authorize the allocation of Credits to a non-contiguous parcel only if all of the following conditions are met:

1. The non-contiguous parcel is in the same Service Area as that served by the eligible Capital Facility.

2. The non-contiguous parcel receives a Necessary Public Service from the eligible Capital Facility.

3. The Development Agreement specifically states the value of the Credits to be allocated to each parcel and/or EDU, or establishes a mechanism for future determination of the Credit values.

E. Uneven Credit Allocation. The Development Agreement must specify how Credits will be allocated amongst different parcels on a per-EDU basis, if the Credits are not to be allocated evenly. If the Development Agreement is silent on this topic, all Credits will be allocated evenly amongst all parcels on a per-EDU basis.

F. Use of Reimbursements. Funds reimbursed to developers from impact fee accounts for construction of an eligible Capital Facility must be utilized in accordance with applicable law for the use of Town funds in construction or acquisition of Capital Facilities, including A.R.S. §34-201 et seq.

G. Deferral of Fees. A Development Agreement may provide for the deferral of payment of development impact fees for a residential development beyond the issuance of a building permit; provided that a development impact fee may not be paid later than the fifteen (15) days after the issuance of the certificate of occupancy for that Dwelling Unit. The Development Agreement shall provide for the value of any deferred development impact fees to be supported by appropriate security, including a surety bond, letter of credit, or cash bond.

H. Waiver of Fees. If the Town agrees to waive any development impact fees assessed on development in a Development Agreement, the Town shall reimburse the appropriate development impact fee account for the amount that was waived and shall provide notice of the waiver to the Advisory Committee within thirty (30) days.

I. No Obligation. Nothing in this Section obligates the Town to enter into any Development Agreement or to authorize any type of Credit Agreement permitted by this Section.

(Ord. No. 764, Enacted, 01/12/12)
A development impact fee determination by Town staff may be appealed in accordance with the following procedures:

A. Limited Scope. An appeal shall be limited to disputes regarding the calculation of the development impact fees for a specific development and/or permit and calculation of EDU’s for the development.

B. Form of Appeal. An appeal shall be initiated on such written form as the Town may prescribe, and submitted to the Director of the Community Development Department.

C. Department Action. The Community Development Department Director shall act upon the appeal within thirty (30) calendar days of the filing of the appeal with the Community Development Department, and the Applicant shall be notified of the Director’s decision in writing.

D. Appeal to Town Manager. The Applicant may further appeal the decision of the Community Development Department Director to the Town Manager or authorized designee, who shall be in a more senior position than the Community Development Department Director, within fourteen (14) calendar days of the decision.

E. Action by Manager. The Town Manager or authorized designee shall act upon the appeal within 14 calendar days of receipt of the appeal, and the Applicant shall be notified of the Town Manager or authorized designee’s decision in writing.

F. Final Decision. The Town Manager or authorized designee’s decision regarding the appeal is final.

G. Fees During Pendency. Building permits may be issued during the pendency of an appeal if the Applicant (1) pays the full impact fee calculated by the Town at the time the appeal is filed or (2) provides the Town with financial assurances in the form acceptable to the Town Manager or authorized designee equal to the full amount of the impact fee. Upon final disposition of an appeal, the fee shall be adjusted in accordance with the decision rendered, and a refund paid if warranted. If the appeal is denied by the Town Manager or authorized designee, and the Applicant has provided the Town with financial assurances as set forth in Subsection (2) above, the Applicant shall deliver the full amount of the impact fee to the Town within ten (10) days of the Town Manager or designee’s final decision on the appeal. If the Applicant fails to deliver the full amount of the impact fees when required by this Subsection, the Town may draw upon such financial assurance instrument(s) as necessary to recover the full amount of the impact fees due from the Applicant.

(Ord. No. 764, Enacted, 01/12/12)

7-11-150 Refunds of Development Impact Fees.

A. Refunds. A refund (or partial refund) will be paid to any current owner of property within the Town who submits a written request to the Town and demonstrates that:
1. The permit(s) that triggered the collection of the development impact fee have expired or been voided prior to the commencement of the development for which the permits were issued and the development impact fees collected have not been expended, encumbered, or Pledged for the repayment of Financing or Debt; or

2. The owner of the subject real property or its predecessor in interest paid a development impact fee for the applicable Capital Facility on or after August 1, 2014, and one (1) of the following conditions exists:

   a. The Capital Facility designed to serve the subject real property has been constructed, has the capacity to serve the subject real property and any development for which there is reserved capacity, and the service which was to be provided by that Capital Facility has not been provided to the subject real property from that Capital Facility or from any other infrastructure.

   b. After collecting the fee to construct a Capital Facility the Town fails to complete construction of the Capital Facility within the time period identified in the Infrastructure Improvements Plan, as it may be amended, and the corresponding service is otherwise unavailable to the subject real property from that Capital Facility or any other infrastructure.

   c. For a Category of Necessary Public Services, any part of a development impact fee is not spent within ten (10) years of the Town’s receipt of the development impact fee.

   d. The development impact fee was calculated and collected for the construction cost to provide all or a portion of a specific Capital Facility serving the subject real property and the actual construction costs for the Capital Facility are less than the construction costs projected in the Infrastructure Improvements Plan by a factor of ten percent (10%) or more. In such event, the current owner of the subject real property shall, upon request as set forth in this Subsection (A), be entitled to a refund for the difference between the amounts of the development impact fee charged for and attributable to such construction cost and the amount the development impact fee would have been calculated to be if the actual construction cost had been included in the Fee Report. The refund contemplated by this Subsection shall relate only to the costs specific to the construction of the applicable Capital Facility and shall not include any related design, administrative, or other costs not directly incurred for construction of the Capital Facility that are included in the development impact fee as permitted by A.R.S. §9-463.05.

B. Earned Interest. A refund of a development impact fee shall include any interest actually earned on the refunded portion of the development impact fee by the Town from the date of collection to the date of refund. All refunds shall be made to the record owner of the property at the time the refund is paid.
C. Refund to Government. If a development impact fee was paid by a governmental entity, any refund shall be paid to that governmental entity.

(Ord. No. 764, Enacted, 01/12/12)

7-11-160 Oversight of Development Impact Fee Program.

A. Annual Report. Within 90 days of the end of each fiscal year, the Town shall file with the Town Clerk an unaudited annual report accounting for the collection and use of the fees for each service area and shall post the report on its website in accordance with A.R.S. §9-463.05(N) and (O), as amended.

B. Biennial Audit. In addition to the Annual Report described in Subsection A of this Section, the Town shall provide for a biennial, certified audit of the Town’s Land Use Assumptions, Infrastructure Improvements Plan and development impact fees.

1. An audit pursuant to this Subsection shall be conducted by one or more Qualified Professionals who are not employees or officials of the Town and who did not prepare the Infrastructure Improvements Plan.

2. The audit shall review the collection and expenditures of development fees for each project in the plan and provide written comments describing the amount of development impact fees assessed, collected, and spent on capital facilities.

3. The audit shall describe the Level of Service in each Service Area, and evaluate any inequities in implementing the Infrastructure Improvements Plan or imposing the development impact fee.

4. The Town shall post the findings of the audit on the Town’s website and shall conduct a public hearing on the audit within 60 days of the release of the audit to the public.

5. For purposes of this Section a certified audit shall mean any audit authenticated by one or more of the Qualified Professionals conducting the audit pursuant to paragraph (1) of this Subsection.

(Ord. No. 764, Enacted, 01/12/12; Ord. No. 775, Amended 08/22/13)
CHAPTER 8.  BUSINESS

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Article 8-01 PEDDLERS

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8-01-010 Definitions.

In this Chapter, unless the context otherwise requires:

A. "Peddler" means any person, whether a resident of the Town or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers.

B. "Portable sign" means any sign not permanently affixed to the ground or the structure on the site it occupies.

C. "Sign" means any device for visual communication which is used to or intended to attract the attention of the public for business or professional purposes, when the display of this device is visible beyond the boundaries of the property upon which the display is located. The term "sign" shall not include any flag or badge or insignia of any government or governmental agency. The term "sign" shall not include the displays or advertising devices in a merchant's window or within the interior of a building.

D. "Solicitor" means any person, whether a resident of the Town or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for sale of goods, wares or merchandise, including magazines, books, periodicals or personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders. Such definition includes any person who, for himself, or for another person, hires, leases, uses or
occupies any building, motor vehicle, trailer, structure, tent, railroad box car, boat, hotel or motel room, lodging house, apartment, shop or other place within the Town for the primary purpose of exhibiting samples and taking orders for future delivery.

E. “Structure” means any object constructed or installed by a person, having a permanent location on the ground.

F. “Temporary sign” means any sign not intended for permanent display.

G. “Transient merchant” means any person, whether as owner, agent, consignee or employee, whether a resident of the Town or not, who engages in business of selling and delivery of goods, wares and merchandise within said Town; and who, in furtherance of such business, hires, leases, uses or occupies any approved structures within the Town for the exhibition and sale of such goods, wares and merchandise.

(Ord. No. 178, Enacted, 05/26/88)

8-01-020 License Required.

A. Requirement: It is unlawful for any peddler, solicitor or transient merchant to engage in any such business within the Town without first obtaining a license therefor in compliance with the provisions of this Article.

B. Prohibited practices:

1. It is unlawful for any peddler, solicitor or transient merchant to make exclusive use of any location on any street, alley, sidewalk or right-of-way for the purpose of selling, delivering or exhibiting goods or merchandise.

2. It is unlawful for any peddler, solicitor or transient merchant to operate in a congested area where such operation may impede or inconvenience the public use of such street, alley, sidewalk or right-of-way. For the purpose of this Article, the judgment of a police officer, exercised in good faith, is conclusive as to whether the area is congested and the public impeded or inconvenienced.

3. It is unlawful for any person to exhibit any copy or facsimile of the original license issued under this Article.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 050, &060; Ord. No. 375, Amended, 12/28/95)

8-01-030 Exemptions.

The terms of this Article do not include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newsboys, nor to the acts of merchants or their employees in delivering goods in the regular course of business. Nothing contained in this Article prohibits any sale required by statute or by order of any court, or to prevent any person conducting a bona fide auction sale pursuant to law.
8-01-040  Application.

A. Applicants for a license under this Article shall file with the Town Clerk a sworn application in writing on a form to be furnished by the Town Clerk which shall give the following information, subject to the exception set forth in Subsection B below:

1. Name and physical description of applicant;

2. Complete permanent home and local address of the applicant and, in the case of a transient merchant, the local address from which proposed sales will be made;

3. A brief description of the nature of the business and the goods to be sold.

4. If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship (no post office box will be accepted);

5. The length of time for which the right to do business is desired;

6. The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery;

7. A recent photograph of the applicant which picture shall be approximately two inches by two inches (2” x 2”) showing the head and shoulders of the applicant in a clear and distinguishing manner (including any and all helpers);

8. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor;

9. The most recent cities or towns, not to exceed three (3), where applicant carried on business immediately preceding the date of application and the address from which such business was conducted in those municipalities; and

10. At the time of filing the application, a fee of twenty dollars ($20.00) shall be paid by the applicant and five dollars ($5.00) for each additional helper to the Town Clerk to cover the cost of processing; and

11. Description of vehicles, including license numbers to be used in business.

B. When the power of local authorities to license, register or certify certain businesses has been preempted by the state, the Town Clerk shall not require from those businesses the information requested in items A(8) and A(9) of this section. This exception applies to (without limitation) alarm businesses and alarm agents per ARS
§32-113 and contractors per ARS §32-1101.01.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 8-01-020; Ord. No. 784, Amended, 01/23/14)

8-01-050 Investigation and Issuance.

A. Upon receipt of each application, it shall be referred to the Chief of Police who shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good. If a fingerprint check is not considered necessary by the Chief of Police, the applicant shall be endorsed or rejected within seventy-two (72) hours. If the Chief of Police deems a fingerprint check necessary, the applicant shall be endorsed or rejected within fourteen (14) days.

B. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the said application to the Town Clerk, who shall notify the applicant that his application is disapproved and that no license will be issued.

C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval and return the application to the Town Clerk who shall, upon payment of the prescribed license fee, deliver to the applicant his license. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such licensed business. Each peddler, solicitor or transient merchant must secure a personal license. No license shall be used at any time by any person other than the one to whom it is issued.

D. This Section shall not apply to those businesses regulated by the state where the state has preempted the power of local authority to license, register or certify such businesses. This includes (but is not limited to) alarm businesses and alarm agents per ARS §32-113 and contractors per ARS §32-1101.01.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 8-01-030; Ord. No. 778, Ammended, 10/10/13; Ord. No. 784, Amended, 01/23/14)

8-01-060 Fees.

Every applicant for a license under this Article shall pay the following annual fees:

- $20.00 - for peddlers; solicitors
- $5.00 - for each helper.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 8-01-030)
8-01-070 Exhibition of License.

Licensees are required to exhibit their original certificate of license at the request of any citizen. Exhibition of any copy or facsimile of the original shall not be considered compliance with this Section.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-01-080 Duty of Police to Enforce.

It shall be the duty of the police of the Town to require any person peddling, soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his license and to enforce the provisions of this Article against any person found to be violating the same.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 375, Amended, 12/28/95)

8-01-090 Records.

The Chief of Police shall report to the Town Clerk all convictions for violations of this Article, and the Town Clerk shall maintain a record for each license issued and record the reports of violations therein.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 375, Amended, 12/28/95)

8-01-100 Revocation of License.

A. Licenses issued under the provisions of this Article may be revoked by the Town Manager by issuing a summary order which shall be mailed by certified mail or personally delivered forthwith, for any of the following causes:

1. Fraud, misrepresentation or incorrect statement contained in the application for license;

2. Fraud, misrepresentation or incorrect statement made in the course of carrying on his business as solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor;

3. Any violation of this Article;

4. Conviction of any crime or misdemeanor;

5. Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
B. Notice of the hearing for permanent revocation of a license shall be given by the Town Clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least forty-eight (48) hours prior to the date set for hearing, which shall be set no later than seven (7) days following summary revocation. It shall be delivered by a police officer in the same manner as a summons at least forty-eight (48) hours prior to the date set for hearing.  

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 8-01-040)

8-01-110 Appeal.  

Any person aggrieved, by the action of the Chief of Police or the Town Clerk, may appeal to the Town Manager. Such notice of the said complaint shall contain a written statement setting forth fully the grounds for the appeal. The Town Manager shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in Section 8-01-100 herein for notice of hearing on revocation. 

(Ord. No. 178, Enacted, 05/26/88)

8-01-120 Reapplication.  

No licensee or company whose license has been revoked or refused shall make further application until at least one (1) year has elapsed since the last previous revocation. 

(Ord. No. 178, Enacted, 05/26/88)

8-01-130 Penalty.  

Any person who violates any provision of this Article shall be guilty of a class 3 misdemeanor and upon conviction thereof shall be punished as provided in Section 8-02-110. 

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 496, Amended, 02/22/01; Ord. No. 600, Amended, 07/22/04)

8-01-140 Severance Clause.  

The provisions of this Article are declared to be severable and if any Section, sentence, clause or phrase of this Article shall for any reason be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining Sections, sentences, clauses and phrases of this Article, but they shall remain in effect, it being the legislative intent that this Article shall stand notwithstanding the validity of any part. 

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 375, Amended, 12/28/95)

8-01-150 Religious and Charitable Organizations, Exemption.
A. Any organization, society, association or corporation desiring to solicit or have solicited in its name money, donations of money or property, or financial assistance of any kind, or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization upon the streets, in office or business buildings, by house to house canvass, or in public places for a charitable, religious, patriotic or philanthropic purpose shall be exempt from the provisions of Sections 8-01-040, 8-01-070 and 8-01-080 herein and shall not be subject to the provisions of Subsection 8-01-010(C) provided there is filed with the Town Clerk a sworn affidavit, on a form to be furnished by the Town Clerk, which shall give the following information:

1. Tax exempt number for the organization;
2. Name and purpose of the cause for which permit is sought;
3. Names and addresses of the officers and directors of the organization;
4. Information regarding the location, date and hours of operation of the activity; and
5. Whether or not any commission, fees, wages or emoluments are to be expended in connection with such solicitation and the amount thereof.

Any affiant providing false or misleading information in the affidavit shall be subject to the penalties set forth in Section 8-01-130 and any other penalty provided by law.

B. In the event it is discovered that the organization, society, association or corporation is soliciting or causing the solicitation of funds for any purpose other than a charitable, religious, patriotic or philanthropic purpose, said organization, society, association or corporation shall immediately desist from soliciting or causing the solicitation of funds until such time as it has obtained a license to do so pursuant to Section 8-01-040.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 553, Amended, 05/22/03)
Article 8-02 BUSINESS LICENSES

8-02-010 Purpose.
In accordance with Arizona Revised Statutes §9-240(B)(19) (as amended), the Town of Prescott Valley hereby applies license and fee requirements to listed businesses. The purpose of the business license and business license fee is primarily to regulate and fund regulation of the quality of business activity which occurs or is transacted within the Town limits, in order to protect the health, safety and welfare of the people of the Town; and, secondarily, to raise revenue for the Town. In no case shall the site of the permanent business location of a licensee be the sole determinant of applicability of this Article; and all businesses of any kind, including businesses located outside the Town limits, shall be assessed the fee if it can be shown that these businesses conduct substantial activity within the Town. Businesses which involve delivery of goods to Prescott Valley, performance of warranty or service contracts in Prescott Valley, or tangible personal property rentals in Prescott Valley would also be subject to the fee upon a showing of substantial business activity within the Town. A nonexhaustive list of examples of evidence of substantial business activity follow:

A. A combination of more than one (1) type of business activity occurring within the Town limits, such as sales and delivery, or sales and service contracts, or sales and installation, which are engaged in on a regular basis by out-of-town persons.

B. Any type of business activity engaged in by out-of-town persons which occurs with substantial regularity, such as weekly deliveries utilizing Town roadways, or frequent installation within Town limits of goods or products sold outside the Town limits.

C. Any business activity which requires substantial or regular use of Town resources or facilities, such as use of police protection, or customary use of Town roadways, such as possession of one (1) or more commercial rental units.

D. A combination of the above factors or other factors demonstrating significant business activity within the Town limits.
8-02-020 Definitions.

The following definitions apply to this Article 8-02.

A. “Business” or “Business Activity” broadly includes all commercial activities or acts engaged in or caused to be engaged in for profit, whether personal or corporate. This includes (but is not limited to) home occupations and special events.

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 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.

C. “Charitable and Religious Organizations” means any organization exempt from state and federal income taxes for charitable or religious reasons.

D. “Contractors” includes prime contractors or subcontractors.

E. “Delivery” includes wholesale or retail deliveries.

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

G. “Non-profit Corporation” means any organization established and in good standing in accordance with Chapters 28 through 40, Title 10, Arizona Revised Statutes (as amended). As used in this Article, a non-profit corporation does not include organizations regularly engaged in commercial activities.

H. “Person” includes all individuals and legal entities which may, under applicable law, conduct business.

I. “Profession” means any occupation which requires advanced learning acquired by a prolonged course of specialized intellectual instruction or which involves original or creative work depending primarily on invention, imagination, or talent, including, but not limited to, accountants, architects, artists, attorneys, dentists, doctors, medical technicians, nurses, engineers, surveyors, teachers and veterinarians.

J. “Real Property Rentals (Commercial)” means the business of offering (1) or more units of commercial rental property for rent, lease or license or as available for rent, lease, or license. Multi-suite buildings shall be considered one rental address for the purpose of location fees.

K. “Special Events” include commercial activities or acts of a limited duration. Examples include home and garden shows, classic car shows, concerts, private parades, and the events set forth in Town Code Article 8-07 (as amended).
L. “Tangible Personal Property Rentals” means the renting or leasing of tangible personal property as defined in A.R.S. §42-5001 (as amended).

M. “Warranty or Service Contracts” includes any contracts for maintenance of, or service of, equipment or facilities in exchange for a fee.

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:

1. Casual sales;
2. Current non-profit corporations;
3. Charitable and religious organizations;
4. Sale of agricultural products produced or raised within the Town; and
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 2 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.

8-02-040 Posting of License/Display of Street Address.

A. Every person, firm, company or corporation having a license under the provisions of this Article, and carrying on a trade, calling, profession, occupation or business at a fixed place of business within Prescott Valley Town limits shall keep such license posted and exhibited, while in force, in some conspicuous location within view of the general public. Every person having such a license and not having a fixed place of business within Prescott Valley Town limits, shall provide that such license be in his, or his representative’s, possession at all times while carrying on that trade, calling,
profession, occupation or business within the Prescott Valley Town limits.

B. Each licensee shall display near or above the front door of the business location the correct street address in five (5) inch or greater numbers of letters so that said address shall be plainly visible and legible from the middle of the street or highway in front of each business.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 8-03-040; Ord. No. 178, Ren&Amd, 05/26/88, 8-03-020; Ord. No. 234, Rep&ReEn, 07/26/90; Ord. No. 234, Ren&Amd, 07/26/90, 8-02-020)

8-02-050 Issuance of License.

A. It shall be the duty of the Town Clerk to prepare and issue a business license under this Article to every person who makes a proper application for a license; who demonstrates, upon investigation, compliance with Town Code requirements for said license; and who pays the license fees required in this Article. Further, the Town Clerk shall state in each license the cost thereof, the period of time covered, the name of the person to whom issued, the trades, callings, professions, occupations or businesses licensed, and the locations or places of business or permanent addresses where said trades, callings, professions, occupations or businesses are carried on.

B. Applications for business licenses shall be made on forms furnished by the Town Clerk. Every new application shall be accompanied by an initial fee. The initial fee shall include either an inspection fee (or actual cost of inspection) or an application fee as set forth in this Article. In the event no license is issued, the initial fee shall be returned to the applicant(s) except for the inspection fee (or actual cost of inspection) or the application fee. In no case shall any mistake by the Town Clerk in stating the amount of license fees prevent or prejudice the collection by the Town of the amount actually due under this Article.

C. Before issuing business licenses under this Article, the Town Clerk shall require from each applicant a sworn application on forms provided by the Clerk. Such applications shall generally include the information below, subject to the exception set forth in Subsection (H) below. However, nothing herein shall preclude the Clerk from making certain information “optional” or requiring less information for special event licenses. In the case of applications by partnerships, the following information shall be supplied for each partner:

1. Business or trade name.

2. Street address or location of business and business mailing address.


4. Local contact and emergency telephone numbers.

5. Number of employees.

7. Start of business date.

8. Applicant's name; mailing and home address; home telephone number; driver's license number; date of birth; and social security number.


10. Nature of ownership; and in the case of corporation, the applicant shall provide the state in which incorporated and the name, address and telephone number of the corporate statutory agent, president, vice-president, secretary, and treasurer.

11. Name, social security number(s), home telephone number and address of business owner, partner, or officers.

12. Whether business location is owned, leased/rented, or subleased; and, if applicable, the name, address, phone number and sales tax number of the lessor.

13. Federal ID number; Arizona transaction privilege tax number; liquor license series number; contractor's license number; and, nature and identification number of all professional licenses held.

14. Locations where the business or applicant has operated during the last five (5) years.

15. Insurance certificates or policies, inspection certificates and reports, permits, licenses, maintenance records, injury records and/or operational records required by this Article or other applicable law.

16. A description of any and all licenses or permits issued to or applied for by any applicant which have been denied, suspended, or revoked.

17. A description of any and all criminal convictions of each applicant or business owner in the last five (5) years.

18. The signature of each applicant certifying that his statements are true and correct, and title of applicant.

D. Except for real property rentals (commercial), businesses located in Prescott Valley that apply for the first time for a business license shall be subject to an inspection of building structures and contents, and investigation of applicants by authorized police, fire, financial, building, zoning, health and safety personnel to determine that they meet the requirements of this Article and other applicable laws, regulations, codes and ordinances. In lieu of an inspection or investigation by Town personnel, agents or contractors, the Town (at its sole discretion) may require applicants to arrange for independent inspections or investigations at their own cost and to provide evidence of the same as part of the application. In the event the Town conducts the inspection or investigation, there shall be imposed an initial inspection fee. Additional inspection fees may be imposed if subsequent inspections are required. Inspection fees may also
be imposed at the time of license renewal if circumstances require that a business be re-inspected prior to license renewal. If it is found upon inspection or investigation that the applicant does not meet the requirements of this Article, or that a building structure or contents are unsafe, unsuitable, or otherwise do not meet the requirements of applicable laws, regulations, codes and ordinances, the application for a business license shall be denied. In the event the license is denied and the violation in a building structure or contents can be corrected and is so corrected, the application for license may be resubmitted.

E. Real property rentals (commercial) and businesses located outside of Prescott Valley that apply for the first time for a business license shall pay an application fee to cover the cost of processing the application and/or investigating the applicant pursuant to Section 8-02-080 (as amended). If it is found upon investigation that applicants do not meet the requirements of this Article, the application for a business license shall be denied.

F. Businesses selling spirituous liquor shall comply with applicable state law in addition to the requirements of this Article. Such businesses shall also pay annually the spirituous liquor fee set forth in Section 8-02-070 (as amended) in addition to any other fee set forth herein for a business license.

G. Once the Town issues a business license, there shall be no refunds or adjustments. Business licenses shall generally be issued for a period of one (1) year. However, special events licenses shall be issued for the period of the events. All licenses shall be renewed in accordance with and upon compliance with all requirements of this Article, except that inspection or application fees shall not apply unless otherwise set forth in this Article.

H. When the power of local authorities to license, register or certify certain businesses has been preempted by the state, the Town Clerk shall require from those businesses only the following identifying information on the application for a business license:

1. Business or trade name, street address or location of business, business mailing address and business telephone number.

2. Local contact and emergency telephone numbers.


4. Start of business date.

5. Applicant’s name; mailing and home address; home telephone number.


7. Nature of ownership; and in the case of corporation, the applicant shall provide the state in which incorporated and the name, address and telephone number of the corporate statutory agent, president, vice-president, secretary, and treasurer.
8. Whether business location is owned, leased/rented, or subleased; and, if applicable, the name, address, phone number and sales tax number of the lessor.

9. Federal ID number; Arizona transaction privilege tax number; contractor’s license number; alarm business and/or alarm agent license number; and, nature and identification number of all professional licenses held.

10. The signature of each applicant certifying that his statements are true and correct, and title of applicant.

This exception applies to (without limitation) alarm businesses and alarm agents per ARS 32-113 and contractors per ARS 32-1101.01.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 8-03-020; Ord. No. 234, Ren&Amd, 07/26/90, 8-02-020; Ord. No. 553, Amended, 05/22/03; Ord. No. 709, Amended, 02/14/08; Ord. No.784, Amended, 01/23/14)

**8-02-055 Evidence of Authorized Presence in U.S.**

A. In accordance with Arizona law, no business license (or renewal) under this Article shall issue to any individual if that individual does not include in its application copies of one or more of the following documents indicating that the individual’s presence in the United States is authorized under federal law:

1. An Arizona driver license (issued after 1996), or an Arizona nonoperating identification license;

2. A driver license issued by a state that verifies lawful presence in the United States;

3. A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States;

4. A United States certificate of birth abroad;

5. A United States passport;

6. A foreign passport with a United States visa;

7. An I-94 form with a photograph;

8. A United States citizenship and immigration services employment authorization document or refugee travel document;

9. A United States certificate of naturalization;

10. A United States certificate of citizenship;

11. A tribal certificate of Indian blood; or
12. A tribal or bureau of Indian affairs affidavit of birth.

B. This requirement does not apply to individuals who are citizens of a foreign country (or, at the time of application, reside in a foreign country).

(Ord. No. 723, Enacted, 11/06/08)

8-02-060 Multiple Businesses, Branches or Locations.

A. Separate business licenses must be obtained for each branch establishment or separate place of business in which any trade, calling, profession, occupation or business is carried on within the Town limits. Each license shall authorize the applicant(s) to carry on, pursue or conduct only the trades, callings, professions, occupations or businesses described in such licenses and only at the locations or places of business indicated.

B. Persons engaged in more than one (1) business in the same location for which license fees are required shall pay a license fee for each and every business in which they are engaged at such location.

C. If persons operate more than one (1) division at the same physical location or are engaged in one (1) business under more than one (1) business name at the same physical location, only one (1) license shall be required listing all divisions or business names so operating. The fee shall be the highest of any applicable for any one (1) division or business name.

D. Persons engaged in real property rental (commercial) shall pay a separate location fee for each separate rental address, in addition to any other fees required in this Article. Multi-suite buildings shall be considered one rental address.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 8-03-030; Ord. No. 234, Ren&Amd, 07/26/90, 8-02-030; Ord. No. 709, Amended, 02/14/08)

8-02-070 Business License Fees.

Fees to be paid for business licenses are as follows:

<table>
<thead>
<tr>
<th>TYPE</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Business License/Renewal</td>
<td>$45.00 annually</td>
</tr>
<tr>
<td>Inspection Fee - General</td>
<td>20.00</td>
</tr>
<tr>
<td>Inspection Fee - Home Occupations</td>
<td>15.00</td>
</tr>
<tr>
<td>Application Fee</td>
<td>15.00</td>
</tr>
<tr>
<td>Location Fee (commercial rental units)</td>
<td>5.00 each location</td>
</tr>
</tbody>
</table>
Carnivals, Circuses 120.00 per day
Fortune Tellers, Palmists 15.00 per day
Transient Photographers & Sellers 10.00 per day
Rodeos 30.00 per day
Other Special Events (30-day maximum) 15.00 per event and
per location

Spirituous Liquor Businesses:

#1 Manufacturer 200.00 annually
#3 Domestic Microbrewery 200.00 annually
#5 Government (county, community college, university) 50.00 annually
#6 Bar (on-site sales) 375.00 annually
#7 Beer & Wine Bar (on-site sales - beer & wine only) 200.00 annually
#9 Liquor Store (off-site sales) 200.00 annually
#10 Beer & Wine Store (off-site sales - beer & wine only) 150.00 annually
#11 Hotel-Motel (on-premises consumption only) 325.00 annually
#12 Restaurant (on-premises consumption only) 375.00 annually
#13 Domestic Farm Winery 50.00 annually
#14 Club (on-premises consumption only) 200.00 annually

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 13, Amended, 09/13/79; Ord. No. 30, Amended, 06/12/80; Ord. No. 51,
Amended, 06/12/81; Ord. No. 178, Ren&Amd, 05/26/88, 8-03-080; Ord. No. 234, Ren&Amd, 07/26/90, 8-02-080;
Ord. No. 553, Amended, 05/22/03; Ord. No. 709, Amended, 02/14/08; Ord. No.784, Amended, 01/23/14)

8-02-080 Police Powers.

A. The Chief of Police shall have and exercise the power to make arrests and to cause
complaints to be filed against all persons violating the provisions of this Article.

B. The Chief of Police or any duly authorized official shall have the power to enter, free
of charge and at any time, any place of business for which a license is required by this
Article, and to demand the exhibition of such license for the current term from any
person engaged or employed in the transaction of any such business. It is unlawful for
such person to fail to exhibit such license when requested to do so.

C. The Chief of Police, Town Clerk, Town Manager, or an authorized designee, are
empowered to investigate applicants for business licenses to determine the applicants’
business and moral character as it relates to their fitness and suitability for issuance or
continuance of business licenses. The Chief of Police is authorized to collect
fingerprints, photographs, or other evidence (as permitted by law) to aid in the
investigation. The Police Chief, Town Clerk, Town Manager, or an authorized
designee, are further empowered to re-investigate applicants for business licenses
who are being considered for license revocation or renewal. The results of
investigations shall be placed in writing and shall recommend either for or against issuance, revocation, or renewal of licenses based on the following factors:

1. Failure of building structures or contents to pass inspections conducted by authorized fire, building, zoning, health and safety personnel for the purpose of determining if such building structures or contents are suitable, safe, and comply with applicable laws, regulations, codes and ordinances.

2. Failure to obtain or maintain other required professional, health, or related certifications or licensing required for applicants to conduct the trades, callings, professions, occupations or businesses in question. However, nothing in this Article is intended to regulate professional conduct of applicant(s) whose profession is regulated by the State of Arizona or the United States.

3. A conviction for, or a continuing or ongoing documentable history of, violations of any federal, state, county, Town or special district laws or regulations (including licensing and permit violations from any jurisdiction) which would specifically relate to or impact on the applicants' business or moral character with regard to their fitness and suitability to conduct the trades, callings, professions, occupations or businesses in question.

4. A continuing or ongoing documentable history of business tactics or operations which threaten or endanger public health, safety or welfare, or relate to or impact the applicants' business or moral character with regard to their fitness and suitability to conduct the trades, callings, professions, occupations or businesses in question.

5. A continuing or ongoing documentable history of infirmity of mind, morals or character which would relate to or impact on the applicants' fitness or suitability to conduct the trades, callings, professions, occupations or businesses in question.

6. A false or misleading statement on a business license application which can be shown to have been knowingly or intentionally made and which specifically relates to or impacts the applicants' business or moral character with regard to their fitness and suitability to conduct the trades, callings, professions, occupations or businesses in question.

7. With regard to Subparagraphs 4, 5, and 6 above, and in addition to the requirement that the bad acts of the applicants relate to the applicants' fitness and suitability to conduct the trades, callings, professions, occupations or businesses in question, any prior bad conduct shall be evaluated in light of the following criteria:

   a. Whether or not the trades, callings, professions, occupations or businesses in question are of such sensitive nature that there exists a potential for harm to the public health, safety or welfare resulting from negligent or malicious exercise of those trades, callings, professions, occupations or businesses.
b. The nature of the bad acts of the applicant(s).

c. The applicants’ demonstrated rehabilitation subsequent to the bad acts.

d. The remoteness in time of the bad acts.

e. Other demonstrable factors which would mitigate or negate the impact of the applicants’ prior bad acts or conduct on their fitness or suitability to conduct the trades, callings, professions, occupations or businesses in question.

8. Balancing of First Amendment and other constitutional rights against any clear and present danger to public health, safety, or welfare.

D. Emergency. Should a Federal, State, County, Town or special district official declare an emergency situation has occurred or may occur which arises from or will affect the licensed business, said business license shall be immediately suspended. An emergency situation is one in which there is an immediate and potential hazard to the health, safety and welfare of the occupancy of the business or the general public. Said suspension shall continue as long as the emergency situation is present in or upon or affects said business.

E. The actions or decisions of any Town officials as regards the fitness or suitability of an applicant for a business license involves the use of discretion on the part of said officials, while utilizing the guidelines listed in this Article; is an exercise of a judicial function; and, as such, shall not expose the Town of Prescott Valley, its officials, agents, employees, successors or assigns to any liability for the acts and omissions of the above, pursuant to ARS §12-820.01. Further, due to a recognized shortage of funding for municipal services, any business license investigation shall not be considered a mandatory duty of the Town officials, and may be undertaken on a complaint only basis, in which action is taken only when potential violations are brought to the attention of Town officials by the citizenry or other interested parties.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Enacted, 05/26/88; Ord. No. 178, Renumbered, 05/26/88, 8-03-050; Ord. No. 234, Ren&Amd, 07/26/90, 8-02-050; Ord. No. 234, Ren&Amd, 07/26/90, 8-02-110; Ord. No. 709, Amended, 02/14/08)

8-02-090 Refusal or Revocation of License.

A. The Town Clerk shall refuse to issue a license, revoke the existing license, or decline to renew an existing license of any applicants or licensees who are in violation of the provisions of this Article.

B. Any violation of the standards set forth in Section 8-02-080 which occurs after issuance of a business license may also be grounds for revocation or non-renewal of a business license.

C. Any violation of Chapter 8a “Transaction Privilege Tax” of the Town Code, including without limitation the failure or refusal to make any return required by Chapter 8a or
the failure or refusal to remit the full amount of any tax, penalty and interest when
due, shall be grounds for revocation or non-renewal of a business license.

D. A notice of the refusal to issue or renew a license or the revocation of an existing
license shall be in writing and delivered or mailed to the applicant(s) and licensee(s),
specifying the nature of the violation(s). Notice shall be delivered or mailed to the
address of the applicant(s), licensee(s), or statutory agent(s), as shown on the current
business license application. The giving of notice shall be completed upon the date of
mailing or delivery. Notice of revocation shall be given at least thirty (30) days before
the revocation is to take effect. Such written notice may be prepared and signed by
any Town official designated by the Town Manager to perform such duties.

E. A revocation notice arising from a violation of the provisions of this Article shall be
void in the event the licensee(s) corrects the violation and complies with the
requirements of this Article prior to the expiration of the thirty (30) day notice period.
If the licensee(s) fails to correct the noticed violation within the thirty (30) day notice
period, the license shall be permanently revoked. The failure of the licensee(s) to
correct a noticed violation, resulting in the permanent revocation of a business
license, may constitute grounds for refusal to issue a new business license to the
offending licensee.

F. Applicants and licensees have the right to appeal a denial, revocation or non-renewal
of a business license before the Building Department Board of Appeals in the manner
specified in Town Code Chapter 7 (as amended).

G. If fee payments are made with an insufficient funds check, any business license that
has been issued shall be immediately revoked with or without notice to the persons
holding the business license.

H. Building structures or contents shall continue to conform to all applicable federal,
state, county, Town and special district regulations, requirements and codes during
the term of applicable business licenses. Where an ongoing maintenance program is
necessary to comply with applicable federal, state, county, Town and special district
regulations, requirements and codes including, but not limited to, such things as fire
extinguishers, hoods and vents over cooking devices a routine inspection by authorized
fire, building, zoning, health and safety personnel may occur at any time, to ensure
said equipment or structure is kept in proper operating condition. Any remodeling or
modification of building structures or contents not approved by authorized fire,
building, zoning, health and safety personnel, and which may cause safety or code
violations to exist, is grounds for suspension or revocation of any license issued
pursuant to this Article. If the building structures or contents of a business licensed
under this Article are found to be faulty, unsafe or inoperable, the Town may suspend
the applicable license, and any violation occurring after issuance of the business
license must be corrected. Thereafter, the premises must be re-inspected and
approved (or evidence of re-inspection and approval must be provided) before any
reopening of the business shall occur. To continue business to the public or as a
private operation while such known violations exist may result in immediate
revocation of any license issued pursuant to this Article without prior notice. A
revocation notice arising from a violation of this Section shall be void, and the revoked
license shall be promptly reinstated, as soon as the licensee has received notice in
writing from the appropriate Town official indicating that the violation(s) has/have been cured, removed or rectified.

I. It is unlawful for any person to continue to engage in or conduct any business within the Town upon the revocation or non-renewal of that person’s business license until the license required by this Chapter has been secured. In the event a person violates this subsection, the Town Clerk may seek, in addition to all remedies available in this Code, an injunction in the Yavapai Superior Court enjoining the violator from engaging or continuing in business within the Town until such person has complied with this Article.

(Ord. No. 53, Enacted, 06/25/81; Ord. No. 178, Ren&Amd, 05/26/88, 8-03-090; Ord. No. 234, Rep&ReEn, 07/26/90; Ord. No. 614, Amended, 02/10/05; Ord. No. 709, Amended, 02/14/08; Ord. No. 769, Amended, 08/23/12)

8-02-100 License Non-Transferable.

A business license shall not be transferred upon transfer of ownership of said property or said business. If the person, firm, company or corporation changes ownership, changes to a new location, or changes the type of business from its present business license, the business license shall expire immediately and a new business license shall be applied for forthwith, in accordance with this Article. All businesses located outside the Town limits and which are not subject to inspection by Town staff during the application process shall be exempt from this provision, except that all out-of-town businesses shall provide updated information to the Town Clerk regarding any and all changes in ownership, location and business types immediately upon the effective date of such changes.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 13, Amended, 09/13/79; Ord. No. 178, Ren&Amd, 05/26/88, 8-03-060; Ord. No. 234, Renumbered, 07/26/90, 8-02-060; Ord. No. 553, Amended, 05/22/03)

8-02-110 Penalty, Delinquent Renewal Penalty and Remedies.

A. Any person found in violation of any provision of this Article shall be guilty of a class 3 misdemeanor and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars ($500.00), or by imprisonment for a period not to exceed one (1) month, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinafter described.

B. License renewal fees provided for in this Article shall be due and payable on the date of expiration of the current license, and shall become delinquent on the fifteenth (15th) day following such expiration. A penalty of twenty-five percent (25%) of the applicable license fee shall be assessed on all such delinquencies. The penalty may be abated by the Town Clerk for due cause upon written request for abatement detailing the reason for said delinquency. The written request must be filed with the Town Clerk within twenty (20) days of assessment of such penalty.

C. In the event the license renewal fee is not received by the Town clerk on or before the forty-fifth (45th) day following the expiration of the license, the delinquent license shall be permanently terminated. If the business owner wishes to continue to transact
business within the Town of Prescott Valley, the owner must obtain a new business license pursuant to Sections 8-02-050 and 8-02-060.

D. Remedies shall be as follows:

1. All remedies provided in this Article shall be cumulative and not exclusive.

2. The imposition of penalties on any person under this Article shall not relieve such persons from the responsibility of correcting prohibited conditions or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal of such violations.

3. Citations may be issued in accordance with Article 1-08 (Enforcement and Penalties) for violations of this section.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 234, Ren&Amd, 07/26/90, 8-02-100; Ord. No. 375, Amended, 12/28/95; Ord. No. 553, Amended, 05/22/03)

8-02-120 Special Requirements - Massage Therapists and Establishments.

All massage therapists and establishments applying for a new or renewed license under this Article shall comply with all requirements contained in Title 32, Chapter 42, Arizona Revised Statutes as amended or as may be amended and, at the time of such application, shall provide to the Clerk a copy of the license obtained pursuant to A.R.S. §32-4221 (“massage therapy license”). In no event shall a business license be renewed or issued to a massage therapist or establishment which does not have a valid massage therapy license.

(Ord. No. 598, Enacted, 06/10/04)
Article 8-03 COMMUNITY ANTENNA TELEVISION

8-03-010 Definitions.

In this Article, unless the context otherwise requires:

A. "Cable television system or CATV system" means a facility which receives and amplifies or otherwise modifies the signals broadcast by one or more television or radio stations and redistributes such signals, together with such other signals, as authorized by the Federal Communications Commission, to subscribing members of the public for a fixed or periodic fee, employing wires or cables. This definition does not include:

1. Any system which serves fewer than ten (10) subscribers; or

2. Any system which serves only the residents of one or more apartment dwellings under common ownership, control or management, and commercial establishments located on the premises of such dwellings.

B. "CATV" means cable television system as hereinafter defined.

C. "Gross annual subscriber receipts" means any and all compensation received directly or indirectly by the licensee from subscribers in the Town in payment of the regularly furnished service of the cable television system in the transmission of broadcast television, radio signals and original cablecast programming of the licensee and shall include the installation fees, disconnect and reconnect fees, and all other fees for regular cable benefits.
D. "License" means any authorization granted hereunder in terms of a privilege permit, license or otherwise to construct, operate and maintain a CATV system in the Town. Any such authorization, in whatever term granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the Town in accordance with Article 8-02 of the Town Code.

E. "Licensee" means the person, firm or corporation to whom or which a license, as hereinabove defined, is granted by the Council under this Article and the lawful successor, transferee or assignee of such person, firm or corporation.

F. "Property of licensee" means all property or service owned, installed or used by a licensee in the conduct of a CATV business in the Town under the authority of a license granted pursuant to this Article.

G. "Street" means the surface of and the space above and below any public street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway, easement, right-of-way, or drive, now or hereafter existing as such within the Town.

H. "Subscriber" means any person or entity receiving for any purpose any service of the CATV system of the licensee.

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-03-020 Rights and Authority Reserved to Town.

A. Nothing herein shall be deemed or construed to impair or affect in any way to any extent the right of the Town to acquire the property of the licensee, either by purchase or through the exercise of the right of eminent domain, at a fair and just value, and nothing herein contained shall be construed to contract away or to modify or abridge, either for term or in perpetuity, the Town's right of eminent domain. If negotiation of a fair and just value as referred to in this Subsection results in dispute, the dispute shall be presented to the American Arbitration Association for a decision pursuant to its rules.

B. There is hereby reserved to the Town every right and power which is required to be herein reserved or provided by the Code or any Ordinance of the Town, and the licensee, by its acceptance of any license, agrees to be bound thereby and to exercise of such rights or power, heretofore or hereafter enacted or established.

C. Neither the granting of any license hereunder nor any of the provisions contained herein shall be construed to prevent the Town from granting any identical or similar license to any other person, firm or corporation, within all or any portion of the Town.

D. There is hereby reserved to the Town the power to amend any Section of this Article so as to require additional or greater standards of construction, operation, maintenance or otherwise, on the part of the licensee to reflect technical and economic changes occurring during the license term, and to enable the Town and the licensee to take advantage of new developments in the cable television industry so as to more effectively, efficiently and economically serve the public.
E. The Town shall have the right, free of charge, to make additional use for any public or municipal purpose, whether governmental or proprietary, of any poles, conduits or other similar facilities erected, controlled or maintained exclusively by or for the licensee in any street; provided, that such use by the Town does not interfere with the use by the licensee.

F. Neither the granting of any license nor any provision of this Article shall constitute a waiver or bar to the exercise of any governmental right or power of the Town.

G. The Council may do all things which are necessary and convenient in the exercise of its jurisdiction under this Article and may determine any question of fact which may arise during the existence of any license granted hereunder. The Town Manager is hereby authorized and empowered to adjust, settle or compromise any controversy or charge arising from the operations of the licensee or any subscriber, in the best interest of the public. Either the licensee or any member of the public who may be dissatisfied with the decision of the Town Manager may appeal the matter to the Council for hearing and determination. The Council may accept, reject or modify the decision of the Town Manager, and the Council may adjust, settle or compromise any controversy or cancel any charge arising from the operations of the licensee or from any provision of this Article.

H. Any duties of the Town Manager pursuant to this Article can be delegated to his authorized representative.

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-03-030 Administrative Procedures Generally.

A. When not otherwise prescribed herein, all matters herein required to be filed with the Town shall be filed with the Town Clerk.

B. The licensee shall pay to the Town a sum of money sufficient to reimburse it for all publication expenses incurred by it in connection with the granting of a license pursuant to the provisions of this Article. Such payment shall be made within thirty (30) days after the Town furnishes the licensee with a written statement of such expenses by delivery of same to the Town Clerk.

C. The licensee shall obtain written permission from the Town Building Inspector prior to commencing any construction or installation of facilities on public property or rights-of-way. Any damage to public property by the licensee shall be promptly repaired to the satisfaction of the Town Building Inspector.

D. The form of the licensee's contract with the subscriber, if such exists, shall also be subject to approval of the Town.

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Rep&ReEn, 05/26/88)
8-03-040 Records; Reports; Inspection.

A. At all reasonable times, the licensee shall permit any duly authorized representative of the Town to examine all property of the licensee, together with any appurtenant property of the licensee situated within or without the Town, and to examine and transcribe any and all maps and other records kept or maintained by the licensee or under its control which deal with the operations, affairs, transactions or property of the licensee with respect to its license.

B. The licensee shall prepare and furnish to the Town Building Inspector at the times and in the form prescribed by such officer, such reports with respect to its operations, affairs, transactions or property, as may be reasonably necessary or appropriate to the performance of any of its officers or employees in connection with the license.

C. The licensee shall at all times file with the Town full and complete plans, maps, diagrams and records showing the exact location of all CATV system cables and equipment installed or in use in streets and other public places in the Town, within thirty (30) days of the installation of the same.

D. Any map or part of a map filed by the licensee in compliance with any provision of this Section shall not be, or shall not be deemed to be, notice to the Town in order to comply with any of the provisions or requirements of this Article.

E. The licensee shall make available for Town inspection, upon request of the Council, a copy of all financial records, an income statement applicable to its operations during the preceding twelve (12) month period, a balance sheet and a statement of its properties devoted to CATV operations, by categories, giving its investment in such properties on the basis of original costs, less applicable depreciation. These reports shall be prepared or approved, at the licensee's expense and at no expense to the Town, by a certified public accountant, and there shall be submitted along with them such other reasonable information as the Council shall request with respect to the licensee's properties and expenses related to its CATV operations within the Town.

F. The licensee shall keep on file with the Town Clerk a current list of its shareholders, bondholders, sureties, insurers and owners.

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-03-050 Rates and Charges.

A. Prior to granting any license pursuant to this Article the Council, by ordinance, shall establish and fix all rates and charges for the basic service allowable to the licensee.

B. Once established, such rates or charges shall not be increased at any time after granting of a license, except after due notice and hearing as provided in this Article.

C. In connection with any proposed increase of any rates or charges for basic service, at any time after the granting of a license, the Council shall direct the Town Manager to conduct a preliminary hearing into the matter. When so directed by the Council, the
Town Manager shall issue his written notice fixing and setting forth the day, hour and place certain when and where any persons having any interest therein may appear and be heard.

D. The Town Clerk shall cause such notice to be published in a newspaper of general circulation within the Town. The Town Clerk also shall cause a copy of such notice to be mailed to any licensee at least ten (10) days prior to the date specified for the hearing. At the time set for such hearing, or at any adjournment thereof, the Town Manager shall proceed to hear the matter. Following the close of such hearing, the Town Manager shall prepare and file with the Town Council his report of the hearing, his findings and an opinion containing his recommendations and the reasons therefor. After the expiration of ten (10) days following receipt of the Town Manager's report and opinion, and if no objection has been filed thereto, the Council shall determine whether to adopt the opinion or to hold a further hearing, and shall pass its "Resolution of Intention" to do so, describing and stating any rates or charges to be increased, the reasons of the Council therefor, fixing and setting forth a day, hour and place certain when and where any persons having any interest therein may appear before the Council and be heard. Such resolution shall direct the Town Clerk to publish the same resolution at least once within ten (10) days prior to the date specified for hearing thereon.

E. If, upon receipt of the report and opinion, and the expiration of such ten (10) days without objection, or following the holding of a further hearing, the Council determines to do so, if the Council finds that the increasing of any rates or charges of the licensee to subscribers will be fair and just, then the Council, by resolution, shall authorize the increase of rates or charges of the licensee to subscribers and users as determined giving its reasons therefor. Such resolution shall thereupon become and shall be a part of any license granted hereunder and affected thereby.

F. Neither the Council nor the licensee shall, as to rates, charges, service, service facilities, rules, regulations or in any other respect, make or grant any preference or advantage to any person, nor subject any person to prejudice or disadvantage.

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-03-060 Violations and Enforcement.

A. It is unlawful for any person to establish, operate or to carry on the business of distributing to any person in this Town any television signals or radio signals by means of a CATV system unless a license therefor has first been obtained pursuant to the provisions of this Article, and unless such license is in full force and effect.

B. It is unlawful for any person to construct, install or maintain within any public street in the Town, or within any other public property of the Town, or within any privately-owned area within the Town which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the Town, any CATV system, unless a license authorizing such use of such street or property or area has first been obtained pursuant to the provisions of this Article, and unless such license is in full force and effect.
C. It is unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a licensed CATV system within this Town for the purpose of taking or receiving television signals, radio signals, pictures, programs or sound.

D. It is unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise with any part of a licensed CATV system within this Town for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the owner of such system.

E. It is unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound.

F. Should any licensed CATV system be abandoned or left unoperated for a period in excess of thirty (30) days, the said CATV system in its entirety shall revert to the Town, if the Town so elects.

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-03-070 Licenses Required; Restrictions.

A. A nonexclusive license to install, operate and maintain a cable television system within all or any portion of the Town shall first be obtained from the Mayor and Council before any person, firm or corporation commences to operate and continues to operate a cable television system within the Town, and such license shall be obtained under and pursuant to the terms and provisions of this Article.

B. No provision of this Article may be deemed or construed as to require the granting of a license when, in the opinion of the Council, it is in the public interest to restrict the number of licenses.

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-03-080 License Application.

A. Each application for a license to construct, operate or maintain any cable television system in this Town shall be filed with the Town Clerk and shall contain or be accompanied by the following:

1. The name, address and telephone number of the applicant.

2. A detailed statement of the corporate or other business entity organization of the applicant, including but not limited to, the following and to whatever extent required by the Town:
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a. The names, residence and business addresses of all officers, directors and associates of the applicant.
b. The names, residence and business addresses of all officers, persons and entities having, controlling or being entitled to have or control five percent (5%) or more of the ownership of the applicant and the respective ownership share of each such person or entity.
c. The names and addresses of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling applicant in whole or in part or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity, including but not limited to cable television systems owned or controlled by the applicant, its parent and subsidiary and the areas served thereby.
d. A detailed description of all previous experience of the applicant or its corporate predecessors in providing cable television system service and in related or similar fields.
e. A detailed and complete financial statement of the applicant including a stockholders report (if one is prepared), balance sheet, income statement and a statement of its properties devoted to CATV operations, by categories, giving its investment in such properties on the basis of original cost, less applicable depreciation and which must be prepared by a certified public accountant, for the fiscal year next preceding the date of the application hereunder, or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the Council, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed system in the Town or a statement from a certified public accountant certifying that the applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed system in the Town.
f. A statement identifying, by place and date, any other cable television license awarded to the applicant, its parent or subsidiary; the status of such license with respect to completion thereof, the total cost of completion of such systems; and the amount of applicant's and its parent's or subsidiary's resources committed to the completion thereof.

B. Each applicant shall also file a detailed description of the proposed plan of operation of the applicant which shall include, but not be limited to, the following:

1. A map indicating all areas proposed to be served, including but not limited to, the location of all proposed trunk cables, feeder lines, headends and amplifiers.
2. A proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be served.

3. A statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges as to each of said classifications, including installation charges and service charges.

4. A detailed, informative and referenced statement describing the actual equipment and operational standards proposed by the applicant. In no event shall such operational and performance standards be less than those contained in Title 47, subpart K (Sections 76.601 et seq.), Rules and Regulations, Federal Communications Commission, adopted February 2, 1972, as amended.

5. A copy of the form of any agreement, undertaking or other instrument, if any, proposed to be entered into between the applicant and any subscriber or any statement proposed to be submitted to subscribers.

6. A detailed statement setting forth in its entirety any and all agreements and undertakings, whether formal or informal, written, oral or implied, existing or proposed to exist between the applicant and any person, firm or corporation which materially relate or pertain to or depend upon the application and the granting of the license.

C. Each applicant shall also file a copy of any agreement covering the license area, if existing between the applicant and any public utility subject to regulation by the State Corporation Commission providing for the use of any facilities of the public utility, including but not limited to poles, lines or conduits.

D. Each applicant shall also file any other details, statements, information or references pertinent to the subject matter of such application which shall be required or requested by the Council or by any provision of this Code or any other ordinance of the Town.

E. Each applicant shall also file an application fee in the sum of three hundred dollars ($300.00) which shall be in the form of cash, certified or cashier's check, or money order, to pay the costs of studying, investigating and otherwise processing such application, and which shall be in consideration thereof and not returnable or refundable in whole or in part, except to the extent that such fee exceeds the actual costs incurred by the Town in studying, investigating and otherwise processing the application.

F. All applications shall be placed on public file by the Town Clerk who shall also notify the public when an applicant files by publishing notice of the same in a newspaper of general circulation within the Town.

G. The procedure set forth in ARS §9-505, et.seq., as amended from time to time, shall be followed as to all applications hereunder.

H. In making any determination hereunder as to any application, the Council may give due consideration to the quality of the service proposed, rates to subscribers, income to the Town, experience, character, background, legal qualifications and financial
responsibility of any applicant, and its management and owners, technical and performance quality of equipment, willingness and ability to meet construction and physical requirements, and to abide by policy considerations, license limitations and requirements, and any other considerations deemed pertinent by the Council for safeguarding the interests of the Town and the public. The Council, in its discretion, shall determine the award of any license on the basis of such considerations and without competitive bidding.

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-03-090 Fees.

A. Any licensee granted a license under this Article shall pay to the Town during the life of such license, a sum no less than three percent (3%) of the gross annual subscriber receipts of the licensee. Such payment by the licensee to the Town shall be made quarterly, or as otherwise provided in the license, by delivery of the same to the Town Manager. This payment shall be in addition to any other fees or payments made to the Town by the licensee.

B. The Town shall have the right to inspect the licensee’s records showing the gross receipts from which its license payments are computed and the right of audit and recomputation of any and all amounts paid under this Article. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the Town may have for further or additional sums payable under this Article or for the performance of any other obligation hereunder.

C. The percentage of the gross subscriber receipts due the Town and the insurance and bond provisions of this Article shall be subject to reevaluation and renegotiation by the Council every three (3) years. In no event shall the percentage exceed the maximum fixed by the Federal Communications Commission.

D. If Federal Communications Regulations are amended in the future to allow the Town to receive a greater fee or a fee from its licensee from other than the previously-mentioned gross annual subscriber receipts, then, in that event, the licensee shall immediately commence making such additional payments to the Town as are authorized to the full extent of such authorization.

E. If renegotiation of the amounts referred to above results in dispute, the dispute shall be presented to the American Arbitration Association for a discussion, which shall be binding on all parties.

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-03-100 Acceptance by Licensee.

A. Within thirty (30) days after the passage of the ordinance awarding a license or granting renewal of a license, or within such extended period of time as the Council in its discretion may authorize, the licensee shall file with the Town Clerk its written
acceptance, in a form satisfactory to the Town Attorney, of the license, together with
the bond and insurance policies required herein, respectively, and its agreement to be
bound by and to comply with and to do all things required of it by the provisions of
this Article and the license. Such acceptance and agreement shall be acknowledged
by the licensee before a notary public and shall in form and content be satisfactory to
and approved by the Town Attorney.

B. In default of the filing of such written acceptance as herein required, the licensee
shall be deemed to have rejected and repudiated the license. Thereafter, the
acceptance of the licensee shall not be received nor filed by the Town Clerk. The
licensee shall have no rights, remedies or redress in the premises unless and until the
Council, by resolution, shall determine that such acceptance be received or filed, and
then upon such terms and conditions as the Council may impose.

C. In any case and in any instance, all rights, remedies and redress in these premises,
which may or shall be available to the Town, shall at all times be available to the
Town, and shall be preserved and maintained and shall continually exist in and to the
Town, and shall not be in any manner or means modified, abridged, altered, restricted
or impaired by reason of any of these premises or otherwise.

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Reb&ReEn, 05/26/88)

8-03-110 Terms and Conditions.

A. Any license granted under this Article shall be nonexclusive.

B. No privilege or exemption shall be granted under this Article except those specifically
prescribed herein.

C. Any privilege claimed under any such license by the licensee in any street or other
public property shall be subordinate to any prior lawful occupancy of the streets or
other public property.

D. Time shall be of the essence of any such license granted hereunder. The licensee shall
not be relieved of his obligation to comply promptly with any of the provisions of this
Article or by any failure of the Town to force strict compliance.

E. Any right or power in, or duty imposed upon any officer, employee, department or
board of the Town shall be subject to transfer by the Town to any other officer,
employee, department or board of the Town.

F. The licensee shall have no recourse whatsoever against the Town for any loss, cost,
expense or damage arising out of any provision or requirement of this Article or of any
license issued hereunder or because of its lawful enforcement.

G. The licensee shall be subject to all requirements of this Code, Town ordinances, rules,
regulations and specifications heretofore or hereafter enacted or established.

H. The licensee shall be subject to all laws, rules and regulations of the State, County,
the Town and the United States government, and any of its agencies, including, but not limited to, the Federal Communications Commission, whether such rule or regulation is in force or hereafter enacted, relating to the business of cable television systems.

I. Any of the provisions or terms of this Article shall be automatically amended and made consistent with any new or amended rule or regulation of the Federal Communications Commission if such new or amended rule or regulation of the Federal Communications Commission renders such provisions or terms prohibited or inconsistent. The licensee shall then comply with such amendments of this Article within a reasonable time as determined by the Council. Any provision of this Article presently prohibited by the rules and regulations of the Federal Communications Commission which is subsequently allowed by that agency shall automatically have full force and effect, and the licensee shall comply within a reasonable time as determined by the Council.

J. Any such license granted shall not relieve the licensee of any obligation involved in obtaining the necessary pole or conduit space from any department of the Town, utility company, or from others maintaining poles, conduits or utilities in streets.

K. Any license granted hereunder shall be in lieu of any and all other rights, privileges, powers, immunities and authorities owned, possessed, controlled or exercisable by the licensee, or any successor to any interest of the licensee of or pertaining to the construction, operation or maintenance of any CATV system in the Town. The acceptance of any license hereunder shall operate, as between the licensee and the Town, as an abandonment of any and all of such rights, privileges, powers, immunities and authorities within the Town, to the effect that, as between the licensee and the Town, any and all construction, operation and maintenance by any licensee of any CATV system in the Town shall be, and shall be deemed and construed in all instances and respects to be under and pursuant to such license, and not under or pursuant to any other right, privilege, power, immunity or authority whatsoever.

L. In addition to the payment to the Town described in Section 8-03-090, the licensee shall be subject to any local tax now imposed or hereafter imposed by the Town which is not unique to CATV operations.

M. The licensee's service and extension policies shall show no preferential or discriminatory practices and shall be on file with the Town Clerk.

N. Any such license shall be a privilege to be held in personal trust by the original licensee.

1. Such license cannot in any event be sold, transferred, leased, assigned or disposed of, in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation or otherwise, without prior consent of the Council expressed by resolution, and then only under such conditions as may therein be prescribed. Any such transfer or assignment shall be made only by an instrument in writing, a duly executed copy of which shall be filed in the Office of the Town Clerk within thirty (30) days after any such transfer or assignment. The consent of the Council may not be unreasonably refused, provided however, that the proposed assignee must show financial
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responsibility as determined by the Council and must agree to comply with all provisions of this Article, and meet all of the qualifications that must be met by an original licensee; and provided, further, that no such consent shall be required for a transfer in trust, mortgage or other hypothecation, in whole or in part, to secure an indebtedness. The granting, giving or waiving of any one or more such consents shall not render unnecessary any subsequent consent or consents.

2. In the event that the licensee is a corporation, prior approval of the Council, expressed by ordinance shall be required where there is an actual change in control or when ownership of more than fifty percent (50%) of the voting stock or ownership control, the licensee is acquired by a person or group of persons acting in concert, none of whom already own fifty percent (50%) or more of the voting stock, singly or collectively. Any such acquisition occurring without prior approval of the Council shall constitute a failure to comply with a material provision of this Article within the meaning of Section 8-03-160.

3. Upon the foreclosure or other judicial sale of all or a substantial part of the CATV system, or upon the termination of any lease covering all or a substantial part of the CATV system, the licensee shall notify the Council of such fact, and such notification shall be treated as a notification that a change in control of the licensee company has taken place, and the provisions of paragraph 4 of this Subsection governing the consent of the Council to such change in control of the licensee company shall apply.

4. Upon written notification by the licensee to the Town of a proposed assignment of the license or transfer of control or ownership of the licensee company, the Council shall direct the Town Manager to issue and the Town Manager shall issue his written notice fixing and setting forth the day, hour and place certain when and where any persons having any interest therein may appear and be heard, and otherwise pursuant to the procedure set forth in Section 8-03-050(C), give notice, conduct a hearing and report to the Council for a determination of the status of the license and the necessary or recommended action to be taken, if any.

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-03-120 Renewal.

A. Any license granted under this Article is renewable for a term not to exceed fifteen (15) years upon application of the licensee and after full public proceedings, in the same manner and upon the same terms and conditions as required for obtaining the original license, except those which are by their terms expressly inapplicable; provided, however, that the Council may, at its option, waive compliance with any or all of the requirements in Section 8-03-080 which are not required in renewal proceedings by the Federal Communications Commission.

B. The Council shall also consider, in renewing a license, the performance of the licensee and the adequacy of the license.
C. Upon the cancellation or termination by the Council or upon expiration of the license, the Council may, by resolution, direct the licensee to operate the same for a period up to six (6) months under the terms and conditions of this Article and at no expense to the Town.

D. An application fee for renewal shall be accompanied by a fee given and accepted under the same terms and conditions, and of the same amount as the application fee described in Section 8-03-080(E).

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-03-130 Expiration.

No license granted by the Council under this Article shall be for a term longer than fifteen (15) years following the date of issuance of such license.

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-03-140 Bond Required.

The licensee shall, concurrently with the filing of and acceptance of award of any license granted under this Article, file with the Town Clerk and, at all times thereafter, maintain in full force and effect for the term of such license or any renewal thereof, at the licensee's sole expense, a surety bond in a company and in a form approved by the Town Attorney, in an amount to be determined by the Council not to exceed fifty thousand dollars ($50,000.00). Such bond shall be conditioned upon the faithful performance of the licensee, and upon the further condition that in the event the licensee shall fail to comply with any one or more of the provisions of the Article or of any license issued to the licensee hereunder, there shall be recoverable jointly and severally from the principal and surety of such bond any damages or loss suffered by the Town as a result thereof, including the full amount of any compensation, indemnification or cost of removal or abandonment of any property of the licensee as prescribed hereby which may be in default, plus a reasonable allowance for attorney's fees and costs, up to the full amount of the bond. Such condition shall be a continuing obligation for the duration of such license and any renewal thereof and thereafter until the licensee has liquidated all of its obligations with the Town that may have arisen from the acceptance of such license or renewal by the licensee or from its exercise of any privilege therein granted. The bond shall provide that sixty (60) days' prior written notice of intention not to renew, cancellation or material change be given to the Town.

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-03-150 Liability Insurance; Indemnification and Defense of Litigation.

A. The licensee shall, concurrently with the filing of an acceptance of award of any license granted under this Article, furnish to the Town and file with the Town Clerk and, at all times during the existence of any license granted hereunder, maintain in
full force and effect, a general comprehensive liability insurance policy, in protection of the Town, its officers, boards, commissions, agents and employees, in a company approved by the Town Manager and in a form satisfactory to the Town Attorney, protecting the Town and all persons against liability for loss or damage for personal injury, death and property damage, occasioned by the operations of licensee under such license. Such insurance policy shall include minimum liability limits of three hundred thousand dollars ($300,000.00) for personal injury or death of one or more persons in any one (1) occurrence, and one hundred thousand dollars ($100,000.00) for damage to property resulting from any one (1) occurrence.

B. The policies mentioned in Subsection A of this Section shall name the Town, its officers, boards, commissions, agents and employees as additional insureds and shall contain a provision that a written notice of cancellation or reduction in coverage of such policy shall be delivered to the Town fifteen (15) days in advance of the effective date thereof. If such insurance is provided by a policy which also covers the licensee or any other entity or person other than those above named, then such policy shall contain the standard cross-liability endorsement.

C. The licensee shall, at the sole risk and expense of the licensee, upon demand of the Town, made by and through the Town Attorney, appear in and defend any and all suits, actions or other legal proceedings, whether judicial, quasi-judicial, administrative, legislative or otherwise, brought or instituted or had by third persons or duly constituted authorities, against or affecting the Town, its officers, boards, commissions, agents or employees, and arising out of or pertaining to the exercise or the enjoyment of such license, or the granting thereof by the Town.

D. The licensee shall pay and satisfy and shall cause to be paid and satisfied any judgment, decree, order, directive or demand rendered, made or issued against the licensee, the Town, its officers, boards, commissions, agents or employees in any of these premises. Such indemnity shall exist and continue without reference to or limitation by the amount of any bond, policy of insurance, deposit, undertaking or other assurance required hereunder, or otherwise, provided that the licensee shall not make or enter into any compromise or settlement of any claim, demand, cause of action, action, suit or other proceeding, without first obtaining written consent of the Town.

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-03-160 Revocation.

A. Any such license granted hereunder may be terminated prior to its date of expiration by the Council in the event that the Council shall have found that any of the following have occurred:

1. The licensee has failed to comply with any material provisions of this Article or has, by act or omission, violated any term or condition of any license issued hereunder.

2. The licensee has failed to comply with any material promises or covenants set
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forth in its application or in its duty to serve its subscribers.

3. The licensee has failed to comply with any material rule or regulation of the Council or Town Manager validly adopted pursuant to this Article.

4. The licensee has failed to comply with any order of the Federal Communications Commission.

B. The Town Manager may make written demand that the licensee do or comply with any such requirement, limitation, term, condition, rules or regulation. If the failure of the licensee continues for a period of thirty (30) days following such written demand, the Town Manager may place his request for termination of the license upon the next regular Council meeting agenda. The Town Manager shall cause to be served upon such licensee, at least ten (10) days prior to the date of such Council meeting, a written notice of his intent to request such termination, and the time and place of the meeting, notice of which shall be published by the Town Clerk at least once ten (10) days before such meeting in a newspaper of general circulation within the Town.

C. The Council shall consider the request of the Town Manager and shall hear any persons interested therein and shall determine, in its discretion, whether or not any failure by the licensee was with just cause.

D. If such failure by the licensee was with just cause, the Council shall direct the licensee to comply within such time and manner and upon such terms and conditions as are reasonable.

E. If the Council shall determine such failure was without just cause, then the Council may, by resolution, declare that the license of such licensee shall be terminated and forfeited unless there be compliance by the licensee within such period as the Council may fix.

F. The termination and forfeiture of any license shall in no way affect any of the rights of the Town under this Article, the license or any provision of law.

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-03-170 Permits; Construction and Provision of Service.

A. Within thirty (30) days after acceptance of any license, the licensee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements, microwave carrier licenses and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of cable television systems, or associated microwave transmission facilities. In connection therewith, copies of all petitions, applications and communications submitted by the licensee to the Federal Communications Commission, Securities and Exchange Commission or any other Federal or State regulatory commission or agency having jurisdiction in respect to any matters affecting the licensee's cable television operations shall also be submitted simultaneously to the Town Manager.
B. Within three (3) months after obtaining all necessary permits, licenses, authorizations and a certificate of compliance from the Federal Communications Commission, the licensee shall commence construction and installation of the CATV system.

C. The license is for the present incorporated limits of the Town and, at the Council's request, for any area henceforth added thereto during the term of this license.

1. The licensee shall, within sixty (60) months of its obtaining the certificate of compliance, install and make operational in accordance with the licensee's application, distribution cable along thirty percent (30%) of all of the miles of the Town's streets according to the following schedule: at least eighteen (18) miles by the end of the second year, at least an additional six (6) miles by the end of the third year, at least an additional six (6) miles by the end of the fourth year, and so on.

2. Thereafter, the licensee shall extend cable to new subdivisions simultaneously with electric power and telephone utilities.

3. Installation and operation of distribution cable by the licensee shall proceed on a nondiscriminatory basis giving consideration to subscriber density and without regard for subscriber affluence or other discriminatory factors. The licensee agrees to submit in its application its proposal for such nondiscriminatory installation and operation of distribution cable, and the Council shall make such proposal part of the Ordinance granting the license.

4. At all times during the term of the license, the licensee shall deliver basic service to new subscribers with due diligence. Without a showing by the licensee to the Town Manager of unusual circumstances hindering the delivery of service, basic service to a new subscriber shall be delivered by the licensee within ten (10) days of the request to receive such service; provided, that energized cable is installed at the time of the request by the new subscriber in the immediate vicinity of the request.

(Ord. No. 12, Enacted, 08/16/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-03-180 Installation of Cable.

A. All cable television company feeder and trunk cables installed within the limits of the Town should be installed in the following manner:

1. Underground to a minimum depth of ten (10) inches below ground surface.

2. On utility company power poles.

B. No such cable shall in any case be laid on the surface of any street, easement or other right-of-way or property.

C. Failure to comply with provisions of this Section shall constitute grounds for revocation.
of a cable television license granted in accordance with the provisions of this Article.

(Ord. No. 43, Enacted, 10/23/80; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 8-04 RESERVED

8-04-010 Reserved.
8-04-020 Reserved.
8-04-030 Reserved.
8-04-040 Reserved.
8-04-050 Reserved.
8-04-060 Reserved.
8-04-070 Reserved.
8-04-080 Reserved.
8-04-090 Reserved.
8-04-100 Reserved.
8-04-110 Reserved.
8-04-120 Reserved.

8-04-010 Reserved.
(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 12-01-010; Ord. No. 534, Amended, 10/10/02; Ord. No. 598, Rep&ReEn, 06/10/04)

8-04-020 Reserved.
(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 12-01-020; Ord. No. 534, Amended, 10/10/02; Ord. No. 598, Rep&ReEn, 06/10/04)

8-04-030 Reserved.
(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 12-01-030; Ord. No. 534, Amended, 10/10/02; Ord. No. 598, Rep&ReEn, 06/10/04)

8-04-040 Reserved.
(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 12-01-040; Ord. No. 534, Amended, 10/10/02; Ord. No. 598, Rep&ReEn, 06/10/04)

8-04-050 Reserved.
(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 12-01-050; Ord. No. 534, Amended, 10/10/02; Ord. No. 598, Rep&ReEn, 06/10/04)

8-04-060 Reserved.
(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 12-01-060; Ord. No. 534, Amended, 10/10/02;
Ord. No. 598, Rep&ReEn, 06/10/04)

8-04-070  Reserved.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 12-01-070; Ord. No. 534, Amended, 10/10/02; Ord. No. 598, Rep&ReEn, 06/10/04)

8-04-080  Reserved.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 12-01-080; Ord. No. 534, Amended, 10/10/02; Ord. No. 598, Rep&ReEn, 06/10/04)

8-04-090  Reserved.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 12-01-090; Ord. No. 534, Amended, 10/10/02; Ord. No. 598, Rep&ReEn, 06/10/04)

8-04-100  Reserved.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 12-01-100; Ord. No. 534, Amended, 10/10/02; Ord. No. 598, Rep&ReEn, 06/10/04)

8-04-110  Reserved.

(Ord. No. 534, Enacted, 10/10/02; Ord. No. 598, Rep&ReEn, 06/10/04)

8-04-120  Reserved.

(Ord. No. 534, Enacted, 10/10/02; Ord. No. 598, Rep&ReEn, 06/10/04)
Article 8-05 AUCTIONS, JUNK DEALERS AND DEALERS OF USED ARTICLES

8-05-010 Definitions.

Unless otherwise provided, the following definitions shall apply to the provisions of this Article:

A. Applicant: the person owning, operating, and/or conducting the business to be licensed, including all persons financially interested in the business, the manager(s) or other individual(s) principally in charge of the operation of the business, any authorized local agent(s), and the responsible managing officer designated pursuant to this article.

B. Auctioneer: any person who shall operate an auction house or who, as a principal or agent, shall offer any article for sale by public outcry and where such items offered at auction are sold immediately to the highest bidder.

C. Auction House: any establishment in which is carried on the business of auctioning articles for sale by public outcry and where such items offered for auction are sold immediately to the highest bidder.

D. Junk Dealer: any person who collects or buys junk, including such items as rags, bottles, scrap metal, paper, and such other material as is usually collected for salvage purposes and where such person holds it for storage or offers it for sale.

E. Dealers of Used Articles: any person (other than a person who deals exclusively in secondhand books, magazines, handbills, trading cards, and/or posters) engaged in conducting, managing or carrying on the business of buying, selling, trading, or...
exchanging, or otherwise dealing in secondhand goods, wares, merchandise, or articles, whether such business be the principal or sole business so carried on, managed, or conducted or be merely incidental to, in connection with, or a branch or department of some other business or businesses. This term shall not be construed to include trade-ins, dealers, or auctioneers in articles or property, the transfer of title to which is required by the laws of the State of Arizona, to be evidenced by written instrument and recorded in the Office of the Department of the State or County government.

F. Trade-in: the acceptance, sale or disposal of used appliances, used automobile tires or automobile batteries or farm implement parts or farm machinery parts or road equipment parts or mining equipment parts or automobile parts taken in part payment for reconditioned automobile tires or automobile batteries or farm implement parts or farm machinery parts or road equipment parts or mining equipment parts or automobile parts, and dealers exchanging articles in the course of service of construction work shall not be deemed to constitute the doing of any business defined under this term.

(Ord. No. 193, Enacted, 11/10/88; Ord. No. 407, Amended, 11/21/96; Ord. No. 627, Amended, 06/09/05; Ord. No. 776 Amended, 09/12/13)

8-05-020 Regulations.

A. It shall be unlawful for any person to operate within the corporate limits of the Town any of the mercantile businesses, as listed and defined in this Article, without possessing a valid license as provided in this Article. A person who deals exclusively in used books, magazines, posters, trading cards, and/or handbills is not required to obtain a license under this Article.

B. It shall further be unlawful for any person to operate a business which has been licensed under this Article while the license for that business is suspended.

C. A separate license shall be required for each location.

(Ord. No. 193, Enacted, 11/10/88; Ord. No. 407, Amended, 11/21/96; Ord. No. 600, Amended, 07/22/04; Ord. No. 627, Rep&ReEn, 06/09/05)

8-05-030 Display of License; Duration and Renewal; Transfer; Change of Information.

A. All licenses issued under the provisions of this Article shall be displayed in a conspicuous place.

B. All licenses, unless specifically excepted, shall be issued for a period of one year and shall be renewed in accordance with and in compliance with all requirements of this Article. Licenses issued under this Article shall not be transferable from one person to another person.

C. Any change in the information required to be provided to the Town Clerk pursuant to
this Article shall be reported to the Town Clerk within ten calendar days of the change on forms provided by the Town Clerk for that purpose.

(Ord. No. 627, Enacted, 06/09/05)

8-05-040 License Fees.

It is unlawful for any Auctioneer, Junk Dealer or Dealer of Used Articles to conduct business without first obtaining a license pursuant to this Article. This license is in addition to the General Business License pursuant to Town Code Sections 8-02-030 and 8-02-070 (as amended). The license fee for the initial license and all license renewals is $20.00 and shall be non-refundable.

(Ord. No. 627, Enacted, 06/09/05: Ord. No. 776 Amended, 09/12/13)

8-05-050 Applications.

A. On a form provided by the Town Clerk, an applicant for a license listed and defined in this article shall submit the following information to the Town Clerk:

1. The full legal name and all other names by which known.
2. Current residence address and telephone number.
3. The name(s) under which the prospective licensee will be doing business.
4. Valid proof of age.
5. Information as to whether the applicant has ever been refused any similar license or permit or has had any similar license or permit revoked or suspended, and the reason therefor.
6. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the state and date of incorporation, and the names, residence addresses, and dates of birth of each of its current officers and directors, and each stockholder holding more than five percent of the stock in the corporation. If the applicant is a partnership, the applicant shall set forth the names, residence addresses and dates of birth of each of the general partners. If one or more of the general partners in a partnership is a corporation, the provisions of this subsection pertaining to corporations shall apply. The corporation or partnership applicant shall designate one of its officers or general partners to act as its responsible managing officer. Such designated person shall complete and sign all application forms required of an applicant under this article.

B. The Town Clerk shall have a reasonable period of time in which to process the application through other Town departments as necessary.
C. The Town Clerk shall grant the license upon the following circumstances:
   1. The required fees have been paid.
   2. The application conforms in all respects to the provisions of this article.
   3. The applicant has not made a material misrepresentation of fact in the application.
   4. The applicant has not violated any of the provisions of this article within the five-year period immediately preceding the date of the filing of the application.
   5. The applicant has not had a license similar to the one issued pursuant to the provisions of this article issued by another authority suspended or revoked within the five-year period immediately preceding the date of the filing of the application.
   6. The applicant is in compliance with all laws of the Town, County and State.
   7. The applicant is at least eighteen years of age.

D. Every application filed pursuant to this article shall be reviewed and approved by the Police Chief.

E. The Town Clerk shall deny the application if any of the requirements of Subsection C of this section have not been met. The denial of an application shall be accompanied by delivering or mailing written notice of denial to the application which specifies the nature of the violation. Notice shall be delivered or mailed to the address of the application, or statutory agent, as it is shown on the application. The giving of notice shall be completed upon the date of mailing or delivery. Notice of revocation shall be given at least thirty (30) days before the revocation is to take effect. Such written notice may be prepared and signed by any Town official designated by the Town Manager to perform such duties.

F. Any applicant whose license is denied or revoked may, within ten (10) days after being notified of the denial or revocation, appeal the denial or revocation before a board composed of the Town Manager, the Town Clerk and the investigating officer, if any. A hearing on the appeal shall be held at a reasonable time and place designated by the Town Manager in a written notice to the licensee. Following such hearing, the Town Manager shall reduce the findings of fact to writing, and if he determines that the licensee has at any time violated any of the provisions of this Article, or is unqualified under the provisions of this Article to hold the license in effect, he shall transmit a copy of such finding to the Town Clerk or authorized agent thereof affirming the denial or revocation of the license.

G. If payment of the license itself has been made by an insufficient funds check, said license shall be immediately denied or revoked with or without notice to the applicant.
8-05-060 Change of Location.

A licensee must notify the Town Clerk in writing within fifteen (15) business days of any change in location of any mercantile business listed and defined in this Article. Any change must be approved by the Town Clerk or authorized agent thereof to verify that the licensee and/or the mercantile business is in compliance with all applicable Town ordinances and regulations.

8-05-070 Revocation of License.

A. Whenever the Town Clerk has reason to believe that any licensee has violated any of the provisions of this Article or is not qualified under this Article to hold a license, s/he may order a hearing before a board composed of the investigating officer, the Town Manager and the licensing official. Such hearing shall be held at a reasonable time and place designated by the Town Manager in written notice to the licensee. Following such hearing, the Town Manager shall reduce the findings of fact to writing, and if he determines that the licensee has at any time violated any of the provisions of this Article, or is unqualified under the provisions of this Article to hold the license in effect, he shall transmit a copy of such finding to the Town Clerk or authorized agent thereof recommending revocation, and the Town Clerk or authorized agent thereof shall immediately revoke such license.

B. If any person licensed under the provisions of this Article is found to have deliberately falsified the application for license in any manner, the Town Clerk or authorized agent thereof shall immediately deny or revoke such license.

8-05-080 Reporting Requirements - Dealers of Used Articles, Junk Dealers and Auction Houses.

A. Every person engaged in the business of Dealers of Used Articles, Junk Dealers and Auction Houses shall make out at the time of the transaction a true, complete and legible report of all goods or articles received on deposit or consignment, trade or exchange, or by purchase, which bear a serial number or have a fair market value in excess of $100.00. The report shall be recorded in a permanently fastened ledger and shall contain the following information: a description of each article, including serial numbers, if any, and other marks of identification on the articles; the name and address and general physical description of the person from whom such articles were purchased or received; and the name and address and physical description of the person to whom such articles were sold and delivered.
B. Subsection A above shall not apply to transactions falling within any one or more of the following categories:

1. Purchases from a business with a fixed business location of either business inventory or business equipment, provided that the licensee acquires at, or has previously acquired by, the time of the transaction, all of the following:
   a. The name and address of the business.
   b. The State and local privilege (sales) tax license number of the business, if applicable.
   c. A copy of the invoice or other document showing the business' bona fide purchase of or right to possess the article sold, or a representative of the business with apparent authority to act in behalf of the business for purposes of this subsection has completed and signed the report required in subsection A of this section in all its particulars, notwithstanding the amount of the transaction.

2. Purchases of household items from a place of residence provided that all of the following apply:
   a. The purchase is made by the licensee by check or other negotiable instrument made payable to the seller, or the purchase is made in cash and the licensee has obtained a receipt for that cash payment from the seller bearing the seller's name and address, verified to be accurate by the licensee from identification of the one or more of the following: a valid motor vehicle operator's license, valid motor vehicle non-operating identification license, valid armed forces identification card or other valid photo identification sufficient to verify the information required by this subsection.
   b. The seller has produced for the licensee’s inspection documentary evidence which would establish to the satisfaction of a reasonable person that the seller is either the lawful occupant of the premises or has the legal right to sell the items being offered for sale. The licensee shall record from the documentary evidence produced a description of the document, including the name or nature of the document, and, to the extent available, its date, the individual’s name and address thereon, and any account number appearing thereon.
   c. Notwithstanding the hundred dollar rule of subsection A, the licensee records the serial numbers and descriptions of all items bearing serial numbers.

3. Consignments, other than a firearm consigned to an auction house or secondhand dealer, provided that no payment is made by the licensee to the consignor for a period of three calendar days after the date of the consignment.
4. Any firearm consigned to a licensee by an Auction House or Dealer in Used Articles licensed by the State of Arizona or any City within the State of Arizona.

5. Articles of used clothing received in trade, exchange, by purchase, or on consignment.

6. Articles of furniture received in trade, exchange, by purchase, or on consignment, excluding electronic appliances and equipment.

7. Goods or articles received in trade, exchange, or by purchase from a business engaged in the lawful liquidation of its business.

8. Goods or articles received in trade, exchange, by purchase, or on consignment from a Dealer in Used Articles or an Auction House possessing a valid license issued pursuant to this article, or a pawnbroker possessing a valid license issued pursuant to A.R.S. § 44-1627.

All documentation obtained pursuant to this subsection shall be retained on the business premises for a period of twenty-four months and shall be made available for reasonable inspection by any peace officer of this State when the business premises are lawfully occupied and during regular business hours.

(Ord. No. 627, Enacted, 06/09/05)

8-05-090 Property Retention.

An Auction House, Junk Dealer or Dealer of Used Articles shall retain any property obtained in a reportable transaction at its place of business, or other storage location approved by the Police Department, for a period of ten calendar days after the date of recording the transaction pursuant to Section 8-05-080(A). Nothing herein shall prevent the Police Department from authorizing the release of property held pursuant to this Section prior to the expiration of the ten-day period. Any article held in custody pursuant to this subsection shall not be altered or transformed in any way but shall be held in the same condition in which it was delivered to the reporting party.

(Ord. No. 627, Enacted, 06/09/05)

8-05-100 Special Requirements - Auctions, Junk Dealers and Dealers of Used Articles.

A. Each Auction House and Dealer of Used Articles shall maintain a copy of this Code section on the premises at all times and shall make it available upon request to any employee or customer of that Auction House or Dealer of Used Articles and to local law enforcement.

B. Every person engaged in the business of Auction House or Dealer of Used Articles who, in the conduct of his business, purchases and/or sells precious items as defined in A.R.S. §44-1601(6) shall comply with the requirements set forth in A.R.S. §44-1602,
which requirements include weekly reporting of such items to the Prescott Valley Police Department on the forms provided by the Police Department.

C. Every person engaged in the business of Auction House or Dealer of Used Articles who, in the conduct of his business, comes into possession of abandoned property, shall turn over such property to the Police Department. If ownership of such property is not established within ninety days after delivery to the Police Department, the property shall be returned to the person from whom the Police Department obtained possession.

D. The business premises of any Auction House or Dealer of Used Articles, along with their transaction records and stock of goods and articles, shall be open to reasonable inspection by any peace officer of this State when the business premises are lawfully occupied and during regular business hours.

E. Any person violating any of the provisions of this Article shall be strictly liable. No culpable mental state is required.

F. Notwithstanding any other provisions of this section, the license of any Auction House or Dealer of Used Articles may be suspended for a period not to exceed one year upon a showing that the operator or any employee of such establishment has been convicted of violating any of the provisions of Chapter 8 of the Town Code of the Town of Prescott Valley, or A.R.S. §§ 13-1802 and 13-2307, in the conduct of business of such establishment. The conviction of an employee under A.R.S. § 13-1802 for an act of theft committed against that employee’s own Auction House or Dealer in Used Articles shall not be the basis for suspension under this subsection.

G. No person engaged in the business of Auction House or Dealer of Used Articles shall knowingly permit a person whose license is under suspension under Subsection E above to be employed in any capacity of such establishment.

H. The reporting requirements of Subsection A on goods and articles received on deposit or consignment, trade or exchange, or by purchase, shall not apply to organizations qualified under section 501(c), Internal Revenue Code of 1986.

(Ord. No. 627, Enacted, 06/09/05)

8-05-110 Reserved.

(Ord. No. 627, Enacted, 06/09/05; Ord. No. 776 Rep&ReEn, 09/12/13)

8-05-120 Special Requirements - Jewelry Auctions.

A person applying for a license under this Article to sell jewelry at either private or public sale, upon oral or written bids, to the highest bidder, shall comply with all requirements contained in A.R.S. §§44-1671 through 44-1686 as amended or as may be amended.
Special Requirements - Dealers of Precious Items.

A. A person applying for a license under this Article to conduct, manage or carry on the business of purchasing solely precious items or precious items in addition to other tangible personal property shall comply with all requirements contained in A.R.S. §§44-1601 through 44-1604 as amended or as may be amended.

B. Precious items, as defined in A.R.S. §44-1601, includes the following:

1. Secondhand gold, silver, platinum or jewelry, flatware or hollowware containing gold, silver or platinum.

2. Secondhand precious or semiprecious stones whether mounted or unmounted.


Precious items do not include coins and unmounted gemstones accompanied by a certificate from an independent, internationally recognized gem grading laboratory.

Police Officer Hold on Property.

A. Whenever any peace officer has probable cause to believe that property in the possession of a dealer of used articles, junk dealer or auction house is stolen, the peace officer may place a hold on the property for a period not to exceed ten (10) days. The hold shall be effective immediately upon oral or written notice. If the hold is placed orally, it shall be followed by a written notice mailed to the dealer of used articles, junk dealer or auction house within two days, excluding weekends and Town holidays. The written notice of hold shall accurately describe the property, providing the item’s brand name and serial number, if applicable. During the hold period the dealer of used articles, junk dealer or auction house shall not release or dispose of the property, except pursuant to a court order or upon receipt of a written authorization signed by any peace officer who is a member of the law enforcement agency of which the peace officer placing the hold on the property is a member. At the time of receipt of the written hold, the dealer of used articles, junk dealer or auction house shall tag and mark the item placed on hold with the following information: date and time of hold, name of law enforcement agency placing the hold, and law enforcement report number. A dealer of used articles, junk dealer or auction house shall not be subject to civil liability for compliance with this section.

B. Whenever property that is in the possession of a dealer of used articles, junk dealer or auction house is subject to a hold and the property is required by a peace officer in a criminal investigation, the dealer of used articles, junk dealer or auction house, upon reasonable notice, shall produce the property at reasonable times and places or may
deliver the property to any peace officer upon the request of any peace officer who is a member of the law enforcement agency or which the peace officer placing the hold on the property is a member.

C. Whenever property that is in the possession of a dealer of used articles, junk dealer or auction house is subject to a hold and the property is no longer required for the purpose of criminal investigation, the law enforcement agency that placed the hold on the property shall undertake the following:

1. With respect to the property being held, if the law enforcement agency no longer has probable cause to believe that the property on hold is stolen, the hold shall be released.

2. If the law enforcement agency has knowledge that property has been reported stolen, the law enforcement agency may give written notification to the person who reported the stolen property of the name and address of the dealer of used articles, junk dealer or auction house holding the property, and may authorize the release of the property to that person and advise the person that the law neither requires nor prohibits payment of a fee or any other condition in return for the surrender of the property. A copy of the notice with the address of the claimant deleted shall be mailed to the dealer of used articles, junk dealer or auction house in possession of the property. The person who reported the stolen property shall present a police hold release to the dealer of used articles, junk dealer or auction house prior to the person receiving the item. Notwithstanding the foregoing, if the alleged owner does not choose to participate in the prosecution of an identified alleged thief, the alleged owner shall pay the dealer of used articles, junk dealer or auction house the “out of pocket” expenses paid in the acquisition of the allegedly stolen property in return for the surrender of the property. If no action is taken to recover the property by the person who reported the property stolen within sixty days after the date that the notice was mailed, or if the property was not placed on hold, sixty days after a law enforcement officer advised the dealer of used articles, junk dealer or auction house that the property may be stolen property, the dealer of used articles, junk dealer or auction house in possession of the property may treat the property as regularly acquired in the due course of business.

3. If a pledgor seeks to redeem property that is subject to a hold, the dealer of used articles, junk dealer or auction house shall advise the pledgor of the name and badge number of the peace officer who placed the hold on the property and the name of the law enforcement agency of which the officer is a member. If the property is not required to be held pursuant to a criminal prosecution, the hold shall be released.

D. Whenever any property is taken from a dealer of used articles, junk dealer or auction house by a peace officer which is alleged to be stolen property, the police officer shall give the dealer of used articles, junk dealer or auction house a receipt for the property which shall contain an accurate description of the property, including brand name and serial number, if any, the reason for seizure, and the names of the dealer of used articles, junk dealer or auction house, and the officer.
8-05-150 Hours of Operation.

No dealer of used articles, junk dealer or auction house shall operate between the hours of 12:00 A.M. and 6:00 A.M.

(Ord. No. 627, Enacted, 06/09/05; Ord. No. 776 Amended, 09/12/13)

8-05-160 Transactions with Minors.

No dealer of used articles, junk dealer or operator or employee of an auction house shall enter into transactions, trades, exchanges or purchases of tangible personal property with persons who are less than eighteen (18) years of age unless such persons are accompanied by a parent or guardian or unless a parent or guardian personally delivers to the dealer a written statement expressly authorizing the dealer to enter into transactions with the minor.

(Ord. No. 627, Enacted, 06/09/05; Ord. No. 776 Amended, 09/12/13)

8-05-170 Penalty.

Except as otherwise provided herein, the penalty for a violation of any provision of this Article by any person shall be that set forth in Section 8-02-110 of this Article.

(Ord. No. 627, Enacted, 06/09/05)
Article 8-06 MUNICIPAL PROPERTY CORPORATION BOARD

8-06-010 Title.
This shall be known as the Town of Prescott Valley Municipal Corporation Board Article, may be cited as such, and will be referred to herein as "this Article."

(Ord. No. 277, Enacted, 06/11/92; Ord. No. 524, Rep&ReEn, 06/13/02; Ord. No. 540, Rep&ReEn, 12/19/02)

8-06-020 Purpose and Policy.
The Municipal Property Corporation is hereby organized for the transaction of any or all lawful business for which non-profit corporations may be incorporated under the laws of the State of Arizona, including without limiting the generality of the foregoing, any civic or charitable purpose such as financing the cost of acquiring, constructing, reconstructing or improving buildings, equipment and other real and personal properties suitable for use by and for leasing to the Town of Prescott Valley, Arizona or its agencies or instrumentalities.

(Ord. No. 277, Enacted, 06/11/92; Ord. No. 524, Rep&ReEn, 06/13/02; Ord. No. 540, Rep&ReEn, 12/19/02)

8-06-030 Establishment.
A. There is hereby established a Prescott Valley Municipal Property Corporation Board. The Board shall be composed of five (5) voting members, herein called directors, appointed by the Town Council.

B. All directors of the Board shall be residents of Prescott Valley.

C. Neither directors, officers nor close relatives of a director or an officer shall receive any salary or other compensation for their services.

D. The Board of Directors, or any member thereof, may be removed from office, with or without cause, by the Town Council.

E. The Board shall hold its annual meeting on the second Monday in November of each year for the purpose of appointing officers and passing upon reports for the previous fiscal year and for the purpose of transacting such other business as may come before
the meeting. Special meetings of the Board may be called by the president or by any director.

F. The Town Manager shall assign such Town staff to support the Commission as he or she shall deem necessary.

G. The Corporation shall be operated as a non-profit corporation at all times.

(Ord. No. 277, Enacted, 06/11/92; Ord. No. 319, Amended, 04/14/94; Ord. No. 524, Rep&ReEn, 06/13/02; Ord. No. 540, Rep&ReEn, 12/19/02)

8-06-040 Terms of Office.

The Board of Directors shall be appointed by the Town Council. The initial Board of Directors shall, by lot, be divided into three groups of directors, the first group to serve for one (1) year, the second group to serve for two (2) years, and the third group to serve for three (3) years. Upon expiration of each initial term, successor directors shall be appointed to serve for terms of three years. The Town Council shall fill vacancies for the unexpired term of any director. If a director is absent for three (3) meetings in any twelve (12) month period, that director shall be deemed to have vacated his or her office and may be replaced by the Town Council.

(Ord. No. 277, Enacted, 06/11/92; Ord. No. 524, Rep&ReEn, 06/13/02; Ord. No. 540, Rep&ReEn, 12/19/02)

8-06-050 Officers.

The officers of the Corporation shall be a president, vice president, and a secretary-treasurer, each of whom shall be a member of the Board of Directors of the Corporation and shall perform such duties as may be designated by the Board of Directors. The officers shall be appointed annually by the Board of Directors at the regular annual meeting. Each officer shall hold office until his/her successor has been appointed and qualified.

A. The president shall be the principal executive officer of the Corporation and shall preside at all meetings and sign any deeds, mortgages, deeds of trust, notes bonds, contracts, or other instruments authorized by the Board of Directors.

B. The vice president shall, in the absence of the president, perform the duties of the president and other duties prescribed from time to time by the Board of Directors.

C. The secretary-treasurer shall keep the minutes of all meetings, ensure that all notices are duly given in accordance with the bylaws or as required by law, be custodian of all records, keep a register of names and addresses for all directors, keep general charge of the accounting books, keep a copy of the bylaws and articles of incorporation, have charge and custody of all funds and securities of the Board of Directors, and be responsible for the receipt and the issuance of receipts for all monies due and payable to the Corporation and for the deposit of all such monies.

(Ord. No. 277, Enacted, 06/11/92; Ord. No. 524, Rep&ReEn, 06/13/02; Ord. No. 540, Rep&ReEn, 12/19/02)
8-06-060 Powers and Duties Generally.

The powers and duties of the Board of Directors shall be:

A. The business and affairs of the Corporation shall be managed by the Board of Directors which shall have full power to conduct, manage and direct the business and affairs of the corporation.

B. The Board of Directors may authorize any officer(s) or agent(s) to enter into any contract or execute and deliver any instrument in the name and on behalf of the Corporation, and such authority may be general or confined to specific instances.

C. The Board of Directors shall cause to be established and maintained, in accordance with generally accepted principals of accounting, an appropriate accounting system.

(Ord. No. 277, Enacted, 06/11/92; Ord. No. 524, Rep&ReEn, 06/13/02; Ord. No. 540, Rep&ReEn, 12/19/02)

8-06-070 Reserved.

(Ord. No. 277, Enacted, 06/11/92; Ord. No. 524, Rep&ReEn, 06/13/02)
Article 8-07 SWAP MEETS, FLEA MARKETS, FAIRS, CARNIVALS, FESTIVALS, CIRCUSES, AND SIMILAR TRANSIENT SELLING EVENTS

8-07-010 Definitions.
8-07-020 Regulation of Swap Meets, Flea Markets, Fairs, Carnivals, Festivals, Circuses, and Similar Transient Selling Events.
8-07-030 Development Agreements.

8-07-010 Definitions.

Unless otherwise provided, the following definitions shall apply to the provisions of this Article:

A. Carnival: any traveling amusement show where one or more independent vendors provide amusements, goods or services.

B. Circus: any traveling public entertainment consisting typically of a variety of performances by acrobats, clowns, and trained animals under a tent or other temporary facility, where one or more independent vendors come together to provide amusements, goods or services.

C. Fair: any regular or transient selling event where one or more independent vendors come together to buy and sell goods such as farm products and handicrafts, and where such goods are often judged competitively and/or sold to raise funds for charity.

D. Festival: any programmed series of cultural performances, exhibitions or competitions where one or more independent vendors provide amusements, goods, or services.

E. Flea Market: any regular or transient selling event, usually held outdoors, where one or more independent vendors come together to sell antiques, used household goods, and curios.

F. Swap Meet: any regular or transient selling event where one or more independent vendors come together to conduct business in temporary facilities.

None of the above shall be deemed to include regular or transient selling events in or around malls or shopping centers where the vendors involved operate in permanent facilities on the basis of lease agreements, or operate in association with such vendors.

(Ord. No. 490, Enacted, 12/21/00)

8-07-020 Regulation of Swap Meets, Flea Markets, Fairs, Carnivals, Festivals, Circuses, and Similar Transient Selling Events.

A. The operators of Swap Meets, Flea Markets, Fairs, Carnivals, Festivals, Circuses and
similar transient selling events within the Town limits shall maintain a current list of vendors conducting business on the premises as sellers. The list shall include each vendor name, business name, business address, and date of sales.

B. At any time, an authorized official or agent of the Town may issue written notice by regular U.S. mail (postage prepaid) to require an operator to submit a copy of said list for a designated period. The operator shall then submit a verified copy of said list so that it arrives at the Town's Office of Administrative Services no later than ten (10) business days after the date of said notice.

C. Operators whose events will be conducted more than six (6) times in a calendar year shall automatically submit a verified copy of said list to the Town's Office of Administrative Services so that it arrives no later than the 5th business day of each month for the prior one-month period. Provided, however, that nothing herein shall preclude an authorized official or agent of the Town to agree in writing for verified copies of the list to be submitted every two (2) months if initial lists show a relatively small number of new independent vendors.

D. In addition to the operators of Swap Meets, Flea Markets, Fairs, Carnivals, Festivals, Circuses and similar transient selling events, the independent vendors conducting business on the premises as sellers are subject to the Business License requirements of Town Code Article 8-02 and the Transaction Privilege Tax provisions of Town Code Chapter 8a. However, nothing herein shall classify as independent vendors for purposes of this Article any person or persons who only conduct business at such events during any one (1) calendar day from January 1st to April 30th, during any one (1) calendar day from May 1st to August 31st, and during any one (1) calendar day from September 1st to December 31st.

E. In accordance with applicable law, the Town's Chief of Police, Administrative Services Director, and/or their respective successors or agents shall have the right to inspect the premises of any Swap Meet, Flea Market, Fair, Carnival, Festival, Circus and similar transient selling event in order to investigate for and locate articles reported as lost, missing or stolen, and also the list of independent vendors in order to determine whether the provisions of this Article are being fully complied with.

F. Failure to timely submit the list of independent vendors as required in this Section 8-07-020 shall be an offense punishable as a class 3 misdemeanor. Furthermore, failure by operators of Swap Meets, Flea Markets, Fairs, Carnivals, Festivals, Circuses and similar transient selling events, or the independent vendors conducting business on the premises as sellers, to comply with the Business License requirements of Town Code Article 8-02 or the Transaction Privilege Tax provisions of Town Code Chapter 8a, shall be punishable as set forth in those requirements or provisions.

(Ord. No. 490, Enacted, 12/21/00)

8-07-030 Development Agreements.

Nothing in this Article shall preclude the Town Council from entering into development agreements with operators of Swap Meets, Flea Markets, Fairs, Carnivals, Festivals, Circuses
and similar transient selling events in order to modify the specific terms of this Article as applied to said selling events for economic development purposes.

(Ord. No. 490, Enacted, 12/21/00)
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Article 8a-01  ADOPTION OF MODEL TAX CODE

8a-01-005 Approval of Electors Required to Increase Transaction Privilege and Tax Rates

There shall be no increase in the rate of Transaction Privilege Tax (Sales Tax) charged by the Town of Prescott Valley until an ordinance proposing the increase is passed by the voters of Prescott Valley.

(Ord No. 829, Initiative Approved, 11/08/16)

8a-01-010 Adoption of Model Tax Code.

That certain code entitled the "Model Town Tax Code of Prescott Valley" adopted by Ordinance No. 165 is hereby made a part of this Code, the same as though said code was specifically set forth in full herein. At least three (3) copies of said code shall be kept on file in the Office of the Town Clerk.

(Ord. No. 2, Enacted, 10/12/78; Ord. No. 6, Amended, 01/25/79; Ord. No. 32, Amended, 07/10/80; Ord. No. 96, Amended, 04/12/84; Ord. No. 99, Amended, 05/10/84; Ord. No. 148, Amended, 07/09/87; Ord. No. 148A, Amended, 07/23/87; Ord. No. 165, Rep&ReEn, 11/12/87; Ord. No. 176, Amended, 04/28/88; Ord. No. 177, Amended, 04/28/88; Ord. No. 178, Enacted, 05/26/88; Ord. No. 192, Amended, 10/27/88; Ord. No. 203, Amended, 03/23/89; Ord. No. 211, Amended, 07/27/89; Ord. No. 225, Amended, 03/22/90; Ord. No. 229, Amended, 06/14/90; Ord. No. 311, Amended, 12/02/93; Ord. No. 352, Amended, 12/15/94; Ord. No. 402, Amended, 11/07/96; Ord. No. 409, Amended, 01/23/97; Ord. No. 438, Amended, 05/28/98; Ord. No. 446, Amended, 09/24/98; Ord. No. 478, Amended, 11/04/99; Ord. No. 519, Amended, 12/20/01; Ord. No. 558, Amended, 05/22/03; Ord. No. 658, Amended, 5/25/06; Ord. No. 677, Amended, 12/07/06; Ord. No. 714, Amended 4/24/08; Ord. No. 735, Amended 9/10/09; Ord. No. 761, Amended 7/28/11; Ord. No. 811, Amended, 10/22/15; Ord. No. 813, Amended, 01/28/16)
TAX CODE

OF THE

TOWN OF PRESCOTT VALLEY

(2015 Edition)
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CHAPTER 8A - PRIVILEGE AND EXCISE TAXES

Article I - General Conditions and Definitions

Sec. 8A-1. Words of tense, number and gender; code references.

(a) For the purposes of this Chapter, all words of tense, number, and gender shall comply with A.R.S. Section 1-214 as amended.

(b) For the purposes of this Chapter, all code references, unless specified otherwise, shall:
   (1) refer to this Town Code.
   (2) be deemed to include all amendments to such code references.

Sec. 8A-100. General definitions.

For the purposes of this Chapter, the following definitions apply:

"Assembler" means a person who unites or combines products, wares, or articles of manufacture so as to produce a change in form or substance of such items without changing or altering component parts.

"Broker" means any person engaged or continuing in business who acts for another for a consideration in the conduct of a business activity taxable under this Chapter, and who receives for his principal all or part of the gross income from the taxable activity.

"Business" includes 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 does not include either casual activities or sales; or the transfer of electricity from a solar photovoltaic generation system to an electric distribution system.

"Business Day" means any day of the week when the Tax Collector's office is open for the public to conduct the Tax Collector's business.

"Casual Activity or Sale" means a transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business subject to a tax imposed by this Chapter. However, no sale, rental, license for use, or lease transaction concerning real property nor any activity entered into by a business taxable by this Chapter shall be treated, or be exempt, as casual. This definition shall include sales of used capital assets, provided that the volume and frequency of such sales do not indicate that the seller regularly engages in selling such property.

"Combined Taxes" means the sum of all applicable Arizona Transaction Privilege and Use Taxes; all applicable transportation taxes imposed upon gross income by this County as authorized by Article III, Chapter 6, Title 42, Arizona Revised Statutes; and all applicable taxes imposed by this Chapter.

"Commercial Property" is any real property, or portion of such property, used for any purpose other than lodging or lodging space, including structures built for lodging but used otherwise, such as model homes, apartments used as offices, etc.

"Communications Channel" means any line, wire, cable, microwave, radio signal, light beam, telephone, telegraph, or any other electromagnetic means of moving a message.

"Construction Contracting" refers to the activity of a construction contractor.
"Construction Contractor" means a person who undertakes to or offers to undertake to, or purports to have the capacity to undertake to, 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 to real property, or to do any part thereof. "Construction contractor" includes subcontractors, specialty contractors, prime contractors, and any person receiving consideration for the general supervision and/or coordination of such a construction project except for remediation contracting. This definition shall govern without regard to whether or not the construction contractor is acting in fulfillment of a contract.

"Delivery (of Notice) by the Tax Collector" means "receipt (of notice) by the taxpayer".

"Delivery, Installation, or Other Direct Customer Services" means services or labor, excluding repair labor, provided by a taxpayer to or for his customer at the time of transfer of tangible personal property; provided further that the charge for such labor or service is separately billed to the customer and maintained separately in the taxpayer's books and records.

"Engaging", when used with reference to engaging or continuing in business, includes the exercise of corporate or franchise powers.

"Equivalent Excise Tax" means either:

(1) a Privilege or Use Tax levied by another Arizona municipality upon the transaction in question, and paid either to such Arizona municipality directly or to the vendor; or

(2) an excise tax levied by a political subdivision of a state other than Arizona upon the transaction in question, and paid either to such jurisdiction directly or to the vendor; or

(3) an excise tax levied by a Native American Government organized under the laws of the federal government upon the transaction in question, and paid either to such jurisdiction directly or to the vendor.

"Federal Government" means the United States Government, its departments and agencies; but not including national banks or federally chartered or insured banks, savings and loan institutions, or credit unions.

"Food" means any items intended for human consumption as defined by rules and regulations adopted by the Department of Revenue, State of Arizona, pursuant to A.R.S. Section 42-5106. Under no circumstances shall "food" include alcoholic beverages or tobacco, or food items purchased for use in conversion to any form of alcohol by distillation, fermentation, brewing, or other process. Under no circumstances shall "food" include an edible product, beverage, or ingredient infused, mixed, or in any way combined with medical marijuana or an active ingredient of medical marijuana.

"Hotel" means any public or private hotel, inn, hostelry, tourist home, house, motel, rooming house, apartment house, trailer, or other lodging place within the Town offering lodging, wherein the owner thereof, for compensation, furnishes lodging to any transient, except foster homes, rest homes, sheltered care homes, nursing homes, or primary health care facilities.

"Job Printing" means the activity of copying or reproducing an article by any means, process, or method. "Job printing" includes engraving of printing plates, embossing, copying, micrographics, and photo reproduction.

"Lessee" includes the equivalent person in a rental or licensing agreement for all purposes of this Chapter.

"Lessor" includes the equivalent person in a rental or licensing agreement for all purposes of this Chapter.

"Licensing (for Use)" means any agreement between the user ("licensee") and the owner or the owner's agent ("licensor") for the use of the licensor's property whereby the licensor receives consideration, where such agreement does not qualify as a "sale" or "lease" or "rental" agreement.
"Lodging (Lodging Space)" means any room or apartment in a hotel or any other provider of rooms, trailer spaces, or other residential dwelling spaces; or the furnishings or services and accommodations accompanying the use and possession of said dwelling space, including storage or parking space for the property of said tenant.

"Manufactured Buildings" means a manufactured home, mobile home or factory built building, as defined in A.R.S. Section 41-2142.

"Manufacturer" means a person engaged or continuing in the business of fabricating, producing, or manufacturing products, wares, or articles for use from other forms of tangible personal property, imparting to such new forms, qualities, properties, and combinations.

"Medical Marijuana" means “marijuana” used for a “medical use” as those terms are defined in A.R.S. Section 36-2801.

"Mining and Metallurgical Supplies" means all tangible personal property acquired by persons engaged in activities defined in Section 8A-432 for such use. This definition shall not include:

1. janitorial equipment and supplies.
2. office equipment, office furniture, and office supplies.
3. motor vehicles licensed for use upon the highways of the State.

"Modifier" means a person who reworks, changes, or adds to products, wares, or articles of manufacture.

"Nonprofit Entity" means any entity organized and operated exclusively for charitable purposes, or operated by the Federal Government, the State, or any political subdivision of the State.

"Occupancy (of Real Property)" means any occupancy or use, or any right to occupy or use, real property including any improvements, rights, or interests in such property.

"Out-of-Town Sale" means the sale of tangible personal property and job printing if all of the following occur:

1. transference of title and possession occur without the Town; and
2. the stock from which such personal property was taken was not within the corporate limits of the Town; and
3. the order is received at a permanent business location of the seller located outside the Town; which location is used for the substantial and regular conduct of such business sales activity. In no event shall the place of business of the buyer be determinative of the situs of the receipt of the order.

For the purpose of this definition it does not matter that all other indicia of business occur within the Town, including, but not limited to, accounting, invoicing, payments, centralized purchasing, and supply to out-of-Town storehouses and out-of-Town retail branch outlets from a primary storehouse within the Town.

"Out-of-State Sale" means the sale of tangible personal property and job printing if all of the following occur:

1. The order is placed from without the State of Arizona; and
2. the property is delivered to the buyer at a location outside the State; and
3. the property is purchased for use outside the State.

"Owner-Builder" means an owner or lessor of real property who, by himself or by or through others, constructs or has constructed or reconstructs or has reconstructed any improvement to real property.
"Person" means an individual, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate, broker, the Federal Government, this State, or any political subdivision or agency of this State. For the purposes of this Chapter, a person shall be considered a distinct and separate person from any general or limited partnership or joint venture or other association with which such person is affiliated. A subsidiary corporation shall be considered a separate person from its parent corporation for purposes of taxation of transactions with its parent corporation.

"Prosthetic" means any of the following tangible personal property if such items are prescribed or recommended by a licensed podiatrist, chiropractor, dentist, physician or surgeon, naturopath, optometrist, osteopathic physician or surgeon, psychologist, hearing aid dispenser, physician assistant, nurse practitioner or veterinarian:

1. any man-made device for support or replacement of a part of the body, or to increase acuity of one of the senses. Such items include: prescription eyeglasses; contact lenses; hearing aids; artificial limbs or teeth; neck, back, arm, leg, or similar braces.
2. insulin, insulin syringes, and glucose test strips sold with or without a prescription.
3. hospital beds, crutches, wheelchairs, similar home health aids, or corrective shoes.
4. drugs or medicine, including oxygen.
5. equipment used to generate, monitor, or provide health support systems, such as respiratory equipment, oxygen concentrator, dialysis machine.
6. durable medical equipment which has a federal health care financing administration common procedure code, is designated reimbursable by Medicare, can withstand repeated use, is primarily and customarily used to serve a medical purpose, is generally not useful to a person in the absence of illness or injury and is appropriate for use in the home.
7. orthodontic devices dispensed by a dental professional who is licensed under Title 32, Chapter 11 to a patient as part of the practice of dentistry.
8. under no circumstances shall “prosthetic” include medical marijuana regardless of whether it is sold or dispensed pursuant to a prescription, recommendation, or written certification by any authorized person.

“Qualifying Community Health Center”

1. means an entity that is recognized as nonprofit under Section 501(c)(3) of the United States Internal Revenue Code, that is a community-based, primary care clinic that has a community-based board of directors and that is either:
   A. the sole provider of primary care in the community.
   B. a nonhospital affiliated clinic that is located in a federally designated medically underserved area in this State.

2. includes clinics that are being constructed as qualifying community health centers.

“Qualifying Health Care Organization” means an entity that is recognized as nonprofit under Section 501(c) of the United States Internal Revenue Code and that uses, saves or invests at least eighty percent (80%) of all monies that it receives from all sources each year only for health and medical related educational and charitable services, as documented by annual financial audits prepared by an independent certified public accountant, performed according to generally accepted accounting standards and filed annually with the Arizona Department of Revenue. Monies that are used, saved or invested to lease, purchase or construct a facility for health and medical related education and charitable services are included in the eighty percent (80%) requirement.

“Qualifying Hospital” means any of the following:

1. a licensed hospital which is organized and operated exclusively for charitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.
2. a licensed nursing care institution or a licensed residential care institution or a residential care facility operated in conjunction with a licensed nursing care institution or a licensed kidney dialysis center, which provides medical services, nursing services or health related services and is not used or held for profit.
(3) a hospital, nursing care institution or residential care institution which is operated by the federal government, this State or a political subdivision of this State.

(4) a facility that is under construction and that on completion will be a facility under subdivision (1), (2) or (3) of this paragraph.

"Receipt (of Notice) by the Taxpayer" means the earlier of actual receipt or the first attempted delivery by certified United States mail to the taxpayer's address of record with the Tax Collector.

“Remediation” means those actions that are reasonable, necessary, cost-effective and technically feasible in the event of the release or threat of release of hazardous substances into the environment such that the waters of the State are or may be affected, such actions as may be necessary to monitor, assess and evaluate such release or threat of release, actions of remediation, removal or disposal of hazardous substances or taking such other actions as may be necessary to prevent, minimize or mitigate damage to the public health or welfare or to the waters of the State which may otherwise result from a release or threat of release of a hazardous substance that will or may affect the waters of the State. Remediation activities include the use of biostimulation with indigenous microbes and bioaugmentation using microbes that are nonpathogenic, nonopportunistic and that are naturally occurring. Remediation activities may include community information and participation costs and providing an alternative drinking water supply.

"Rental Equipment" means tangible personal property sold, rented, leased, or licensed to customers to the extent that the item is actually used by the customer for rental, lease, or license to others; provided that:

1. the vendee is regularly engaged in the business of renting, leasing, or licensing such property for a consideration; and
2. the item so claimed as "rental equipment" is not used by the person claiming the exemption for any purpose other than rental, lease, or license for compensation, to an extent greater than fifteen percent (15%) of its actual use.

"Rental Supply" means an expendable or nonexpendable repair or replacement part sold to become part of "rental equipment", provided that:

1. the documentation relating to each purchased item so claimed specifically itemizes to the vendor the actual item of "rental equipment" to which the purchased item is intended to be attached as a repair or replacement part; and
2. the vendee is regularly engaged in the business of renting, leasing, or licensing such property for a consideration; and
3. the item so claimed as "rental equipment" is not used by the person claiming the exemption for any purpose other than rental, lease, or license for compensation, to an extent greater than fifteen percent (15%) of its actual use.

"Repairer" means a person who restores or renews products, wares, or articles of manufacture.

"Resides within the Town" means in cases other than individuals, whose legal addresses are determinative of residence, the engaging, continuing, or conducting of regular business activity within the Town.

"Restaurant" means any business activity where articles of food, drink, or condiment are customarily prepared or served to patrons for consumption on or off the premises, also including bars, cocktail lounges, the dining rooms of hotels, and all caterers. For the purposes of this Chapter, a "fast food" business, which includes street vendors and mobile vendors selling in public areas or at entertainment or sports or similar events, who prepares or sells food or drink for consumption on or off the premises is considered a "restaurant", and not a "retailer".

"Retail Sale (Sale at Retail)" means the sale of tangible personal property, except the sale of tangible personal property to a person regularly engaged in the business of selling such property.
"Retailer" means any person engaged or continuing in the business of sales of tangible personal property at retail.

"Sale" means any transfer of title or possession, or both, exchange, barter, conditional or otherwise, in any manner or by any means whatsoever, including consignment transactions and auctions, of property for a consideration. "Sale" includes any transaction whereby the possession of such property is transferred but the seller retains the title as security for the payment of the price. "Sale" also includes the fabrication of tangible personal property for consumers who, in whole or in part, furnish either directly or indirectly the materials used in such fabrication work.

"Solar Daylighting" means a device that is specifically designed to capture and redirect the visible portion of the solar beam, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

“Solar Energy Device” means a system or series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, to provide solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means, including wind generator systems that produce electricity. Solar energy systems may also have the capability of storing solar energy for future use. Passive systems shall clearly be designed as a solar energy device, such as a trombe wall, and not merely as a part of a normal structure, such as a window.

"Speculative Builder" means either:
   (1) an owner-builder who sells or contracts to sell, at any time, improved real property (as provided in Section 8A-416) consisting of:
      (A) custom, model, or inventory homes, regardless of the stage of completion of such homes; or
      (B) improved residential or commercial lots without a structure; or
   (2) an owner-builder who sells or contracts to sell improved real property, other than improved real property specified in subsection (1) above:
      (A) prior to completion; or
      (B) before the expiration of twenty-four (24) months after the improvements of the real property sold are substantially complete.

"Substantially Complete" means the construction contracting or reconstruction contracting:
   (1) has passed final inspection or its equivalent; or
   (2) certificate of occupancy or its equivalent has been issued; or
   (3) is ready for immediate occupancy or use.

"Supplier" means any person who rents, leases, licenses, or makes sales of tangible personal property within the Town, either directly to the consumer or customer or to wholesalers, jobbers, fabricators, manufacturers, modifiers, assemblers, repairers, or those engaged in the business of providing services which involve the use, sale, rental, lease, or license of tangible personal property.

"Tax Collector" means the Town Council or their designee or agent for all purposes under this Chapter.

"Taxpayer" means any person liable for any tax under this Chapter.

"Taxpayer Problem Resolution Officer" means the individual designated by the Town to perform the duties identified in Sections 8A-515 and 8A-516. In cities with a population of 50,000 or more, the Taxpayer Problem Resolution Officer shall be an employee of the Town. In cities with a population of less than 50,000, the Taxpayer Problem Resolution Officer need not be an employee of the Town. Regardless of whether the Taxpayer Problem Resolution Officer is or is not an employee of the Town, the Taxpayer Problem Resolution Officer shall have substantive knowledge of taxation. The identity of and telephone number for the Taxpayer Problem Resolution Officer can be obtained from the Tax Collector.
"Telecommunication Service" means any service or activity connected with the transmission or relay of sound, visual image, data, information, images, or material over a communications channel or any combination of communications channels.

"Transient" means any person who either at the person's own expense or at the expense of another obtains lodging space or the use of lodging space on a daily or weekly basis, or on any other basis for less than thirty (30) consecutive days.

"Utility Service" means the producing, providing, or furnishing of electricity, electric lights, current, power, gas (natural or artificial), or water to consumers or ratepayers.

Sec. 8A-110. Definitions: income-producing capital equipment

(a) The following tangible personal property, other than items excluded in subsection (d) below, shall be deemed "income-producing capital equipment" for the purposes of this Chapter:

(1) machinery or equipment used directly in manufacturing, processing, fabricating, job printing, refining or metallurgical operations. The terms "manufacturing", "processing", "fabricating", "job printing", "refining", and "metallurgical" as used in this paragraph refer to and include those operations commonly understood within their ordinary meaning. "Metallurgical operations" includes leaching, milling, precipitating, smelting and refining.

(2) mining machinery, or equipment, used directly in the process of extracting ores or minerals from the earth for commercial purposes, including equipment required to prepare the materials for extraction and handling, loading or transporting such extracted material to the surface. "Mining" includes underground, surface and open pit operations for extracting ores and minerals.

(3) tangible personal property, sold to persons engaged in business classified under the telecommunications classification, consisting of central office switching equipment; switchboards; private branch exchange equipment; microwave radio equipment, and carrier equipment including optical fiber, coaxial cable, and other transmission media which are components of carrier systems.

(4) machinery, equipment, or transmission lines used directly in producing or transmitting electrical power, but not including distribution. Transformers and control equipment used at transmission substation sites constitute equipment used in producing or transmitting electrical power.

(5) pipes or valves four inches (4") in diameter or larger and related equipment, used to transport oil, natural gas, artificial gas, water, or coal slurry. For the purpose of this section, related equipment includes: compressor units, regulators, machinery and equipment, fittings, seals and any other parts that are used in operating the pipes or valves.

(6) aircraft, navigational and communication instruments, and other accessories and related equipment sold to:

(A) a person holding a federal certificate of public convenience and necessity or foreign air carrier permit for air transportation for use as or in conjunction with or becoming a part of a aircraft to be used to transport persons, property or united states mail in intrastate, interstate or foreign commerce.

(B) any foreign government for use by such government outside of this State.

(C) persons who are not residents of this State and who will not use such property in this State other than in removing such property from this State. This subdivision also applies to corporations that are not incorporated in this State, regardless of maintaining a place of business in this State, if the principal corporate office is located outside this State and the property will not be used in this State other than in removing the property from this State.

(7) machinery, tools, equipment and related supplies used or consumed directly in repairing, remodeling or maintaining aircraft, aircraft engines or aircraft component parts by or on behalf of a certificated or licensed carrier of persons or property.

(8) railroad rolling stock, rails, ties and signal control equipment used directly to transport persons or property.

(9) machinery or equipment used directly to drill for oil or gas or used directly in the process of extracting oil or gas from the earth for commercial purposes.
(10) buses or other urban mass transit vehicles which are used directly to transport persons or property for hire or pursuant to a governmentally adopted and controlled urban mass transportation program and which are sold to bus companies holding a federal certificate of convenience and necessity or operated by a city, town or other governmental entity or by any person contracting with such governmental entity as part of a governmentally adopted and controlled program to provide urban mass transportation.

(11) metering, monitoring, receiving, and transmitting equipment acquired by persons engaged in the business of providing utility services or telecommunications services; but only to the extent that such equipment is to be used by the customers of such persons and such persons separately charge or bill their customers for use of such equipment.

(12) groundwater measuring devices required under A.R.S. § 45-604.

(13) machinery or equipment used in research and development. In this paragraph, "research and development" means basic and applied research in the sciences and engineering, and designing, developing or testing prototypes, processes or new products, including research and development of computer software that is embedded in or an integral part of the prototype or new product or that is required for machinery or equipment otherwise exempt under this section to function effectively. Research and development do not include manufacturing quality control, routine consumer product testing, market research, sales promotion, sales service, research in social sciences or psychology, computer software research that is not included in the definition of research and development, or other nontechnological activities or technical services.

(14) (Reserved)

(15) included in income producing capital equipment are liquid, solid or gaseous chemicals used in manufacturing, processing, fabricating, mining, refining, metallurgical operations, research and development or job printing, if using or consuming the chemicals, alone or as part of an integrated system of chemicals, involving direct contact with the materials from which the product is produced for the purpose of causing or permitting a chemical or physical change to occur in the materials as part of the production process. This subsection does not include chemicals that are used or consumed in activities such as packaging, storage or transportation but does not affect any deduction for such chemicals that is otherwise provided by this Code. Chemicals meeting the requirements of this subsection are deemed not to be expendable under subsection (d) of this Section.

(16) cleanrooms that are used for manufacturing, processing, fabrication or research and development, as defined in paragraph (13) of this subsection, of semiconductor products. For purposes of this paragraph, "cleanroom" means all property that comprises or creates an environment where humidity, temperature, particulate matter and contamination are precisely controlled within specified parameters, without regard to whether the property is actually contained within that environment or whether any of the property is affixed to or incorporated into real property. Cleanroom:

(A) includes the integrated systems, fixtures, piping, movable partitions, lighting and all property that is necessary or adapted to reduce contamination or to control airflow, temperature, humidity, chemical purity or other environmental conditions or manufacturing tolerances, as well as the production machinery and equipment operating in conjunction with the cleanroom environment.

(B) does not include the building or other permanent, nonremovable component of the building that houses the cleanroom environment.

(17) machinery and equipment that are purchased by or on behalf of the owners of a soundstage complex and primarily used for motion picture, multimedia or interactive video production in the complex. This paragraph applies only if the initial construction of the soundstage complex begins after June 30, 1996 and before January 1, 2002 and the machinery and equipment are purchased before the expiration of five years after the start of initial construction. For purposes of this paragraph:

(A) “motion picture, multimedia or interactive video production” includes products for theatrical and television release, educational presentations, electronic retailing, documentaries, music videos, industrial films, cd-rom, video game production, commercial advertising and television episode production and other genres that are introduced through developing technology.
(B) “soundstage complex” means a facility of multiple stages including production offices, construction shops and related areas, prop and costume shops, storage areas, parking for production vehicles and areas that are leased to businesses that complement the production needs and orientation of the overall facility.

(18) tangible personal property that is used by either of the following to receive, store, convert, produce, generate, decode, encode, control or transmit telecommunications information:
   (A) any direct broadcast satellite television or data transmission service that operates pursuant to 47 Code of Federal Regulations parts 25 and 100.
   (B) any satellite television or data transmission facility, if both of the following conditions are met:
      (i) over two-thirds of the transmissions, measured in megabytes, transmitted by the facility during the test period were transmitted to or on behalf of one or more direct broadcast satellite television or data transmission services that operate pursuant to 47 Code of Federal Regulations parts 25 and 100.
      (ii) over two-thirds of the transmissions, measured in megabytes, transmitted by or on behalf of those direct broadcast television or data transmission services during the test period were transmitted by the facility to or on behalf of those services.

For purposes of subdivision (B) of this paragraph, “test period” means the three hundred sixty-five day period beginning on the later of the date on which the tangible personal property is purchased or the date on which the direct broadcast satellite television or data transmission service first transmits information to its customers.

(19) machinery and equipment that is used directly in the feeding of poultry, the environmental control of housing for poultry, the movement of eggs within a production and packaging facility or the sorting or cooling of eggs. This exemption does not apply to vehicles used for transporting eggs.

(20) machinery or equipment, including related structural components, that is employed in connection with manufacturing, processing, fabricating, job printing, refining, mining, natural gas pipelines, metallurgical operations, telecommunications, producing or transmitting electricity or research and development that is used directly to meet or exceed rules or regulations adopted by the Federal Energy Regulatory Commission, the United States Environmental Protection Agency, the United States Nuclear Regulatory Commission, the Arizona Department of Environmental Quality or a political subdivision of this state to prevent, monitor, control or reduce land, water or air pollution.

(21) machinery or equipment that enables a television station to originate and broadcast or to receive and broadcast digital television signals and that was purchased to facilitate compliance with the Telecommunications Act of 1996 (P.L. 104-104; 110 Stat. 56; 47 United States Code Section 336) and the Federal Communications Commission Order issued April 21, 1997, 47 Code of Federal Regulations Part 73. This paragraph does not exempt any of the following:
   (A) repair or replacement parts purchased for the machinery or equipment described in this paragraph.
   (B) machinery or equipment purchased to replace machinery or equipment for which an exemption was previously claimed and taken under this paragraph.
   (C) any machinery or equipment purchased after the television station has ceased analog broadcasting, or purchased after November 1, 2009, whichever occurs first.

(b) The term "income-producing capital equipment" shall further include ancillary machinery and equipment used for the treatment of waste products created by the business activities which are allowed to purchase "income-producing capital equipment" defined in subsection (a) above.

(c) The term "income-producing capital equipment" shall further include repair and replacement parts, other than the items in subsection (d) below, where the property is acquired to become an integral part of another item itemized in subsections (a) or (b) above.
(d) The tangible personal property defined as income-producing capital equipment in this Section shall not include:
(1) expendable materials. For purposes of this paragraph, expendable materials do not include any of the categories of tangible personal property specified in subsections (a), (b) or (c) of this Section regardless of the cost or useful life of that property.
(2) janitorial equipment and hand tools.
(3) office equipment, furniture, and supplies.
(4) tangible personal property used in selling or distributing activities.
(5) motor vehicles required to be licensed by the State of Arizona, except buses or other urban mass transit vehicles specifically exempted pursuant to subsection (a)(10) above without regard to the use of such motor vehicles.
(6) shops, buildings, docks, depots, and all other materials of whatever kind or character not specifically included as exempt.
(7) motors and pumps used in drip irrigation systems.

(e) For the purposes of this Section:
(1) "aircraft" includes:
  (A) an airplane flight simulator that is approved by the Federal Aviation Administration for use as a Phase II or higher flight simulator under Appendix H, 14 Code of Federal Regulations Part 121.
  (B) tangible personal property that is permanently affixed or attached as a component part of an aircraft that is owned or operated by a certificated or licensed carrier of persons or property.
(2) "other accessories and related equipment" includes aircraft accessories and equipment such as ground service equipment that physically contact aircraft at some point during the overall carrier operation.

Sec. 8A-115. Definitions: computer software; custom computer programming.

(a) "Computer Software" means any computer program, part of such a program, or any sequence of instructions for automatic data processing equipment. Computer software which is not "custom computer programming" is deemed to be tangible personal property for the purposes of this Chapter, regardless of the method by which title, possession, or right to use the software is transferred to the user.

(b) "Custom Computer Programming" means any computer software which is written or prepared exclusively for a customer and includes those services represented by separately stated charges for the modification of existing prewritten programs when the modifications are written or prepared exclusively for a customer.
(1) The term does not include a prewritten program which is held or existing for general or repeated sale, lease, or license, even if the program was initially developed on a custom basis for in-house, or for a single customer's, use.
(2) Modification to an existing prewritten program to meet the customer's needs is custom computer programming only to the extent of the modification, and only to the extent that the actual amount charged for the modification is separately stated on invoices, statements, and other billing documents supplied to the customer.
Article II - Determination of Gross Income

Sec. 8A-200. Determination of gross income: in general.

(a) Gross income includes:
   (1) the value proceeding or accruing from the sale of property, the providing of service, or both.
   (2) the total amount of the sale, lease, license for use, or rental price at the time of such sale, rental, lease, or license.
   (3) all receipts, cash, credits, barter, exchange, reduction of or forgiveness of indebtedness, and property of every kind or nature derived from a sale, lease, license for use, rental, or other taxable activity.
   (4) all other receipts whether payment is advanced prior to, contemporaneous with, or deferred in whole or in part subsequent to the activity or transaction.

(b) Barter, exchange, trade-outs, or similar transactions are includable in gross income at the fair market value of the service rendered or property transferred, whichever is higher, as they represent consideration given for consideration received.

(c) No deduction or exclusion is allowed from gross income on account of the cost of the property sold, the time value of money, expense of any kind or nature, losses, materials used, labor or service performed, interest paid, or credits granted.

(d) For the purposes of this Chapter the total amount of gross income, gross receipts or gross proceeds of sales for nuclear fuel shall be deemed to be the value of the purchase price of uranium oxide used in producing the fuel. The tax imposed by this Chapter may be imposed only once for any one quantity or batch of nuclear fuel regardless of the number of transactions or financing arrangements which may occur with respect to that nuclear fuel.

Sec. 8A-210. Determination of gross income: transactions between affiliated companies or persons.

In transactions between affiliated companies or persons, or in other circumstances where the relationship between the parties is such that the gross income from the transaction is not indicative of the market value of the subject matter of the transaction, the Tax Collector shall determine the "market value" upon which the Town Privilege and Use Taxes shall be levied. "Market value" shall correspond as nearly as possible to the gross income from similar transactions of like quality or character by other taxpayers where no common interest exists between the parties, but otherwise under similar circumstances and conditions.

Sec. 8A-220. Determination of gross income: artificially contrived transactions.

The Tax Collector may examine any transaction, reported or unreported, if, in his opinion, there has been or may be an evasion of the taxes imposed by this Chapter and to estimate the amount subject to tax in cases where such evasion has occurred. The Tax Collector shall disregard any transaction which has been undertaken in an artificial manner in order to evade the taxes imposed by this Chapter.

Sec. 8A-230. Determination of gross income based upon method of reporting.

The method of reporting chosen by a taxpayer, as provided in Section 8A-520, necessitates the following adjustments to gross income for all purposes under this Chapter:

(a) Cash basis – When a person elects to report and pay taxes on a cash basis, gross income for the reporting period shall include:
(1) the total amounts received on "paid in full" transactions, against which are allowed all applicable deductions and exclusions; and
(2) all amounts received on accounts receivable, conditional sales contract, or other similar transactions, against which no deductions and no exclusions from gross income are allowed. Interest on finance contracts may be deducted if separately itemized on all books and records.

(b) **Accrual basis** - When a person elects to report and pay taxes on an accrual basis, gross income shall include all gross income for the applicable period regardless of whether receipts are for cash, credit, conditional, or partially deferred transactions, and regardless of whether or not any security document or instrument is sold, assigned, or otherwise transferred to another. Persons reporting on the accrual basis may deduct bad debts, provided that:
(1) the amount deducted for the bad debt must be deducted from gross income of the month in which the actual charge-off was made, and only to the extent that such amount was actually charged-off, and also only to the extent that such amount is or was included as taxable gross income; and
(2) if any amount is subsequently collected on such charged-off account, it shall be included in gross income for the month in which it was collected, without deduction for expense of collection.

Sec. 8A-240. Exclusion of cash discounts, returns, refunds, trade-in values, vendor-issued coupons, and rebates from gross income.

(a) The following items are not included in gross income:
(1) Cash discounts allowed by the vendor for timely payment, but only discounts allowed against taxable gross income.
(2) The value of property returned by customers to the extent of the amount actually refunded either in cash or by credit and the amount refunded was included in taxable gross income.
(3) The trade-in allowance for tangible personal property accepted as payment, not to exceed the full sales price for any tangible personal property sold, when the full sales price is included in taxable gross income. Trade-in allowances are not allowed for manufactured buildings taxable under Section 8A-427.
(4) When coupons issued by a vendor are later accepted by the vendor as a discount against the transaction, the discount may be excluded from gross income as a cash discount. Amounts credited or refunded by a vendor for redemption of coupons issued by any person other than the vendor may not be excluded from gross income.
(5) Rebates issued by the vendor to a customer as a discount against the transaction may be excluded from gross income as a cash discount. Rebates issued by a person other than the vendor may not be excluded from gross income, even when the vendee assigns his right to the rebate to the vendor.
(6) In computing the tax base, gross proceeds of sales or gross income does not include a manufacturer’s cash rebate on the sales price of a motor vehicle if the buyer assigns the buyer’s right in the rebate to the retailer.

(b) If the amount specified in subsection (a) above is credited by a vendor subsequent to the reporting period in which the original transaction occurs, such amount may be excluded from the taxable gross income of that subsequent reporting period, but only to the extent that the excludable amount was reported as taxable gross income in that prior reporting period.
Sec. 8A-250. Exclusion of combined taxes from gross income; itemization; notice; limitations.

(a) When tax is separately charged and/or collected. The total amount of gross income shall be exclusive of combined taxes only when the person upon whom the tax is imposed shall establish to the satisfaction of the Tax Collector that such tax has been added to the total price of the transaction. The taxpayer must provide to his customer and also keep a reliable record of the actual tax charged or collected, shown by cash register tapes, sales tickets, or other accurate record, separating net transaction price and combined tax. If at any time the Tax Collector cannot ascertain from the records kept by the taxpayer the total or amounts billed or collected on account of combined taxes, the claimed taxes collected may not be excluded from gross income, unless such records are completed and/or clarified to the satisfaction of the Tax Collector.

(1) Remittance of all tax charged and/or collected. When an added charge is made to cover Town (or combined) Privilege and Use Taxes, the person upon whom the tax is imposed shall pay the full amount of the Town taxes due, whether collected by him or not, and in the event he collects more than the amount due he shall remit the excess to the Tax Collector. In the event the Tax Collector cannot ascertain from the records kept by the taxpayer the total or amounts of taxes collected by him, and the Tax Collector is satisfied that the taxpayer has collected taxes in an amount in excess of the tax assessed under this Chapter, the Tax Collector may determine the amount collected and collect the tax so determined in the manner provided in this Chapter.

(2) Itemization. A taxpayer, in order to be entitled to exclude from his gross income any amounts paid to him by customers for combined taxes passed on to the customer, must prove that he has provided his customer with a written record of the transaction showing at a minimum the price before the tax, the combined taxes, and the total cost. This shall be addition to the record required to be kept under subsection (a) above.

(b) When tax has been neither separately charged nor separately collected. When the person upon whom the tax is imposed shall establish by means of invoices, sales tickets, or other reliable evidence, that no added charge was made to cover combined taxes, the taxpayer may exclude tax collected from such income by dividing such taxable gross income by 1.00 plus a decimal figure representing the effective combined tax rate expressed as a fraction of 1.00.

Sec. 8A-260. Exclusion of fees and taxes from gross income; limitations.

(a) There shall be excluded from gross income of vendors of motor vehicles those motor vehicle registration fees, license fees and taxes, and lieu taxes imposed pursuant to Title 28, Arizona Revised Statutes in connection with the initial purchase of a motor vehicle, but only to the extent that such taxes or fees or both have been separately itemized and collected from the purchaser of the motor vehicle by the vendor, actually remitted to the proper registering, licensing, and taxing authorities, and the provisions of Article III, regarding recordkeeping, are met. For the purpose of the exclusion provided by this subsection only, the terms vendor and vendee shall also apply to a lessor and lessee respectively, of a motor vehicle if, in addition to all other requirements of this subsection, the lease agreement specifically requires the lessee to pay such fees or taxes, and such amounts are separately itemized in the documentation provided to the lessee.

(b) There shall be excluded from gross income of vendors at retail of heavy trucks and trailers, the amount attributable to Federal Excise Taxes imposed by 26 U.S.C. Section 4051, but only to the extent that the provisions of Article III, relating to recordkeeping, have been met.

(c) There shall be excluded from gross income the following fees, taxes, and lieu taxes, but only to the extent that such taxes or fees or both have been separately itemized and collected from the purchaser by the vendor, actually remitted to the proper registering, licensing, and taxing authorities, and the provisions of Article III, regarding recordkeeping, are met:
emergency telecommunication services excise tax imposed pursuant to A.R.S. Section 42-5252. "Emergency telecommunication services" means telecommunication services or systems that use number 911 or a similarly designated telephone number for emergency calls;

(2) the telecommunication devices for the deaf and the severely hearing and speech impaired excise tax imposed pursuant to A.R.S. Section 42-5252;

(3) federal excise taxes on communications services as imposed by 26 U.S.C. § 4251;

(4) car rental surcharge imposed pursuant to A.R.S. Section 48-4234;

(5) federal excise taxes on passenger vehicles as imposed by 26 U.S.C. §4001(.01);

(6) waste tire disposal fees, imposed pursuant to A.R.S. Section 44-1302.

(d) There shall be excluded from gross income of vendors of motor vehicles dealer documentation fees, but only to the extent that such fees have been separately itemized and collected from the purchaser of the motor vehicle by the vendor.

Sec. 8A-265. (Reserved)

Sec. 8A-266. Exclusion of motor carrier revenues from gross income.

There shall be excluded from gross income the gross proceeds of sale or gross income derived from any of the following:

(a) a motor carrier’s use on the public highways in this State if the motor carrier is subject to a fee prescribed in A.R.S. Title 28, Chapter 15, Article 4 or A.R.S. Title 28, Chapter 16, Article 4.

(b) Leasing, renting or licensing a motor vehicle subject to and upon which the fee has been paid under A.R.S. Title 28, Chapter 16.

(c) The sale of a motor vehicle and any repair and replacement parts and tangible personal property becoming a part of such motor vehicle, to a motor carrier who is subject to a fee prescribed in A.R.S. Title 28, Chapter 16 and who is engaged in the business of leasing, renting or licensing such property.

(d) for the purposes of these exclusions, “motor carrier” includes a motor vehicle weighing 26,000 pounds or more, a lightweight motor vehicle which weighs 12,001 pounds to 26,000 pounds and a light motor vehicle weighing 12,000 pounds or less, which pay the fee prescribed in A.R.S. Title 28, Chapter 15 or A.R.S. Title 28, Chapter 16.

Sec. 8A-270. Exclusion of gross income of persons deemed not engaged in business.

(a) For the purposes of this Section, the following definitions shall apply:

(1) "Federally Exempt Organization" means an organization which has received a determination of exemption, or qualifies for such exemption, under 26 U.S.C. Section 501(c) and rules and regulations of the Commissioner of Internal Revenue pertaining to same, but not including a "governmental entity", "non-licensed business", or "public educational entity".

(2) "Governmental Entity" means the Federal Government, the State of Arizona, any other state, or any political subdivision, department, or agency of any of the foregoing; provided further that persons contracting with such a governmental entity to operate any part of a governmentaly adopted and controlled program to provide urban mass transportation shall be deemed a governmental entity in all activities such person performs when engaged in said contract.
(3) "Non-Licensed Business" means any person conducting any business activity for gain or profit, whether or not actually realized, which person is not required to be licensed for the conduct or transaction of activities subject to the tax imposed under this Chapter.

(4) "Proprietary Club" means any club which has qualified or would otherwise qualify as an exempt club under the provisions of 26 U.S.C. Section 501(c)(7), (8), and (9), notwithstanding the fact that some or all of the members may own a proprietary interest in the property and assets of the club.

(5) "Public Educational Entity" means any educational entity operated pursuant to any provisions of Title 15, Arizona Revised Statutes.

(b) Transactions which, if conducted by any other person, would produce gross income subject to tax under this Chapter shall not be subject to the imposition of such tax if conducted entirely by a public educational entity; governmental entity, except "proprietary activities" of municipalities as provided by Regulation; or non-licensed business.

(c) Transactions which, if conducted by any other person, would produce gross income subject to the tax under this Chapter shall not be subject to the imposition of such tax if conducted entirely by a federally exempt organization or proprietary club with the following exceptions:

1. Transactions involving proprietary clubs and organizations exempt under 26 U.S.C. Section 501(c)(7), (8), and (9), where the gross revenue of the activity received from persons other than members and bona fide guests of members is in an amount in excess of fifteen percent (15%) of total gross revenue, as prescribed by Regulation. In the event this fifteen percent (15%) limit is exceeded, the entire gross income of such entity shall be subject to the applicable tax.

2. Gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512, including all statutory definitions and determinations, the rules and regulations of the Commissioner of Internal Revenue, and his administrative interpretations and guidelines.

(d) Except as may be provided elsewhere in this Chapter, transactions where customers are exempt organizations, proprietary clubs, public educational entities, governmental entities, or non-licensed businesses shall be deemed taxable transactions for the purpose of the imposition of taxes under this Chapter, notwithstanding that property so acquired may in fact be resold or leased by the acquiring person to others. In the case of sales, rentals, leases, or licenses to proprietary clubs or exempt organizations, the vendor may be relieved from the responsibility for reporting and paying tax on such income only by obtaining from its vendee a verified statement that includes:

1. a statement that when the property so acquired is resold, rented, leased, or licensed, that the otherwise exempt vendee chooses, or is required, to pay Town Privilege Tax or an equivalent excise tax on its gross income from such transactions and does in fact file returns on same; and

2. the Privilege License number of the otherwise exempt vendee; and

3. such other information as the Tax Collector may require.

(e) Franchisees or concessionaires operating businesses for or on behalf of any exempt organization, governmental entity, public educational entity, proprietary club, or non-licensed business shall not be considered to be such an exempt organization, club, entity, or non-licensed business, but shall be deemed to be a taxpayer subject to the provisions of this Chapter, except as provided in the definition of governmental entity, regarding urban mass transit.

(f) In any case, if a federally exempt organization, proprietary club, or non-licensed business rents, leases, licenses, or purchases any tangible personal property for its own storage or use, and no Town Privilege or Use Tax or equivalent excise tax has been paid on such transaction, said organization, club, or business shall be liable for the Use Tax upon such acquisitions or use of such property.
Sec. 8A-280. (Reserved)

Sec. 8A-285. (Reserved)

Sec. 8A-290. (Reserved)
Article III - Licensing and Recordkeeping

Sec. 8A-300. Licensing requirements.

(a) The following persons shall make application to the Tax Collector for a Transaction Privilege and Use Tax License, and no person shall engage or continue in business or engage in such activities until he shall have such a license:

(1) every person engaging or continuing in business activities within the Town upon which a Transaction Privilege Tax is imposed by this Chapter.

(2) every person engaging or continuing in business within the city or town and storing or using tangible personal property in this municipality upon which a Use Tax is imposed by this Chapter.

(3) (Reserved)

(b) For the purpose of determining whether a Transaction Privilege and Use Tax License is required, a person shall be deemed to be "engaging or continuing in business" within the Town if:

(1) engaging in any activity as a principal or broker, the gross receipts of which may be subject to Transaction Privilege Tax under Article IV of this Chapter, or

(2) maintaining within the Town directly, or if a corporation by a subsidiary, an office, distribution house, sales house, warehouse or other place of business; maintaining within the Town directly, or if a corporation by a subsidiary, any real or tangible personal property; or having any agent or other representative operating within the Town under the authority of such person, or if a corporation by a subsidiary, irrespective of whether such place of business, property, or agent or other representative is located here permanently or temporarily, or

(3) soliciting sales, orders, contracts, leases, and other similar forms of business relationships, within the Town from customers, consumers, or users located within the Town, by means of salesmen, solicitors, agents, representatives, brokers, and other similar agents or by means of catalogs or other advertising, whether such orders are received or accepted within or without this Town.

(4) A person shall also be deemed to be "engaging or continuing in business" if engaging in any activity subject to Use Tax under Article VI of this Chapter for business purposes. Individuals who acquire items subject to Use Tax for their own personal use or their family's personal use are not required to obtain a license.

(5) (Reserved)

(c) A person engaging in more than one activity subject to Transaction Privilege Tax at any one business location is not required to obtain a separate license for each activity, provided that, at the time such person makes application for a license, he shall list on such application each category of activity in which he is engaged.

(d) The licensee shall inform the Tax Collector of any changes in his business activities, location, or mailing address within thirty (30) days.

(e) Limitation. The issuance of a Transaction Privilege and Use Tax License by the Tax Collector shall in no way be construed as permission to operate a business activity in violation of any other law or regulation to which such activity may be subject.

(f) Casual activity. For the purposes of this Chapter, individuals engaging in a “casual activity or sale” are not subject to the license requirements imposed under this Article provided that they are only engaged in private sales activities, such as the sale of a personal automobile or garage sale, on no more than three separate occasions during any calendar year.
Sec. 8A-310. Licensing: special requirements.

(a) **Partnerships.** Application for a Transaction Privilege and Use Tax License for a partnership engaging or continuing in business shall provide, as a minimum, the names and addresses of all general partners. Licenses issued to persons engaging in business as partners, limited or general, shall be in the name of the partnership.

(b) **Limited Liability Companies.** Application for a Transaction Privilege and Use Tax License for a Limited Liability Company (LLC) engaging or continuing in business shall provide, as a minimum, the names and addresses of all members and the manager. Licenses issued to persons engaging in business as Limited Liability Companies, shall be in the name of the LLC.

(c) **Corporations.** Application for a Transaction Privilege and Use Tax License for a corporation engaging or continuing in business shall provide, as a minimum, the names and addresses of both the Chief Executive Officer and Chief Financial Officer of the corporation. Licenses issued to persons engaging in business as corporations shall be in the name of the corporation.

(d) **Multiple Locations or Multiple Business Names.** A person engaging or continuing in one or more businesses at two (2) or more locations or under two (2) or more business names shall procure a license for each such location or business name. A "location" is a place of a separate business establishment.

(e) **Real Property Rental, Leasing, and Licensing for Use.** In all cases the Transaction Privilege and Use Tax License shall be issued only to the owner of the real property regardless of the owner engaging a property manager or other broker to oversee the owner’s business activity including filing tax returns on behalf of the owner. Each rental property that can be independently sold or transferred is deemed to be a separate business establishment. Each platted parcel of real property subject to the tax imposed by this Chapter is deemed to be a separate business establishment and requires a separate license, regardless of the number of rental units located on that platted parcel. If one structure is located on multiple parcels in a manner such that ownership of an individual parcel cannot be sold or transferred without requiring alteration to divide the structure, one license shall be required for all affected parcels.

Sec. 8A-320. Licensing fees; annual renewal; renewal fees.

(a) The Transaction Privilege and Use Tax License shall be valid upon receipt of a non-refundable license fee of two dollars ($2.00), except for a license to engage in the business activity of residential or commercial real property rental, leasing, and licensing for use as separately identified in this Section. The Transaction Privilege and Use Tax License shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying an annual license renewal fee of zero dollars ($0.00) for each license, subject to the limitations in A.R.S. 42-5005. Such annual renewal fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January.

(b) The Transaction Privilege and Use Tax License to engage in the business activity of residential real property rental, leasing, and licensing for use shall be valid only upon receipt of a non-refundable license fee of zero dollars ($0.00). The Transaction Privilege and Use Tax License shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying an annual license renewal fee of zero dollars ($0.00) for each license, subject to the limitations in A.R.S. 42-5005. Such fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January.
The Transaction Privilege and Use Tax License to engage in the business activity of commercial real property rental, leasing, and licensing for use shall be valid only upon receipt of a non-refundable license fee of two dollars ($2.00). The Transaction Privilege and Use Tax License shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying an annual license renewal fee of zero dollars ($0.00) for each license, subject to the limitations in A.R.S. 42-5005. Such fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January.

Sec. 8A-330. Licensing: duration; transferability; display; penalties; penalty waiver; relicensing; fees collectible as if taxes.

(a) The Transaction Privilege and Use Tax License shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying the applicable license renewal fee for each license, subject to the limitations in A.R.S. 42-5005. Such fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January. Application and payment of the annual fee must be received in the Tax Collector’s office to be deemed paid and received.

(b) The Transaction Privilege and Use Tax License shall be nontransferable between owners or locations, and shall be on display to the public in the licensee's place of business.

(c) Any person required to be licensed under this Chapter who fails to obtain a license on or before conducting any business activity requiring such license shall be subject to the license fees due for each year in business plus a penalty in the amount of fifty percent (50%) of the applicable fee for each period of time for which such fee would have been imposed, from and after the date on which such activity commenced until paid. This penalty shall be in addition to any other penalty imposed under this Chapter and must be paid prior to the issuance of any license. License fee penalties may be waived by the Tax Collector subject to the same terms as the waiver of tax penalties as provided for in Section 8A-540.

(d) Any licensee who fails to renew his license on or before the due date shall be deemed to be operating without a license following such due date, and shall be subject to all penalties imposed under this Chapter against persons required to be licensed and operating without a license. The non-licensed status may be removed by payment of the annual license fee for each year or portion of a year he operated without a license, plus a license fee penalty of 50% of the license fee due for each year. License fee penalties may be waived by the Tax Collector subject to the same terms as the waiver of tax penalties as provided for in Section 8A-540.

(e) Any licensee who permits his license to expire through cancellation as provided in Section 8A-340, by his request for cancellation, by surrender of the license, or by the cessation of the business activity for which the license was issued, and who thereafter applies for license, shall be granted a new license as a new applicant and shall pay the current license fee imposed by Section 8A-320.

(f) Any licensee who needs a copy of his Transaction Privilege and Use Tax License which is still in effect shall be charged the current license fee for each reissuance of a license.

(g) Any person conducting a business activity subject to licensing without obtaining a Transaction Privilege and Use Tax License shall be liable to the Town for all applicable fees and penalties and shall be subject to the provisions of Sections 8A-580 and 8A-590, to the same extent as if such fees and penalties were taxes and penalties under such Sections.
Sec. 8A-340. Licensing: cancellation; revocation.

(a) **Cancellation.** The Tax Collector may cancel the Transaction Privilege and Use Tax License of any licensee as "inactive" if the taxpayer, required to report monthly, has neither filed any return nor remitted any taxes imposed by this Chapter for a period of six (6) consecutive months; or, if required to report quarterly, has neither filed any return nor remitted any taxes imposed by this Chapter for two (2) consecutive quarters; or, if required to report annually, has neither filed any return nor remitted any taxes imposed by this Chapter when such annual report and tax are due to be filed with and remitted to the Tax Collector.

(b) **Revocation.** If any licensee fails to pay any tax, interest, penalty, fee, or sum required to be paid to the Town under this Chapter, or if such licensee fails to comply with any other provisions of this Chapter, the Tax Collector may revoke the Transaction Privilege and Use Tax License of said licensee.

(c) **Notice and Hearing.** The Tax Collector shall deliver notice to such licensee of cancellation or revocation of the Transaction Privilege and Use Tax License. If the licensee requests a hearing within twenty (20) days of receipt of such notice, he shall be granted a hearing before the Tax Collector.

(d) After cancellation or revocation of a taxpayer's license, the taxpayer shall not be issued a new license until all reports have been filed; all fees, taxes, interest, and penalties due have been paid; and he is in compliance with all provisions of this Chapter.

Sec. 8A-350. Operating without a license.

It shall be unlawful for any person who is required by this Chapter to obtain a Transaction Privilege and Use Tax License to engage in or continue in business without a license. The Tax Collector shall assess any delinquencies in tax, interest, and penalties which may apply against such person upon any transactions subject to the taxes imposed by this Chapter.

Sec. 8A-360. Recordkeeping requirements.

(a) It shall be the duty of every person subject to the tax imposed by this Chapter to keep and preserve suitable records and such other books and accounts as may be necessary to determine the amount of tax for which he is liable under this Chapter. The books and records must contain, at a minimum, such detail and summary information as may be required by this Article; or when records are maintained within an electronic data processing (EDP) system, the requirements established by the Arizona Department of Revenue for privilege tax filings will be accepted. It shall be the duty of every person to keep and preserve such books and records for a period equal to the applicable limitation period for assessment of tax, and all such books and records shall be open for inspection by the Tax Collector during any business day.

(b) The Tax Collector may direct, by letter, a specific taxpayer to keep specific other books, records, and documents. Such letter directive shall apply:

1. only for future reporting periods, and
2. only by express determination of the Tax Collector that such specific recordkeeping is necessary due to the inability of the Town to conduct an adequate examination of the past activities of the taxpayer, which inability resulted from inaccurate or inadequate books, records, or documentation maintained by the taxpayer.
Sec. 8A-362. Recordkeeping: income.

The minimum records required for persons having gross income subject to, or exempt or excluded from, tax by this Chapter must show:

(a) The gross income of the taxpayer attributable to any activity occurring in whole or in part in the Town.

(b) The gross income taxable under this Chapter, divided into categories as stated in the official Town tax return.

(c) The gross income subject to Arizona Transaction Privilege Taxes, divided into categories as stated in the official State tax return.

(d) The gross income claimed to be exempt, and with respect to each activity or transaction so claimed:
   (1) If the transaction is claimed to be exempt as a sale for resale or as a sale, rental, lease, or license for use of rental equipment:
      (A) The Town Privilege License number and State Transaction Privilege Tax License number of the customer (or the equivalent Town, if applicable, and state tax numbers of the Town and state where the customer resides), and
      (B) The name, business address, and business activity of the customer, and
      (C) Evidence sufficient to persuade a reasonably prudent businessman that the transaction is believed to be in good faith a purchase for resale, or a purchase, rental, lease, or license for use of rental equipment, by the vendee in the ordinary and regular course of his business activity, as provided by Regulation.
   (2) If the transaction is claimed to be exempt for any other reason:
      (A) The name, business address, and business activity of the customer, and
      (B) Evidence which would establish the applicability of the exemption to a reasonably prudent businessman acting in good faith. Ordinary business documentation which would reasonably indicate the applicability of an exemption shall be sufficient to relieve the person on whom the tax would otherwise be imposed from liability therein, if he acts in good faith as provided by Regulation.

(e) With respect to those allowed deductions or exclusions for tax collected or charges for delivery or other direct customer services, where applicable, evidence that the deductible income has been separately stated and shown on the records of the taxpayer and on invoices or receipts provided to the customer. All other deductions, exemptions, and exclusions shall be separately shown and substantiated.

(f) With respect to special classes and activities, such other books, records, and documentation as the Tax Collector, by regulation, shall deem necessary for specific classes of taxpayer by reason of the specialized business activity of any such class.

(g) In all cases, the books and records of the taxpayer shall indicate both individual transaction amounts and totals for each reporting period for each category of taxable, exempt, and excluded income defined by this Chapter.
Sec. 8A-364. Recordkeeping: expenditures.

The minimum records required for persons having expenditures, costs, purchases and rental or lease or license expenses subject to, or exempt or excluded from, tax by this Chapter are:

(a) The total price of all goods acquired for use or storage in the Town.

(b) The date of acquisition and the name and business address of the seller or lessor of all goods acquired for use or storage in the Town.

(c) Documentation of taxes, freight, and direct customer service labor separately charged and paid for each purchase, rental, lease, or license.

(d) The gross price of each acquisition claimed as exempt from tax, and with respect to each transaction so claimed, sufficient evidence to satisfy the Tax Collector that the exemption claimed is applicable.

(e) As applicable to each taxpayer, documentation sufficient to the Tax Collector, so that he may ascertain:
   (1) All construction expenditures and all Privilege and Use Taxes claimed paid, relating to owner-builders and speculative builders.
   (2) Disbursement of collected gratuities and related payroll information required of restaurants.
   (3) (Reserved)
   (A) (Reserved)
   (B) (Reserved)
   (4) The validity of any claims of proof of exemption.
   (5) A claimed alternative prior value for reconstruction.
   (6) All claimed exemptions to the Use Tax imposed by Article VI of this Chapter.
   (7) (Reserved)
   (8) Payments of tax to the Arizona Department of Transportation and computations therefor, when a motor-vehicle transporter claims such the exemption.
   (9) (Reserved)

(f) Any additional documentation as the Tax Collector, by Regulation, shall deem necessary for any specific class of taxpayer by reason of the specialized business activity of specific exemptions afforded to that class of taxpayer.

(g) In all cases, the books and records of the taxpayer shall indicate both individual transaction amounts and totals for each reporting period for each category of taxable, exempt, and excluded expenditures as defined by this Chapter.


(a) Out-of-Town Sales. Any person engaging or continuing in a business who claims out-of-Town sales shall maintain and keep accounting records or books indicating separately the gross income from the sales of tangible personal property from such out-of-Town branches or locations.

(b) Out-of-State sales. Persons engaged in a business claiming out-of-State sales shall maintain accounting records or books indicating for each out-of-State sale the following documentation:
   (1) documentation of location of the buyer at the time of order placement; and
   (2) shipping, delivery, or freight documents showing where the buyer took delivery; and
documentation of intended location of use or storage of the tangible personal property sold to such buyer.

Sec. 8A-370. Recordkeeping: claim of exclusion, exemption, deduction, or credit; documentation; liability.

(a) All deductions, exclusions, exemptions and credits provided in this Chapter are conditional upon adequate proof and documentation of such as may be required under A.R.S. Section 42-5022 or by this Chapter or Regulation.

(b) Any person who claims and receives an exemption, deduction, exclusion, or credit to which he is not entitled under this Chapter, shall be subject to, liable for, and pay the tax on the transaction as if the vendor subject to the tax had passed the burden of the payment of the tax to the person wrongfully claiming the exemption. A person who wrongfully claimed such exemption shall be treated as if he is delinquent in the payment of the tax and shall be subject to interest and penalties upon such delinquency. However, if the tax is collected from the vendor on such transaction it shall not again be collected from the person claiming the exemption, or if collected from the person claiming the exemption it shall not also be collected from the vendor.

Sec. 8A-372. Proof of exemption: sale for resale; sale, rental, lease, or license of rental equipment.

A claim of purchase for resale or of purchase, rental, lease, or license for rent, lease, or license is valid only if the evidence is sufficient to persuade a reasonably prudent businessman that the particular item is being acquired for resale or for rental, lease, or license in the ordinary course of business. The fact that the acquiring person possesses a Privilege License number, and makes a verbal claim of "sale for resale or lease" or "lease for re-lease" does not meet this burden and is insufficient to justify an exemption. The "reasonable evidence" must be evidence which exists objectively, and not merely in the mind of the vendor, that the property being acquired is normally sold, rented, leased, or licensed by the acquiring person in the ordinary course of business. Failure to obtain such reasonable evidence at the time of the transaction will be a basis for disallowance of any claimed deduction on returns filed for such transactions.

Sec. 8A-380. Inadequate or unsuitable records.

In the event the records provided by the taxpayer are considered by the Tax Collector to be inadequate or unsuitable to determine the amount of the tax for which such taxpayer is liable under the provisions of this Chapter, it is the responsibility of the taxpayer either:

(1) to provide such other records required by this Chapter or Regulation; or
(2) to correct or to reconstruct his records, to the satisfaction of the Tax Collector.
Article IV - Privilege Taxes

Sec. 8A-400. Imposition of Privilege Taxes; presumption.

(a) There are hereby levied and imposed, subject to all other provisions of this Chapter, the following Privilege Taxes for the purpose of raising revenue to be used in defraying the necessary expenses of the Town, such taxes to be collected by the Tax Collector:

(1) a Privilege Tax upon persons on account of their business activities, to the extent provided elsewhere in this Article, to be measured by the gross income of persons, whether derived from residents of the Town or not, or whether derived from within the Town or from without.

(2) (Reserved)

(3) (Reserved)

(b) Taxes imposed by this Chapter are in addition to others. Except as specifically designated elsewhere in this Chapter, each of the taxes imposed by this Chapter shall be in addition to all other licenses, fees, and taxes levied by law, including other taxes imposed by this Chapter.

(c) Presumption. For the purpose of proper administration of this Chapter and to prevent evasion of the taxes imposed by this Chapter, it shall be presumed that all gross income is subject to the tax until the contrary is established by the taxpayer.

(d) Limitation of exemptions, deductions, and credits allowed against the measure of taxes imposed by this Chapter. All exemptions, deductions, and credits set forth in this Chapter shall be limited to the specific activity or transaction described and not extended to include any other activity or transaction subject to the tax.

Sec. 8A-405. Advertising.

(a) The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of the gross income from the business activity upon every person engaging or continuing in the business of "local advertising" by billboards, direct mail, radio, television, or by any other means. However, commission and fees retained by an advertising agency shall not be includable in gross income from "local advertising". All delivery or disseminating of information directly to the public or any portion thereof for a consideration shall be considered "Local Advertising", except the following:

(1) the advertising of a product or service which is sold or provided both within and without the State by more than one "commonly designated business entity" within the State, and in which the advertisement names either no "commonly designated business entity" within the State or more than one "commonly designated business entity". "Commonly Designated Business Entity" means any person selling or providing any product or service to its customers under a common business name or style, even though there may be more than one legal entity conducting business functions using the same or substantially the same business name or style by virtue of a franchise, license, or similar agreement.

(2) the advertising of a facility or of a service or activity in which neither the facility nor a business site carrying on such service or activity is located within the State.

(3) the advertising of a product which may only be purchased from an out-of-State supplier.

(4) political advertising for United States Presidential and Vice Presidential candidates only.

(5) advertising by means of product purchase coupons redeemable at any retail establishment carrying such product but not product coupons redeemable only at a single commonly designated business entity.

(6) advertising transportation services where a substantial portion of the transportation activity of the business entity advertised involves interstate or foreign carriage.
Sec. 8A-410. Amusements, exhibitions, and similar activities.

(a) The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of the gross income from the business activity upon every person engaging or continuing in the business of providing amusement that begins in the Town or takes place entirely within the Town, which includes the following type or nature of businesses:

1. Operating or conducting theaters, movies, operas, shows of any type or nature, exhibitions, concerts, carnivals, circuses, amusement parks, menageries, fairs, races, contests, games, billiard or pool parlors, bowling alleys, skating rinks, tennis courts, golf courses, video games, pinball machines, public dances, dance halls, sports events, jukeboxes, batting and driving ranges, animal rides, or any other business charging admission for exhibition, amusement, or entertainment.

(b) Deductions or exemptions. The gross proceeds of sales or gross income derived from the following sources is exempt from the tax imposed by this Section:

1. (Reserved)
2. Amounts retained by the Arizona Exposition and State Fair Board from ride ticket sales at the annual Arizona State Fair.
3. Income received from a hotel business subject to tax under Section 8A-444, if all of the following apply:
   A. The hotel business receives gross income from a customer for the specific business activity otherwise subject to amusement tax.
   B. The consideration received by the hotel business is equal to or greater than the amount to be deducted under this subsection.
   C. The hotel business has provided an exemption certificate to the person engaging in business under this section.
4. Income that is specifically included as the gross income of a business activity upon which another Section of this Article imposes a tax, that is separately stated to the customer and is taxable to the person engaged in that classification not to exceed consideration paid to the person conducting the activity.
5. Income from arranging transportation connected to amusement activity that is separately stated to the customer, not to exceed consideration paid to the transportation business.

(c) The tax imposed by this Section shall not include arranging an amusement activity as a service to a person's customers if that person is not otherwise engaged in the business of operating or conducting an amusement themselves or through others. This exception does not apply to businesses that operate or conduct amusements pursuant to customer orders and send the billings and receive the payments associated with that activity, including when the amusement is performed by third party independent contractors. For the purposes of this paragraph, "arranging" includes billing for or collecting amusement charges from a person's customers on behalf of the persons providing the amusement.


(a) The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of the gross income from the business upon every construction contractor engaging or continuing in the business activity of construction contracting within the Town.
(1) However, gross income from construction contracting shall not include charges related to groundwater measuring devices required by A.R.S. Section 45-604.

(2) (Reserved)

(3) Gross income from construction contracting shall not include gross income from the sale of manufactured buildings taxable under Section 8A-427.

(4) For taxable periods beginning from and after July 1, 2008, the portion of gross proceeds of sales or gross income attributable to the actual direct costs of providing architectural or engineering services that are incorporated in a contract is not subject to tax under this Section. For the purposes of this subsection, “direct costs” means the portion of the actual costs that are directly expended in providing architectural or engineering services.

(b) Deductions and exemptions.

(1) Gross income derived from acting as a "subcontractor" shall be exempt from the tax imposed by this Section.

(2) All construction contracting gross income subject to the tax and not deductible herein shall be allowed a deduction of thirty-five percent (35%).

(3) The gross proceeds of sales or gross income attributable to the purchase of machinery, equipment or other tangible personal property that is exempt from or deductible from privilege or use tax under:
   (A) Section 8A-465, subsections (g) and (p)
   (B) Section 8A-660, subsections (g) and (p)
   Shall be exempt or deductible, respectively, from the tax imposed by this Section.

(4) The gross proceeds of sales or gross income that is derived from a contract entered into for the installation, assembly, repair or maintenance of income-producing capital equipment, as defined in Section 8A-110, that is deducted from the retail classification pursuant to Section 8A-465(g) that does not become a permanent attachment to a building, highway, road, railroad, excavation or manufactured building or other structure, project, development or improvement shall be exempt from the tax imposed by this Section. If the ownership of the realty is separate from the ownership of the income-producing capital equipment, the determination as to permanent attachment shall be made as if the ownership was the same. The deduction provided in this paragraph does not include gross proceeds of sales or gross income from that portion of any contracting activity which consists of the development of, or modification to, real property in order to facilitate the installation, assembly, repair, maintenance or removal of the income-producing capital equipment. For purposes of this paragraph, "permanent attachment" means at least one of the following:
   (A) to be incorporated into real property.
   (B) to become so affixed to real property that it becomes part of the real property.
   (C) to be so attached to real property that removal would cause substantial damage to the real property from which it is removed.

(5) The gross proceeds of sales or gross income received from a contract for the construction of an environmentally controlled facility for the raising of poultry for the production of eggs and the sorting, or cooling and packaging of eggs shall be exempt from the tax imposed under this Section.

(6) The gross proceeds of sales or gross income that is derived from the installation, assembly, repair or maintenance of cleanrooms that are deducted from the tax base of the retail classification pursuant to Section 8A-465, subsection (g) shall be exempt from the tax imposed under this Section.

(7) The gross proceeds of sales or gross income that is derived from a contract entered into with a person who is engaged in the commercial production of livestock, livestock products or agricultural, horticultural, viticultural or floricultural crops or products in this State for the construction, alteration, repair, improvement, movement, wrecking or demolition or addition to or subtraction from any building, highway, road, excavation, manufactured building or other structure, project, development or improvement used directly and primarily to prevent, monitor, control or reduce air, water or land pollution shall be exempt from the tax imposed under this Section.
(8) The gross proceeds of sales or gross income received from a post construction contract to perform post-construction treatment of real property for termite and general pest control, including wood destroying organisms, shall be exempt from tax imposed under this Section.

(9) Through December 31, 2009, the gross proceeds of sales or gross income received from a contract for constructing any lake facility development in a commercial enhancement reuse district that is designated pursuant to A.R.S. § 9-499.08 if the contractor maintains the following records in a form satisfactory to the Arizona Department of Revenue and to the Town:

(A) The certificate of qualification of the lake facility development issued by the Town pursuant to A.R.S. § 9-499.08, subsection D.

(B) All state and local transaction privilege tax returns for the period of time during which the contractor received gross proceeds of sales or gross income from a contract to construct a lake facility development in a designated commercial enhancement reuse district, showing the amount exempted from state and local taxation.

(C) Any other information considered to be necessary.

(10) Any amount attributable to development fees that are incurred in relation to the construction, development or improvement of real property and paid by the taxpayer as defined in the model city tax code or by a contractor providing services to the taxpayer. For the purposes of this paragraph:

(A) The attributable amount shall not exceed the value of the development fees actually imposed.

(B) The attributable amount is equal to the total amount of development fees paid by the taxpayer or by a contractor providing services to the taxpayer and the total development fees credited in exchange for the construction of, contribution to or dedication of real property for providing public infrastructure, public safety or other public services necessary to the development. The real property must be the subject of the development fees.

(C) "Development fees" means fees imposed to offset capital costs of providing public infrastructure, public safety or other public services to a development and authorized pursuant to A.R.S. Section 9-463.05, A.R.S. Section 11-1102 or A.R.S. Title 48 regardless of the jurisdiction to which the fees are paid.

(11) For taxable periods beginning from and after July 1, 2008 and ending before January 1, 2017, the gross proceeds of sales or gross income derived from a contract to provide and install a solar energy device. The contractor shall register with the department of revenue as a solar energy contractor. By registering, the contractor acknowledges that it will make its books and records relating to sales of solar energy devices available to the department of revenue and the Town, as applicable, for examination.

(c) **Subcontractor** means a construction contractor performing work for either:

(1) A construction contractor who has provided the subcontractor with a written declaration that he is liable for the tax for the project and has provided the subcontractor his Town Privilege License number.

(2) An owner-builder who has provided the subcontractor with a written declaration that:

   (A) the owner-builder is improving the property for sale; and
   
   (B) the owner-builder is liable for the tax for such construction contracting activity; and
   
   (C) the owner-builder has provided the contractor his Town Privilege License number.

(3) A person selling new manufactured buildings who has provided the subcontractor with a written declaration that he is liable for the tax for the site preparation and set-up; and provided the subcontractor his Town Privilege License number.

Subcontractor also includes a construction contractor performing work for another subcontractor as defined above.
Sec. 8A-416. Construction contracting: speculative builders.

(a) The tax shall be equal to two and eighty-three one-hundredths percent (2.83%) of the gross income from the business activity upon every person engaging or continuing in business as a speculative builder within the Town.

1. The gross income of a speculative builder considered taxable shall include the total selling price from the sale of improved real property at the time of closing of escrow or transfer of title.

2. "Improved Real Property" means any real property:
   (A) upon which a structure has been constructed; or
   (B) where improvements have been made to land containing no structure (such as paving or landscaping); or
   (C) which has been reconstructed as provided by Regulation; or
   (D) where water, power, and streets have been constructed to the property line.

3. "Sale of Improved Real Property" includes any form of transaction, whether characterized as a lease or otherwise, which in substance is a transfer of title of, or equitable ownership in, improved real property and includes any lease of the property for a term of thirty (30) years or more (with all options for renewal being included as a part of the term). In the case of multiple unit projects, "sale" refers to the sale of the entire project or to the sale of any individual parcel or unit.

4. "Partially Improved Residential Real Property", as used in this Section, means any improved real property, as defined in subsection (a)(2) above, being developed for sale to individual homeowners, where the construction of the residence upon such property is not substantially complete at the time of the sale.

(b) Exclusions.

1. In cases involving reconstruction contracting, the speculative builder may exclude from gross income the prior value allowed for reconstruction contracting in determining his taxable gross income, as provided by Regulation.

2. Fair market value of land. Gross income from the sale of improved real property shall not include the "fair market value" of the land which is included in the real property sold, when a charge for such land is included in the total selling price of the real property sold.
   (A) Except as provided in subsection (b)(2)(B) below, the taxpayer must document such "fair market value" to the satisfaction of the Tax Collector, and maintain and provide such documentation upon demand in addition to and in like manner to the books and records required in Article III.
   (B) In lieu of the documented fair market value of land allowed in subsection (b)(2)(A) above, an amount equal to twenty percent (20%) of the total selling price may be used to estimate the "fair market value" of land.

3. (Reserved)

4. A speculative builder may exclude gross income from the sale of partially improved residential real property as defined in (a)(4) above to another speculative builder only if all of the following conditions are satisfied:
   (A) The speculative builder purchasing the partially improved residential real property has a valid Town privilege license for construction contracting as a speculative builder; and
   (B) At the time of the transaction, the purchaser provides the seller with a properly completed written declaration that the purchaser assumes liability for and will pay all privilege taxes which would otherwise be due the Town at the time of sale of the partially improved residential real property; and
The seller also:

(i) maintains proper records of such transactions in a manner similar to the
requirements provided in this chapter relating to sales for resale; and

(ii) retains a copy of the written declaration provided by the buyer for the
transaction; and

(iii) is properly licensed with the Town as a speculative builder and provides the
Town with the written declaration attached to the Town privilege tax return
where he claims the exclusion.

For taxable periods beginning from and after July 1, 2008, the portion of gross proceeds of
sales or gross income attributable to the actual direct costs of providing architectural or
engineering services that are incorporated in a contract is not subject to tax under this
section. For the purposes of this subsection, “direct costs” means the portion of the actual
costs that are directly expended in providing architectural or engineering services.

Tax liability for speculative builders occurs at close of escrow or transfer of title, whichever occurs
earlier, and is subject to the following provisions, relating to exemptions, deductions and tax
credits:

(1) Exemptions.

(A) The gross proceeds of sales or gross income attributable to the purchase of
machinery, equipment or other tangible personal property that is exempt from or
deductible from privilege or use tax under:

(i) Section 8A-465, subsections (g) and (p)

(ii) Section 8A-660, subsections (g) and (p)

shall be exempt or deductible, respectively, from the tax imposed by this Section.

(B) The gross proceeds of sales or gross income received from a contract for the
construction of an environmentally controlled facility for the raising of poultry for
the production of eggs and the sorting, or cooling and packaging of eggs shall be
exempt from the tax imposed under this Section.

(C) The gross proceeds of sales or gross income that is derived from the installation,
assembly, repair or maintenance of cleanrooms that are deducted from the tax base of
the retail classification pursuant to Section 8A-465, subsection (g) shall be exempt
from the tax imposed under this section.

(D) The gross proceeds of sales or gross income that is derived from a contract entered
into with a person who is engaged in the commercial production of livestock,
livestock products or agricultural, horticultural, viticultural or floricultural crops or
products in this state for the construction, alteration, repair, improvement, movement,
wrecking or demolition or addition to or subtraction from any building, highway,
road, excavation, manufactured building or other structure, project, development or
improvement used directly and primarily to prevent, monitor, control or reduce air,
water or land pollution shall be exempt from the tax imposed under this Section.

(E) Any amount attributable to development fees that are incurred in relation to the
construction, development or improvement of real property and paid by the taxpayer
as defined in the model city tax code or by a contractor providing services to the
taxpayer shall be exempt from the tax imposed under this section. For the purposes of
this paragraph:

(i) the attributable amount shall not exceed the value of the development fees
actually imposed.

(ii) the attributable amount is equal to the total amount of development fees paid
by the taxpayer or by a contractor providing services to the taxpayer and the
total development fees credited in exchange for the construction of,
contribution to or dedication of real property for providing public
infrastructure, public safety or other public services necessary to the
development. The real property must be the subject of the development fees.
(iii) "development fees" means fees imposed to offset capital costs of providing public infrastructure, public safety or other public services to a development and authorized pursuant to A.R.S. Section 9-463.05, A.R.S. Section 11-1102 or A.R.S. Title 48 regardless of the jurisdiction to which the fees are paid.

(2) Deductions.
(A) All amounts subject to the tax shall be allowed a deduction in the amount of thirty-five percent (35%).
(B) The gross proceeds of sales or gross income that is derived from a contract entered into for the installation, assembly, repair or maintenance of income-producing capital equipment, as defined in Section 8A-110, that is deducted from the retail classification pursuant to Section 8A-465(g), that does not become a permanent attachment to a building, highway, road, railroad, excavation or manufactured building or other structure, project, development or improvement shall be exempt from the tax imposed by this Section. If the ownership of the realty is separate from the ownership of the income-producing capital equipment, the determination as to permanent attachment shall be made as if the ownership was the same. The deduction provided in this paragraph does not include gross proceeds of sales or gross income from that portion of any contracting activity which consists of the development of, or modification to, real property in order to facilitate the installation, assembly, repair, maintenance or removal of the income-producing capital equipment. For purposes of this paragraph, "permanent attachment" means at least one of the following:
(i) to be incorporated into real property.
(ii) to become so affixed to real property that it becomes part of the real property.
(iii) to be so attached to real property that removal would cause substantial damage to the real property from which it is removed.
(C) For taxable periods beginning from and after July 1, 2008 and ending before January 1, 2017, the gross proceeds of sales or gross income derived from a contract to provide and install a solar energy device. The contractor shall register with the department of revenue as a solar energy contractor. By registering, the contractor acknowledges that it will make its books and records relating to sales of solar energy devices available to the department of revenue and the Town, as applicable, for examination.

(3) Tax credits.
The following tax credits are available to owner-builders or speculative builders, not to exceed the tax liability against which such credits apply, provided such credits are documented to the satisfaction of the tax collector:
(A) A tax credit equal to the amount of town privilege or use tax, or the equivalent excise tax, paid directly to a taxing jurisdiction or as a separately itemized charge paid directly to the vendor with respect to the tangible personal property incorporated into the said structure or improvement to real property undertaken by the owner-builder or speculative builder.
(B) A tax credit equal to the amount of privilege taxes paid to this Town, or charged separately to the speculative builder, by a construction contractor, on the gross income derived by said person from the construction of any improvement to the real property.
(C) No credits provided herein may be claimed until such time that the gross income against which said credits apply is reported.
Sec. 8A-417. Construction contracting: owner-builders who are not speculative builders.

(a) At the expiration of twenty-four (24) months after improvement to the property is substantially complete, the tax liability for an owner-builder who is not a speculative builder shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of:

1. the gross income from the activity of construction contracting upon the real property in question which was realized by those construction contractors to whom the owner-builder provided written declaration that they were not responsible for the taxes as prescribed in Subsection 8A-415(c)(2); and

2. the purchase of tangible personal property for incorporation into any improvement to real property, computed on the sales price.

(b) For taxable periods beginning from and after July 1, 2008, the portion of gross proceeds of sales or gross income attributable to the actual direct costs of providing architectural or engineering services that are incorporated in a contract is not subject to tax under this section. For the purposes of this subsection, “direct costs” means the portion of the actual costs that are directly expended in providing architectural or engineering services.

(c) The tax liability of this Section is subject to the following provisions, relating to exemptions, deductions and tax credits:

1. Exemptions.
   (A) The gross proceeds of sales or gross income attributable to the purchase of machinery, equipment or other tangible personal property that is exempt from or deductible from privilege or use tax under:
   (i) Section 8A-465, subsections (g) and (p)
   (ii) Section 8A-660, subsections (g) and (p)
   shall be exempt or deductible, respectively, from the tax imposed by this Section.
   (B) The gross proceeds of sales or gross income received from a contract for the construction of an environmentally controlled facility for the raising of poultry for the production of eggs and the sorting, or cooling and packaging of eggs shall be exempt from the tax imposed under this Section.
   (C) The gross proceeds of sales or gross income that is derived from the installation, assembly, repair or maintenance of cleanrooms that are deducted from the tax base of the retail classification pursuant to Section 8A-465, subsection (g) shall be exempt from the tax imposed under this Section.
   (D) The gross proceeds of sales or gross income that is derived from a contract entered into with a person who is engaged in the commercial production of livestock, livestock products or agricultural, horticultural, viticultural or floricultural crops or products in this state for the construction, alteration, repair, improvement, movement, wrecking or demolition or addition to or subtraction from any building, highway, road, excavation, manufactured building or other structure, project, development or improvement used directly and primarily to prevent, monitor, control or reduce air, water or land pollution shall be exempt from the tax imposed under this Section.
   (E) Any amount attributable to development fees that are incurred in relation to the construction, development or improvement of real property and paid by the taxpayer as defined in the model city tax code or by a contractor providing services to the taxpayer shall be exempt from the tax imposed under this section. For the purposes of this paragraph:
   (i) the attributable amount shall not exceed the value of the development fees actually imposed.
(ii) the attributable amount is equal to the total amount of development fees paid by the taxpayer or by a contractor providing services to the taxpayer and the total development fees credited in exchange for the construction of, contribution to or dedication of real property for providing public infrastructure, public safety or other public services necessary to the development. The real property must be the subject of the development fees.

(iii) "development fees" means fees imposed to offset capital costs of providing public infrastructure, public safety or other public services to a development and authorized pursuant to A.R.S. Section 9-463.05, A.R.S. Section 11-1102 or A.R.S. Title 48 regardless of the jurisdiction to which the fees are paid.

(2) Deductions.

(A) All amounts subject to the tax shall be allowed a deduction in the amount of thirty-five percent (35%).

(B) The gross proceeds of sales or gross income that is derived from a contract entered into for the installation, assembly, repair or maintenance of income-producing capital equipment, as defined in Section 8A-110, that is deducted from the retail classification pursuant to Section 8A-465(g), that does not become a permanent attachment to a building, highway, road, railroad, excavation or manufactured building or other structure, project, development or improvement shall be exempt from the tax imposed by this Section. If the ownership of the realty is separate from the ownership of the income-producing capital equipment, the determination as to permanent attachment shall be made as if the ownership was the same. The deduction provided in this paragraph does not include gross proceeds of sales or gross income from that portion of any contracting activity which consists of the development of, or modification to, real property in order to facilitate the installation, assembly, repair, maintenance or removal of the income-producing capital equipment. For purposes of this paragraph, "permanent attachment" means at least one of the following:

(i) to be incorporated into real property.

(ii) to become so affixed to real property that it becomes part of the real property.

(iii) to be so attached to real property that removal would cause substantial damage to the real property from which it is removed.

(C) For taxable periods beginning from and after July 1, 2008 and ending before January 1, 2017, the gross proceeds of sales or gross income derived from a contract to provide and install a solar energy device. The contractor shall register with the department of revenue as a solar energy contractor. By registering, the contractor acknowledges that it will make its books and records relating to sales of solar energy devices available to the department of revenue and the Town, as applicable, for examination.

(3) Tax credits. The following tax credits are available to owner-builders and speculative builders, not to exceed the tax liability against which such credits apply, provided such credits are documented to the satisfaction of the tax collector:

(A) A tax credit equal to the amount of town privilege or use tax, or the equivalent excise tax, paid directly to a taxing jurisdiction or as a separately itemized charge paid directly to the vendor with respect to the tangible personal property incorporated into the said structure or improvement to real property undertaken by the owner-builder or speculative builder.

(B) A tax credit equal to the amount of privilege taxes paid to this Town, or charged separately to the speculative builder, by a construction contractor, on the gross income derived by said person from the construction of any improvement to the real property.

(C) No credits provided herein may be claimed until such time that the gross income against which said credits apply is reported.
(d) The limitation period for the assessment of taxes imposed by this Section is measured based upon when such liability is reportable, that is, in the reporting period that encompasses the twenty-fifth (25th) month after said unit or project was substantially complete. Interest and penalties, as provided in Section 8A-540, will be based on reportable date.

(e) (Reserved)

Sec. 8A-418. (Reserved)

Sec. 8A-420. (Reserved)

Sec. 8A-422 (Reserved)

Sec. 8A-425. Job printing.

(a) The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of the gross income from the business activity upon every person engaging or continuing in the business of job printing, which includes engraving of printing plates, embossing, copying, micrographics, and photo reproduction.

(b) The tax imposed by this Section shall not apply to:

1. job printing purchased for the purpose of resale by the purchaser in the form supplied by the job printer.
2. out-of-Town sales.
3. out-of-State sales.
4. (Reserved)
5. sales of job printing to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property sold is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.
6. (Reserved)
7. sales of postage and freight except that the amount deducted shall not exceed the actual postage and freight expense that is paid to the United States Postal Service or a commercial delivery service and that is separately itemized by the taxpayer on the customer's invoice and in the taxpayer's records.

Sec. 8A-427. Manufactured buildings.

(a) The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of the gross income, including site preparation, moving to the site, and/or set-up, upon every person engaging or continuing in the business activity of selling manufactured buildings within the Town. Such business activity is deemed to occur at the business location of the seller where the purchaser first entered into the contract to purchase the manufactured building.

(b) Sales of used manufactured buildings are not taxable.

(c) The sale prices of furniture, furnishings, fixtures, appliances, and attachments that are not incorporated as component parts of or attached to a manufactured building are exempt from the tax imposed by this Section. The sale of such items are subject to the tax under Section 8A-460.

(d) Under this Section, a trade-in will not be allowed for the purpose of reducing the tax liability.
Sec. 8A-430. Timbering and other extraction.

(a) The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of the gross income from the business activity upon every person engaging or continuing in the following businesses:
   (1) felling, producing, or preparing timber or any product of the forest for sale, profit, or commercial use.
   (2) extracting, refining, or producing any oil or natural gas for sale, profit, or commercial use.

(b) The rate specified in subsection (a) above shall be applied to the value of the entire product extracted, refined, produced, or prepared for sale, profit, or commercial use, when such activity occurs within the Town, regardless of the place of sale of the product or the fact that delivery may be made to a point without the Town or without the State.

(c) If any person engaging in any business classified in this Section ships or transports products, or any part thereof, out of the State without making sale of such products, or ships his products outside of the State in an unfinished condition, the value of the products or articles in the condition or form in which they existed when transported out-of-State and before they enter interstate commerce shall be the basis for assessment of the tax imposed by this Section.

(d) (Reserved)

Sec. 8A-432. Mining.

(a) The tax rate shall be at an amount equal to one tenth of one percent (.1%), not to exceed one tenth of one percent, of the gross income from the business activity upon every person engaging or continuing in the business of mining, smelting, or producing for sale, profit, or commercial use any copper, gold, silver, or other mineral product, compound, or combination of mineral products; but not including the extraction, removal, or production of sand, gravel, or rock from the ground for sale, profit, or commercial use.

(b) The rate specified in subsection (a) above shall be applied to the value of the entire product mined, smelted or produced for sale, profit, or commercial use, when such activity occurs within the Town, regardless of the place of sale of the product or the fact that delivery may be made to a point without the Town or without the State.

(c) If any person engaging in any business classified in this Section ships or transports products, or any part thereof, out of the State without making sale of such products, or ships his products outside of the State in an unfinished condition, the value of the products or articles in the condition or form in which they existed when transported out-of-State and before they enter interstate commerce shall be the basis for assessment of the tax imposed by this Section.
Sec. 8A-435. Publishing and periodicals distribution.

(a) The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of the gross income from the business activity upon every person engaging or continuing in the business activity of:

1. publication of newspapers, magazines, or other periodicals when published within the Town, measured by the gross income derived from notices, subscriptions, and local advertising as defined in Section 8A-405. In cases where the location of publication is both within and without this State, gross income subject to the tax shall refer only to gross income derived from residents of this State or generated by permanent business locations within this State.

2. distribution or delivery within the Town of newspapers, magazines, or other periodicals not published within the Town, measured by the gross income derived from subscriptions.

(b) "Location of Publication" is determined by:

1. location of the editorial offices of the publisher, when the physical printing is not performed by the publisher; or

2. location of either the editorial offices or the printing facilities, if the publisher performs his own physical printing.

(c) "Subscription income" shall include all circulation revenue of the publisher except amounts retained by or credited to carriers or other vendors as compensation for delivery within the State by such carriers or vendors, and further except sales of published items, directly or through distributors, for the purpose of resale, to retailers subject to the Privilege Tax on such resale.

(d) "Circulation", for the purpose of measurement of gross income subject to the tax, shall be considered to occur at the place of delivery of the published items to the subscriber or intended reader irrespective of the location of the physical facilities or personnel of the publisher. However, delivery by the United States mails shall be considered to have occurred at the location of publication.

(e) Allocation of taxes between cities and towns. In cases where publication or distribution occurs in more than one city or town, the measurement of gross income subject to tax by the Town shall include:

1. that portion of the gross income from publication which reflects the ratio of circulation within this Town to circulation in all incorporated cities and towns in this State having substantially similar provisions; plus

2. only when publication occurs within the Town, that portion of the remaining gross income from publication which reflects the ratio of circulation within this Town to the total circulation of all incorporated cities or towns in this State within which cities the taxpayer maintains a location of publication.

(f) The tax imposed by this Section shall not apply to sales of newspapers, magazines or other periodicals to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property sold is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.

Sec. 8A-440. (Reserved)
Sec. 8A-444. Hotels.

The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of the gross income from the business activity upon every person engaging or continuing in the business of operating a hotel charging for lodging and/or lodging space furnished to any:

(a) Person.

(b) Exclusions. The tax imposed by this Section shall not include:

(1) Income derived from incarcerating or detaining prisoners who are under the jurisdiction of the United States, this State or any other state or a political subdivision of this State or of any other state in a privately operated prison, jail or detention facility.

(2) Gross proceeds of sales or gross income that is properly included in another business activity under this Article and that is taxable to the person engaged in that business activity, but the gross proceeds of sales or gross income to be deducted shall not exceed the consideration paid to the person conducting the activity.

(3) Gross proceeds of sales or gross income from transactions or activities that are not limited to transients and that would not be taxable if engaged in by a person not subject to tax under this Article.

(4) Gross proceeds of sales or gross income from transactions or activities that are not limited to transients and that would not be taxable if engaged in by a person subject to taxation under Section 8A-410 or Section 8A-475 due to an exclusion, exemption or deduction.

(5) Gross proceeds of sales or gross income from commissions received from a person providing services or property to the customers of the hotel. However, such commissions may be subject to tax under Section 8A-445 or Section 8A-450 as rental, leasing or licensing for use of real or tangible personal property.

(6) Income from providing telephone, fax or Internet services to customers at an additional charge, that is separately stated to the customer and is separately maintained in the hotel’s books and records. However, such gross proceeds of sales or gross income may be subject to tax under Section 8A-470 as telecommunication services.

Sec. 8A-445. Rental, leasing, and licensing for use of real property.

(a) The tax rate shall be at an amount equal to zero percent (0%) of the gross income from the business activity upon every person engaging or continuing in the business of leasing or renting real property located within the Town for a consideration, to the tenant in actual possession, or the licensing for use of real property to the final licensee located within the Town for a consideration including any improvements, rights, or interest in such property; provided further that:

(1) Payments made by the lessee to, or on behalf of, the lessor for property taxes, repairs, or improvements are considered to be part of the taxable gross income.

(2) Charges for such items as telecommunications, utilities, pet fees, or maintenance are considered to be part of the taxable gross income.

(3) However, if the lessor engages in telecommunication activity, as evidenced by installing individual metering equipment and by billing each tenant based upon actual usage, such activity is taxable under Section 8A-470.

(b) If individual utility meters have been installed for each tenant and the lessor separately charges each single tenant for the exact billing from the utility company, such charges are exempt.

(c) Charges by a qualifying hospital, qualifying community health center or a qualifying health care organization to patients of such facilities for use of rooms or other real property during the course of their treatment by such facilities are exempt.
(d) Charges for joint pole usage by a person engaged in the business of providing or furnishing utility or telecommunication services to another person engaged in the business of providing or furnishing utility or telecommunication services are exempt from the tax imposed by this Section.

(e) Exempt from the tax imposed by this Section is gross income derived from the rental, leasing, or licensing for use of real property to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property so rented, leased, or licensed is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.

(f) (Reserved)

(g) (Reserved)

(h) (Reserved)

(i) (Reserved)

(j) Exempt from the tax imposed by this Section is gross income derived from the activities taxable under Section 8A-444 of this code.

(k) (Reserved)

(l) (Reserved)

(m) (Reserved)

(n) Notwithstanding the provisions of Section 8A-200(b), the fair market value of one (1) apartment, in an apartment complex provided rent free to an employee of the apartment complex is not subject to the tax imposed by this Section. For an apartment complex with more than fifty (50) units, an additional apartment provided rent free to an employee for every additional fifty (50) units is not subject to the tax imposed by this Section.

(o) Income derived from incarcerating or detaining prisoners who are under the jurisdiction of the United States, this State or any other state or a political subdivision of this State or of any other state in a privately operated prison, jail or detention facility is exempt from the tax imposed by this Section.

(p) Charges by any hospital, any licensed nursing care institution, or any kidney dialysis facility to patients of such facilities for the use of rooms or other real property during the course of their treatment by such facilities are exempt.

(q) Charges to patients receiving "personal care" or "directed care", by any licensed assisted living facility, licensed assisted living center or licensed assisted living home as defined and licensed pursuant to Chapter 4 Title 36 Arizona Revised Statutes and Title 9 of the Arizona Administrative Code are exempt.
Income received from the rental of any “low-income unit” as established under Section 42 of the Internal Revenue Code, including the low-income housing credit provided by IRC Section 42, to the extent that the collection of tax on rental income causes the “gross rent” defined by IRC Section 42 to exceed the income limitation for the low-income unit is exempt. This exemption also applies to income received from the rental of individual rental units subject to statutory or regulatory “low-income unit” rent restrictions similar to IRC Section 42 to the extent that the collection of tax from the tenant causes the rental receipts to exceed a rent restriction for the low-income unit. This subsection also applies to rent received by a person other than the owner or lessor of the low-income unit, including a broker. This subsection does not apply unless a taxpayer maintains the documentation to support the qualification of a unit as a low-income unit, the “gross rent” limitation for the unit and the rent received from that unit.

The gross proceeds of a commercial lease of real property between affiliated companies, businesses, persons or reciprocal insurers are exempt. For the purposes of this paragraph:

1. “Affiliated Companies, Businesses, Persons or Reciprocal Insurers” means the lessor holds a controlling interest in the lessee, the lessee holds a controlling interest in the lessor, an affiliated entity holds a controlling interest in both the lessor and the lessee or an unrelated person holds a controlling interest in both the lessor and lessee.

2. “Controlling Interest” means direct or indirect ownership of at least eighty percent of the voting shares of a corporation or of the interests in a company, business or person other than a corporation.

3. “Reciprocal Insurer” has the same meaning as prescribed in A.R.S. Section 20-762.

Sec. 8A-446. (Reserved)

Sec. 8A-447. Rental, leasing, and licensing for use of real property: additional tax upon transient lodging.

In addition to the taxes levied as provided in Section 8A-444, there is hereby levied and shall be collected an additional tax in an amount equal to two and eighty-three one-hundredths percent (2.83%) of the gross income from the business activity of any hotel engaging or continuing within the Town in the business of charging for lodging and/or lodging space furnished to any transient.

Sec. 8A-450. Rental, leasing, and licensing for use of tangible personal property.

(a) The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of the gross income from the business activity upon every person engaging or continuing in the business of leasing, licensing for use, or renting tangible personal property for a consideration, including that which is semi-permanently or permanently installed within the Town as provided by Regulation.

(b) Special provisions relating to long-term motor vehicle leases. A lease transaction involving a motor vehicle for a minimum period of twenty-four (24) months shall be considered to have occurred at the location of the motor vehicle dealership, rather than the location of the place of business of the lessor, even if the lessor's interest in the lease and its proceeds are sold, transferred, or otherwise assigned to a lease financing institution; provided further that the city or town where such motor vehicle dealership is located levies a Privilege Tax or an equivalent excise tax upon the transaction.
(c) Gross income derived from the following transactions shall be exempt from Privilege Taxes imposed by this Section:

1. rental, leasing, or licensing for use of tangible personal property to persons engaged or continuing in the business of leasing, licensing for use, or rental of such property.

2. rental, leasing, or licensing for use of tangible personal property that is semi-permanently or permanently installed within another city or town that levies an equivalent excise tax on the transaction.

3. rental, leasing, or licensing for use of film, tape, or slides to a theater or other person taxed under Section 8A-410, or to a radio station, television station, or subscription television system.

4. rental, leasing, or licensing for use of the following:
   - prosthetics.
   - income-producing capital equipment.
   - mining and metallurgical supplies.
   These exemptions include the rental, leasing, or licensing for use of tangible personal property which, if it had been purchased instead of leased, rented, or licensed by the lessee or licensee, would qualify as income-producing capital equipment or mining and metallurgical supplies.

5. rental, leasing, or licensing for use of tangible personal property to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property so rented, leased, or licensed is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512 or rental, leasing, or licensing for use of tangible personal property in this State by a nonprofit charitable organization that has qualified under Section 501(c)(3) of the United States Internal Revenue Code and that engages in and uses such property exclusively for training, job placement or rehabilitation programs or testing for mentally or physically handicapped persons.

6. separately billed charges for delivery, installation, repair, and/or maintenance as provided by Regulation.

7. charges for joint pole usage by a person engaged in the business of providing or furnishing utility or telecommunication services to another person engaged in the business of providing or furnishing utility or telecommunication services.

8. (Reserved)

9. rental, leasing, or licensing of aircraft that would qualify as aircraft acquired for use outside the State, as prescribed by Regulation, if such rental, leasing, or licensing had been a sale.

10. rental, leasing and licensing for use of an alternative fuel vehicle if such vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in A.R.S. Section 1-215.

11. rental, leasing, and licensing for use of solar energy devices, for taxable periods beginning from and after July 1, 2008. The lessor shall register with the department of revenue as a solar energy retailer. By registering, the lessor acknowledges that it will make its books and records relating to leases of solar energy devices available to the department of revenue and Town, as applicable, for examination.

12. leasing or renting certified ignition interlock devices installed pursuant to the requirements prescribed by A.R.S. Section 28-1461. For the purposes of this Paragraph, "certified ignition interlock device" has the same meaning prescribed in A.R.S. Section 28-1301.

Sec. 8A-452. (Reserved)
Sec. 8A-455. Restaurants and bars.

(a) The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of the gross income from the business activity upon every person engaging or continuing in the business of preparing or serving food or beverage in a bar, cocktail lounge, restaurant, or similar establishment where articles of food or drink are prepared or served for consumption on or off the premises, including also the activity of catering. Cover charges and minimum charges must be included in the gross income of this business activity.

(b) Caterers and other taxpayers subject to the tax who deliver food and/or serve such food off premises shall also be allowed to exclude separately charged delivery, set-up, and clean-up charges, provided that the charges are also maintained separately in the books and records. When a taxpayer delivers food and/or serves such food off premises, his regular business location shall still be deemed the location of the transaction for the purposes of the tax imposed by this Section.

(c) The tax imposed by this Section shall not apply to sales to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when sold for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.

(d) The tax imposed by this Section shall not apply to sales of food, beverages, condiments and accessories used for serving food and beverages to a commercial airline, as defined in A.R.S. Section 42-5061(A)49, that serves the food and beverages to its passengers, without additional charge, for consumption in flight.

(e) The tax imposed by this Section shall not apply to sales of prepared food, beverages, condiments or accessories to a public educational entity, pursuant to any of the provisions of Title 15, Arizona Revised Statutes, to the extent such items are to be prepared or served to individuals for consumption on the premises of a public educational entity during school hours.

(f) For the purposes of this Section, “accessories” means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

Sec. 8A-460. Retail sales: measure of tax; burden of proof; exclusions.

(a) The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of the gross income from the business activity upon every person engaging or continuing in the business of selling tangible personal property at retail.

(b) The burden of proving that a sale of tangible personal property is not a taxable retail sale shall be upon the person who made the sale.

(c) Exclusions. For the purposes of this Chapter, sales of tangible personal property shall not include:

(1) sales of stocks, bonds, options, or other similar materials.
(2) sales of lottery tickets or shares pursuant to Article I, Chapter 5, Title 5, Arizona Revised Statutes.
(3) sales of platinum, bullion, or monetized bullion, except minted or manufactured coins transferred or acquired primarily for their numismatic value as prescribed by Regulation.
(4) gross income derived from the transfer of tangible personal property which is specifically included as the gross income of a business activity upon which another Section of this Article imposes a tax, shall be considered gross income of that business activity, and are not includable as gross income subject to the tax imposed by this Section.
(5) sales by professional or personal service occupations where such sales are
consequential elements of the service provided.

(6) Sales of Cash Equivalents. The gross proceeds of sales or gross income derived from the
redemption of any cash equivalent by the holder as a means of payment for goods or
services that are taxable under this Article is subject to the tax. "Cash equivalents"
means items or intangibles, whether or not negotiable, that are sold to one or more
persons, through which a value denominated in money is purchased in advance and
may be redeemed in full or in part for tangible personal property, intangibles or services.
Cash equivalents include gift cards, stored value cards, gift certificates, vouchers,
traveler's checks, money orders or other instruments, orders or electronic mechanisms,
such as an electronic code, personal identification number or digital payment
mechanism, or any other prepaid intangible right to acquire tangible personal property,
intangibles or services in the future, whether from the seller of the cash equivalent or
from another person. Cash equivalents do not include either of the following:
(A) items or intangibles that are sold to one or more persons, through which a value
is not denominated in money.
(B) prepaid calling cards or prepaid authorization numbers for telecommunications
services made taxable by Subsection (g) of this Section.

(d) (Reserved)

(e) When this Town and another Arizona city or town with an equivalent excise tax could claim nexus
for taxing a retail sale, the city or town where the permanent business location of the seller at
which the order was received shall be deemed to have precedence, and for the purposes of this
Chapter such city or town has sole and exclusive right to such tax.

(f) The appropriate tax liability for any retail sale where the order is received at a permanent business
location of the seller located in this Town or in an Arizona city or town that levies an equivalent
excise tax shall be at the tax rate of the city or town of such seller's location.

(g) Retail sales of prepaid calling cards or prepaid authorization numbers for telecommunications
services, including sales of reauthorization of a prepaid card or authorization number, are subject
to tax under this Section.

Sec. 8A-462. Retail sales: food for home consumption.

(a) The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%)
of the gross income from the business activity upon every person engaging or continuing in the
business of selling food for home consumption at retail.

(b) For the purposes of this Section only, the following definitions shall be applicable:
(1) "Eligible grocery business" means an establishment whose sales of food are such that it
is eligible to participate in the food stamp program established by the Food Stamp Act of
1977 (P.L. 95-113; 91 stat. 958.7 U.S.C. Section 2011 et seq.), according to regulations
in effect on January 1, 1979. An establishment is deemed eligible to participate in the
food stamp program if it is authorized to participate in the program by the United States
Department of Agriculture food and nutrition service field office on the effective date of
this Section, or if, prior to a reporting period for which the return is filed, such retailer
proves to the satisfaction of the Tax Collector that the establishment, based on the
nature of the retailer's food sales, could be eligible to participate in the food stamp
program established by the food stamp act of 1977 according to regulations in effect on
January 1, 1979.
(2) "Facilities for the consumption of food" means tables, chairs, benches, booths, stools, counters, and similar conveniences, trays, glasses, dishes, or other tableware and parking areas for the convenience of in-car consumption of food in or on the premises on which the retailer conducts business.

(3) "Food for consumption on the premises" means any of the following:
   (A) "Hot prepared food" as defined below.
   (B) Hot or cold sandwiches.
   (C) Food served by an attendant to be eaten at tables, chairs, benches, booths, stools, counters, and similar conveniences and within parking areas for the convenience of in-car consumption of food.
   (D) Food served with trays, glasses, dishes, or other tableware.
   (E) Beverages sold in cups, glasses, or open containers.
   (F) Food sold by caterers.
   (G) Food sold within the premises of theatres, movies, operas, shows of any type or nature, exhibitions, concerts, carnivals, circuses, amusement parks, fairs, races, contests, games, athletic events, rodeos, billiard and pool parlors, bowling alleys, public dances, dance halls, boxing, wrestling and other matches, and any business which charges admission, entrance, or cover fees for exhibition, amusement, entertainment, or instruction.
   (H) Any items contained in subsections (a)(3)(a) through (g) above even though they are sold on a "take-out" or "to go" basis, and whether or not the item is packaged, wrapped, or is actually taken from the premises.

(4) "Hot prepared food" means those products, items, or ingredients of food which are prepared and intended for consumption in a heated condition. "Hot prepared food" includes a combination of hot and cold food items or ingredients if a single price has been established.

(5) "Premises" means the total space and facilities in or on which a vendor conducts business and which are owned or controlled, in whole or in part, by a vendor or which are made available for the use of customers of the vendor or group of vendors, including any building or part of a building, parking lot, or grounds.

(6) "Food for home consumption" means all food, except food for consumption on the premises, if sold by any of the following:
   (A) an eligible grocery business.
   (B) a person who conducts a business whose primary business is not the sale of food but who sells food which is displayed, packaged, and sold in a similar manner as an eligible grocery business.
   (C) a person who sells food and does not provide or make available any facilities for the consumption of food on the premises.
   (D) a person who conducts a delicatessen business either from a counter which is separate from the place and cash register where taxable sales are made or from a counter which has two cash registers and which are used to record taxable and tax exempt sales, or a retailer who conducts a delicatessen business who uses a cash register which has at least two tax computing keys which are used to record taxable and tax exempt sales.
   (E) vending machines and other types of automatic retailers.
   (F) a person’s sales of food, drink and condiment for consumption within the premises of any prison, jail or other institution under the jurisdiction of the state Department of Corrections, the Department of Public Safety, the Department of Juvenile Corrections or a county sheriff.
(c) Income derived from the following sources is exempt from the tax imposed by this Section:

1. Sales of food for home consumption to a person regularly engaged in the business of selling such property.
2. Out-of-Town sales or out-of-State sales.
3. Charges for delivery or other “direct customer services” as prescribed by regulation.
4. Food purchased with food stamps provided through the food stamp program established by the Food Stamp Act of 1977 (P.L. 95-113; 91 stat. 958.7 U.S.C. Section 2011 et seq.) or purchased with food instruments issued under Section 17 of the Child Nutrition Act (P.L. 95-627; 92 stat. 3603; and P.L. 99-669; Section 4302; 42 United States Code Section 1786) but only to the extent that food stamps or food instruments were actually used to purchase such food.
5. Sales of food products by producers as provided for by A.R.S. Sections 3-561, 3-562 and 3-563.
6. Sales of food, beverages, condiments and accessories to a public educational entity, pursuant to any of the provisions of Title 15, Arizona Revised Statutes, including a regularly organized private or parochial school that offers an educational program for grade twelve or under which may be attended in substitution for a public school pursuant to A.R.S. Section 15-802; to the extent such items are to be prepared or served to individuals for consumption on the premises of a public educational entity during school hours. For the purposes of this Subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
7. Sales of food, beverages, condiments and accessories to a nonprofit charitable organization that has qualified as an exempt organization under 26 U.S.C. Section 501(c)(3) and regularly serves meals to the needy and indigent on a continuing basis at no cost. For the purposes of this Subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(d) Reporting. Such persons who sell food for home consumption shall, in conjunction with the return required pursuant to Section 8A-520, report to the Tax Collector in a manner prescribed by the Tax Collector all sales of food for home consumption exempted from taxes imposed by this Chapter.

(e) Recordkeeping.

1. Retailers shall maintain accurate, verifiable, and complete records of all purchases and sales of tangible personal property in order to verify exemptions from taxes imposed by this Chapter. A retailer may use any method of reporting that properly reflects all purchases and sales of food for home consumption, as well as all purchases and sales of items subject to taxes imposed by this Chapter, provided that such records are maintained in accordance with Article III, and regulations of the Tax Collector.
2. Any person who fails to maintain records as provided herein shall be deemed to have had no sales of food for home consumption, and if upon request by the Tax Collector, a person cannot demonstrate to the Tax Collector that such records and reports do properly reflect all sales of food for home consumption, the Tax Collector may recompute the amount of tax to be paid as provided in Sections 8A-370 and 8A-545(b).
Sec. 8A-465. Retail sales: exemptions.

Income derived from the following sources is exempt from the tax imposed by Section 8A-460:

(a) sales of tangible personal property to a person regularly engaged in the business of selling such property.

(b) out-of-Town sales or out-of-State sales.

(c) charges for delivery, installation, or other direct customer services as prescribed by Regulation.

(d) charges for repair services as prescribed by Regulation, when separately charged and separately maintained in the books and records of the taxpayer.

(e) sales of warranty, maintenance, and service contracts, when separately charged and separately maintained in the books and records of the taxpayer.

(f) sales of prosthetics.

(g) sales of income-producing capital equipment.

(h) sales of rental equipment and rental supplies.

(i) sales of mining and metallurgical supplies.

(j) sales of motor vehicle fuel and use fuel which are subject to a tax imposed under the provisions of Article I or II, Chapter 16, Title 28, Arizona Revised Statutes; or sales of use fuel to a holder of a valid single trip use fuel tax permit issued under A.R.S. Section 28-5739, or sales of natural gas or liquefied petroleum gas used to propel a motor vehicle.

(k) sales of tangible personal property to a construction contractor who holds a valid Privilege Tax License for engaging or continuing in the business of construction contracting where the tangible personal property sold is incorporated into any structure or improvement to real property as part of construction contracting activity.

(l) sales of motor vehicles to nonresidents of this State for use outside this State if the vendor ships or delivers the motor vehicle to a destination outside this State.

(m) sales of tangible personal property which directly enters into and becomes an ingredient or component part of a product sold in the regular course of the business of job printing, manufacturing, or publication of newspapers, magazines, or other periodicals. Tangible personal property which is consumed or used up in a manufacturing, job printing, publishing, or production process is not an ingredient nor component part of a product.

(n) sales made directly to the Federal government to the extent of:
   (1) one hundred percent (100%) of the gross income derived from retail sales made by a manufacturer, modifier, assembler, or repairer.
   (2) fifty percent (50%) of the gross income derived from retail sales made by any other person.

(o) sales to hotels, bars, restaurants, dining cars, lunchrooms, boarding houses, or similar establishments of articles consumed as food, drink, or condiment, whether simple, mixed, or compounded, where such articles are customarily prepared or served to patrons for consumption on or off the premises, where the purchaser is properly licensed and paying a tax under Section 8A-455 or the equivalent excise tax upon such income.
(p) sales of tangible personal property to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property sold is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512 or sales of tangible personal property purchased in this State by a nonprofit charitable organization that has qualified under Section 501(c)(3) of the United States Internal Revenue Code and that engages in and uses such property exclusively for training, job placement or rehabilitation programs or testing for mentally or physically handicapped persons.

(q) (Reserved)

(r) (Reserved)
   (1) (Reserved)
   (2) (Reserved)
   (3) (Reserved)
   (4) (Reserved)

(s) sales of groundwater measuring devices required by A.R.S. Section 45-604.

(t) (Reserved)

(u) sales of aircraft acquired for use outside the State, as prescribed by Regulation.

(v) sales of food products by producers as provided for by A.R.S. Sections 3-561, 3-562 and 3-563.

(w) (Reserved)

(x) sales of food and drink to a person who is engaged in business that is classified under the restaurant classification and that provides such food and drink without monetary charge to its employees for their own consumption on the premises during such employees’ hours of employment.

(y) (Reserved)

(z) (Reserved)

(aa) the sale of tangible personal property used in remediation contracting as defined in Section 8A-100 and Regulation 8A-100.5.

(bb) sales of materials that are purchased by or for publicly funded libraries including school district libraries, charter school libraries, community college libraries, state university libraries or federal, state, county or municipal libraries for use by the public as follows:
   (1) printed or photographic materials.
   (2) electronic or digital media materials.

(cc) sales of food, beverages, condiments and accessories used for serving food and beverages to a commercial airline, as defined in A.R.S. Section 42-5061(A)(49), that serves the food and beverages to its passengers, without additional charge, for consumption in flight. For the purposes of this subsection, “accessories” means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
(dd) in computing the tax base in the case of the sale or transfer of wireless telecommunication equipment as an inducement to a customer to enter into or continue a contract for telecommunication services that are taxable under Section 8A-470, gross proceeds of sales or gross income does not include any sales commissions or other compensation received by the retailer as a result of the customer entering into or continuing a contract for the telecommunications services.

(ee) for the purposes of this Section, a sale of wireless telecommunication equipment to a person who holds the equipment for sale or transfer to a customer as an inducement to enter into or continue a contract for telecommunication services that are taxable under Section 8A-470 is considered to be a sale for resale in the regular course of business.

(ff) sales of alternative fuel as defined in A.R.S. Section 1-215, to a used oil fuel burner who has received a Department of Environmental Quality permit to burn used oil or used oil fuel under A.R.S. Section 49-426 or Section 49-480.

(gg) sales of food, beverages, condiments and accessories to a public educational entity, pursuant to any of the provisions of Title 15, Arizona Revised Statutes, including a regularly organized private or parochial school that offers an educational program for grade twelve or under which may be attended in substitution for a public school pursuant to A.R.S. 15-802; to the extent such items are to be prepared or served to individuals for consumption on the premises of a public educational entity during school hours. For the purposes of this subsection, “accessories” means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(hh) sales of personal hygiene items to a person engaged in the business of and subject to tax under Section 8A-444 of this code if the tangible personal property is furnished without additional charge to and intended to be consumed by the person during his occupancy.

(ii) For the purposes of this Section, the diversion of gas from a pipeline by a person engaged in the business of operating a natural or artificial gas pipeline, for the sole purpose of fueling compressor equipment to pressurize the pipeline, is not a sale of the gas to the operator of the pipeline.

(jj) Sales of food, beverages, condiments and accessories to a nonprofit charitable organization that has qualified as an exempt organization under 26 U.S.C Section 501(c)(3) and regularly serves meals to the needy and indigent on a continuing basis at no cost. For the purposes of this subsection, “accessories” means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(kk) sales of motor vehicles that use alternative fuel if such vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and sales of equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in A.R.S. Section 1-215.

(ll) Sales of solar energy devices, for taxable periods beginning from and after July 1, 2008. The retailer shall register with the department of Revenue as a solar energy retailer. By registering, the retailer acknowledges that it will make its books and records relating to sales of solar energy devices available to the department of revenue and Town, as applicable, for examination.
sales or other transfers of renewable energy credits or any other unit created to track energy derived from renewable energy resources. For the purposes of this paragraph, "renewable energy credit" means a unit created administratively by the corporation commission or governing body of a public power utility to track kilowatt hours of electricity derived from a renewable energy resource or the kilowatt hour equivalent of conventional energy resources displaced by distributed renewable energy resources.

(sales of magazines or other periodicals or other publications by this state to encourage tourist travel.

sales of paper machine clothing, such as forming fabrics and dryer felts, sold to a paper manufacturer and directly used or consumed in paper manufacturing.

sales of overhead materials or other tangible personal property that is used in performing a contract between the United States government and a manufacturer, modifier, assembler or repairer, including property used in performing a subcontract with a government contractor who is a manufacturer, modifier, assembler or repairer, to which title passes to the government under the terms of the contract or subcontract.

sales of coal, petroleum, coke, natural gas, virgin fuel oil and electricity sold to a qualified environmental technology manufacturer, producer or processor as defined in A.R.S. Section 41-1514.02 and directly used or consumed in the generation or provision of on-site power or energy solely for environmental technology manufacturing, producing or processing or environmental protection. This paragraph shall apply for twenty full consecutive calendar or fiscal years from the date the first paper manufacturing machine is placed in service. In the case of an environmental technology manufacturer, producer or processor who does not manufacture paper, the time period shall begin with the date the first manufacturing, processing or production equipment is placed in service.

sales or gross income derived from sales of machinery, equipment, materials and other tangible personal property used directly and predominantly to construct a qualified environmental technology manufacturing, producing or processing facility as described in A.R.S. Section 41-1514.02. This subsection applies for ten full consecutive calendar or fiscal years after the start of initial construction.

Sec. 8A-470. Telecommunication services.

The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of the gross income from the business activity upon every person engaging or continuing in the business of providing telecommunication services to consumers within this Town.

Telecommunication services shall include:

(A) two-way voice, sound, and/or video communication over a communications channel.
(B) one-way voice, sound, and/or video transmission or relay over a communications channel.
(C) facsimile transmissions.
(D) providing relay or repeater service.
(E) providing computer interface services over a communications channel.
(F) time-sharing activities with a computer accomplished through the use of a communications channel.
(2) Gross income from the business activity of providing telecommunication services to consumers within this Town shall include:
(A) all fees for connection to a telecommunication system.
(B) toll charges, charges for transmissions, and charges for other telecommunications services; provided that such charges relate to transmissions originating in the Town and terminating in this State.
(C) fees charged for access to or subscription to or membership in a telecommunication system or network.
(D) charges for monitoring services relating to a security or burglar alarm system located within the Town where such system transmits or receives signals or data over a communications channel.
(E) charges for telephone, fax or Internet access services provided at an additional charge by a hotel business subject to taxation under Section 8A-444.

(b) Resale telecommunication services. Gross income from sales of telecommunication services to another provider of telecommunication services for the purpose of providing the purchaser's customers with such service shall be exempt from the tax imposed by this Section; provided, however, that such purchaser is properly licensed by the Town to engage in such business.

c) Interstate transmissions. Charges by a provider of telecommunication services for transmissions originating in the Town and terminating outside the State are exempt from the tax imposed by this Section.

d) (Reserved)

e) However, gross income from the providing of telecommunication services by a cable television system, as such system is defined in A.R.S. Section 9-505, shall be exempt from the tax imposed by this Section.

(f) Prepaid calling cards. Telecommunications services purchased with a prepaid calling card that are taxable under Section 8A-460 are exempt from the tax imposed under this Section.

g) Internet Access Services - the gross income subject to tax under this section shall not include sales of internet access services to the person's subscribers and customers. For the purposes of this subsection:
(1) "Internet" means the computer and telecommunications facilities that comprise the interconnected worldwide network of networks that employ the transmission control protocol or internet protocol, or any predecessor or successor protocol, to communicate information of all kinds by wire or radio.
(2) "Internet Access" means a service that enables users to access content, information, electronic mail or other services over the internet. Internet access does not include telecommunication services provided by a common carrier.
Sec. 8A-475. Transporting for hire.

The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of the gross income from the business activity upon every person engaging or continuing in the business of providing the following forms of transportation for hire from this Town to another point within the State:

(a) Transporting of persons or property by railroad; provided, however, that the tax imposed by this subsection shall not apply to transporting freight or property for hire by a railroad operating exclusively in this State if the transportation comprises a portion of a single shipment of freight or property, involving more than one railroad, either from a point in this State to a point outside this State or from a point outside this State to a point in this State. For purposes of this paragraph, “a single shipment” means the transportation that begins at the point at which one of the railroads first takes possession of the freight or property and continues until the point at which one of the railroads relinquishes possession of the freight or property to a party other than one of the railroads.

(b) transporting of oil or natural or artificial gas through pipe or conduit.

(c) transporting of property by aircraft.

(d) transporting of persons or property by motor vehicle, including towing and the operation of private car lines, as such are defined in Article VII, Chapter 14, Title 42, Arizona Revised Statutes; provided, however, that the tax imposed by this subsection shall not apply to:
   (1) gross income subject to the tax imposed by Article IV, Chapter 16, Title 28, Arizona Revised Statutes.
   (2) gross income derived from the operation of a governmentally adopted and controlled program to provide urban mass transportation.
   (3) (Reserved)
   (4) (Reserved)

(e) (Reserved)

(f) Deductions or exemptions. The gross proceeds of sales or gross income derived from the following sources is exempt from the tax imposed by this Section:
    (1) income that is specifically included as the gross income of a business activity upon which another Section of Article IV imposes a tax, that is separately stated to the customer and is taxable to the person engaged in that classification not to exceed consideration paid to the person conducting the activity.
    (2) income from arranging amusement or transportation when the amusement or transportation is conducted by another person not to exceed consideration paid to the amusement or transportation business.

(g) The tax imposed by this Section shall not include arranging transportation as a convenience to a person's customers if that person is not otherwise engaged in the business of transporting persons, freight or property for hire. This exception does not apply to businesses that dispatch vehicles pursuant to customer orders and send the billings and receive the payments associated with that activity, including when the transportation is performed by third party independent contractors. For the purposes of this paragraph, "arranging" includes billing for or collecting transportation charges from a person's customers on behalf of the persons providing the transportation.
Sec. 8A-480. Utility services.

(a) The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of the gross income from the business activity upon every person engaging or continuing in the business of producing, providing, or furnishing utility services, including electricity, electric lights, current, power, gas (natural or artificial), or water to:
(1) consumers or ratepayers who reside within the Town.
(2) consumers or ratepayers of this Town, whether within the Town or without, to the extent that this Town provides such persons utility services, excluding consumers or ratepayers who are residents of another city or town which levies an equivalent excise tax upon this Town for providing such utility services to such persons.

(b) Exclusion of certain sales of natural gas to a public utility. Notwithstanding the provisions of subsection (a) above, the gross income derived from the sale of natural gas to a public utility for the purpose of generation of power to be transferred by the utility to its ratepayers shall be considered a retail sale of tangible personal property subject to Sections 8A-460 and 8A-465, and not considered gross income taxable under this Section.

(c) Resale utility services. Sales of utility services to another provider of the same utility services for the purpose of providing such utility services either to another properly licensed utility provider or directly to such purchaser's customers or ratepayers shall be exempt and deductible from the cross income subject to the tax imposed by this Section, provided that the purchaser is properly licensed by all applicable taxing jurisdictions to engage or continue in the business of providing utility services, and further provided that the seller maintains proper documentation, in a manner similar to that for sales for resale, of such transactions.

(d) (Reserved)

(e) The tax imposed by this Section shall not apply to sales of utility services to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when sold for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.

(f) The tax imposed by this Section shall not apply to sales of natural gas or liquefied petroleum gas used to propel a motor vehicle.

(g) The tax imposed by this Section shall not apply to:
(1) revenues received by a municipally owned utility in the form of fees charged to persons constructing residential, commercial or industrial developments or connecting residential, commercial or industrial developments to a municipal utility system or systems if the fees are segregated and used only for capital expansion, system enlargement or debt service of the utility system or systems.
(2) revenues received by any person or persons owning a utility system in the form of reimbursement or contribution compensation for property and equipment installed to provide utility access to, on or across the land of an actual utility consumer if the property and equipment become the property of the utility. This exclusion shall not exceed the value of such property and equipment.

(h) The tax imposed by this Section shall not apply to sales of alternative fuel as defined in A.R.S. Section 1-215, to a used oil fuel burner who has received a Department of Environmental Quality permit to burn used oil or used oil fuel under A.R.S. Section 49-426 or Section 49-480.
(i) The tax imposed by this Section shall not apply to sales or other transfers of renewable energy credits or any other unit created to track energy derived from renewable energy resources. For the purposes of this paragraph, "renewable energy credit" means a unit created administratively by the corporation commission or governing body of a public power utility to track kilowatt hours of electricity derived from a renewable energy resource or the kilowatt hour equivalent of conventional energy resources displaced by distributed renewable energy resources.

(j) The tax imposed by this Section shall not apply to the portion of gross proceeds of sales or gross income attributable to transfers of electricity by any retail electric customer owning a solar photovoltaic energy generating system to an electric distribution system, if the electricity transferred is generated by the customer's system.

(k) (Reserved)

Sec. 8A-485. Wastewater removal services.

(a) The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of the gross income from the business activity upon every person engaging or continuing in the business of providing wastewater removal services by means of sewer lines or similar pipelines to:

1. consumers or ratepayers who reside within the Town.
2. consumers or ratepayers of this Town, whether within the Town or without, to the extent that this Town provides such persons wastewater removal services, excluding consumers or ratepayers who are residents of another city or town which levies an equivalent excise tax upon this Town for providing such wastewater removal services to such persons.

(b) The tax imposed by this Section shall not apply to gross income relating to the providing of wastewater removal services from a qualifying hospital, qualifying community health center, or a qualifying health care organization.
Article V - Administration

(NOTICE: Both the Department of Revenue and the Town of Prescott Valley may perform audits of local taxpayers. Although many of the administrative procedures are the same, regardless of which entity is performing the audit, some differences will apply. To identify those differences, the words "State Administration and Audits" or "Local Audits" appear following the title of the Section. If the Section applies to audits performed by both the State and the Town, no notation appears.)

Sec. 8A-500. Administration of this Chapter; rule making. (State Administration and Audits)

(a) The administration of this Chapter is vested in and exercised by the Town of Prescott Valley, and except as otherwise provided, and all payments shall be made to the Town of Prescott Valley. The Town may, pursuant to an intergovernmental agreement, contract with the State of Arizona Department of Revenue for the administration of the tax. In such cases, "Tax Collector" shall also mean the Arizona Department of Revenue, when acting as agent in administering this tax.

(b) The Tax Collector shall prescribe the forms and procedures necessary for the administration of the taxes imposed by this Chapter.

(c) Except where such Regulations would conflict with administrative regulations adopted by the Town Council or with provisions of this Chapter, all regulations on the Transaction Privilege Tax adopted by the Arizona Department of Revenue under the authority of A.R.S. Section 42-1005 shall be considered Regulations of this Chapter and enforceable as such.

(d) Taxpayers shall be subject to the state taxpayer bill of rights (A.R.S. Section 42-2051 et. seq.)

(e) The unified audit committee shall publish uniform guidelines that interpret the model city tax code and that apply to all cities and towns that have adopted the model city tax code as provided by A.R.S. Section 42-6005.
   (1) Prior to finalization of uniform guidelines that interpret the model city tax code, the unified audit committee shall disseminate draft guidelines for public comment.
   (2) Pursuant to A.R.S. Section 42-6005(D), when the state statutes and the model city tax code are the same and where the Arizona Department of Revenue has issued written guidance, the department's interpretation is binding on cities and towns.

Sec. 8A-500. Administration of this Chapter; rule making. (Local Audits)

(a) The administration of this Chapter is vested in and exercised by the Town of Prescott Valley, and except as otherwise provided, all payments shall be made to the Town of Prescott Valley. The Town may, pursuant to an intergovernmental agreement, contract with the State of Arizona Department of Revenue for the administration of the tax. In such cases, "Tax Collector" shall also mean the Arizona Department of Revenue, when acting as agent in administering this tax.

(b) The Tax Collector shall prescribe the forms and procedures necessary for the administration of the taxes imposed by this Chapter.

(c) Except where such Regulations would conflict with administrative regulations adopted by the Town Council or with provisions of this Chapter, all regulations on the Transaction Privilege Tax adopted by the Arizona Department of Revenue under the authority of A.R.S. Section 42-1005 shall be considered Regulations of this Chapter and enforceable as such.
(d) (Reserved)

(e) The unified audit committee shall publish uniform guidelines that interpret the model city tax code and that apply to all cities and towns that have adopted the model city tax code as provided by A.R.S. Section 42-6005.

1) Prior to finalization of uniform guidelines that interpret the model city tax code, the unified audit committee shall disseminate draft guidelines for public comment.

2) Pursuant to A.R.S. Section 42-6005(D), when the state statutes and the model city tax code are the same and where the Arizona Department of Revenue has issued written guidance, the department's interpretation is binding on cities and towns.

Sec. 8A-510. Divulging of information prohibited; exceptions allowing disclosure.

(a) Except as specifically provided, it shall be unlawful for any official or employee of the Town to make known information obtained pursuant to this Chapter concerning the business financial affairs or operations of any person.

(b) The Town Council may authorize an examination of any return or audit of a specific taxpayer made pursuant to this Chapter by authorized agents of the Federal Government, the State of Arizona, or any political subdivisions.

(c) The Tax Collector may provide to an Arizona county, city, or town any information concerning any taxes imposed in this Chapter relative to the taxing ordinances of that county, city, or town.

(d) Successors, receivers, trustees, personal representatives, executors, guardians, administrators, and assignees, if directly interested, may be given information by the Tax Collector as to the items included in the measure and amounts of any unpaid tax, interest, and penalties required to be paid.

(e) Upon a written direction by the Town Attorney or other legal advisor to the Town designated by the Town Council, officials or employees of the Town may divulge the amount and source of income, profits, leases, or expenditures disclosed in any return or report, and the amount of such delinquent and unpaid tax, penalty, or interest, to a private collection agency having a written collection agreement with the Town.

(f) The Tax Collector shall provide information to appropriate representatives of any Arizona city or town to comply with the provisions of A.R.S. Section 42-6003, A.R.S. Section 42-6005, and A.R.S. Section 42-6056.

(g) The Tax Collector may provide information to authorized agents of any other Arizona governmental agency involving the allocation of taxes imposed by Section 8A-435 upon publishing and distribution of periodicals.

(h) The Tax Collector may provide information regarding the enforcement and collection of taxes imposed by this Chapter to any governmental agency with which the Town has an agreement.

Sec. 8A-515. (Reserved) (State Administration and Audits)
Sec. 8A-515. Duties of the Taxpayer Problem Resolution Officer. (Local Audits)

(a) The Taxpayer Problem Resolution Officer shall assist taxpayers in:
   (1) obtaining easily understandable tax information and information on audits, corrections and appeals procedures of the Town.
   (2) answering questions regarding preparing and filing the returns required under this chapter.
   (3) locating documents filed with or payments submitted to the Tax Collector by the taxpayer.

(b) The Taxpayer Problem Resolution Officer shall also:
   (1) receive and evaluate complaints of improper, abusive or inefficient service by the Tax Collector or any of his designees, employees, or agents and recommend to the Town Manager or, for a Town without a Town Manager, the Chief Administrative Officer appropriate action to correct such service.
   (2) identify policies and practices of the Tax Collector or any of his designees, employees, or agents that might be barriers to the equitable treatment of taxpayers and recommend alternatives to the Town Manager or, for a Town without a Town Manager, the Chief Administrative Officer.
   (3) provide expeditious service to taxpayers whose problems are not resolved through normal channels.
   (4) negotiate with the Tax Collector, his designees, employees, or agents to resolve the most complex and sensitive taxpayer problems.
   (5) take action to stop or prohibit the Tax Collector from taking an action against a taxpayer.
   (6) participate and present taxpayers' interests and concerns in meetings formulating the Town's policies and procedures under and interpretation of this Chapter.
   (7) compile data each year on the number and type of taxpayer complaints and evaluate the actions taken to resolve those complaints.
   (8) survey taxpayers each year to obtain their evaluation of the quality of service provided by the Tax Collector, his designees, employees, and agents.
   (9) perform other functions which relate to taxpayer assistance as prescribed by the Town Manager or, for a Town without a Town Manager, the Chief Administrative Officer.

(c) Actions taken by the Taxpayer Problem Resolution Officer may be reviewed and/or modified only by the Town Manager or, for a Town without a Town Manager, the Chief Administrative Officer upon request of the Tax Collector or a taxpayer.

(d) The Mayor and Council of the Town shall be provided with a report quarterly which identifies:
   (1) any complaints of improper, abusive or inefficient service received by the Taxpayer Problem Resolution Officer since the date of the last report.
   (2) any recommendations made, action taken or surveys obtained by the Taxpayer Problem Resolution Officer pursuant to subsection (b)(1)-(9), above, since the date of the last report.

Sec. 8A-516. (Reserved) (State Administration and Audits)

Sec. 8A-516. Taxpayer Assistance Orders. (Local Audits)

(a) The Taxpayer Problem Resolution Officer, with or without a formal written request from a taxpayer, may issue a taxpayer assistance order that suspends or stays an action or proposed action by the Tax Collector if, in the problem resolution officer's determination, a taxpayer is suffering or will suffer a significant hardship due to the manner in which the Tax Collector is administering the tax laws.

(b) A taxpayer assistance order may require the Tax Collector to release any lien perfected under this Chapter, or cease any action or refrain from taking any action to enforce against the taxpayer any Section of this Chapter pending resolution of the issue giving rise to the taxpayer assistance order.
(c) The Taxpayer Problem Resolution Officer, Town Manager or, for a Town without a Town Manager, the Chief Administrative Officer may modify, reverse or rescind a taxpayer assistance order. A taxpayer assistance order is binding on the Tax Collector until it is reversed or rescinded.

(d) The running of the applicable statute of limitations for any action that is the subject of a taxpayer assistance order is suspended from the date the taxpayer applies for the order or the date the order is issued, whichever is earlier, until the order's expiration date, modification date or rescission date, if any. Interest that would otherwise accrue on an outstanding tax obligation is not affected by the issuance of a taxpayer assistance order.

(e) A taxpayer assistance order may not be used:
   (1) to contest the merits of a tax liability.
   (2) to substitute for informal protest procedures or administrative or judicial proceedings to review a deficiency assessment, collection action or denial of a refund claim.

Sec. 8A-517. (Reserved) (State Administration and Audits)

Sec. 8A-517. Basis for evaluating employee performance. (Local Audits)

(a) The Tax Collector shall solicit evaluations from taxpayers and include such evaluations in the performance appraisals of his employees, where applicable.

(b) The Tax Collector shall not evaluate an employee on the basis of taxes assessed or collected by that employee.

Sec. 8A-520. Reporting and payment of tax.

(a) The taxpayer shall be required to use the report form authorized by the Tax Collector and shall mail or deliver the same, together with remittance for the amount of tax due, payable to the Town of Prescott Valley, to the Tax Collector or any Town representative or agent authorized to receive such payment. The tax return shall be signed by the taxpayer or his authorized agent, and such signature shall be evidence that the person signing the return verifies the accuracy of the information supplied in the return.

(b) Payment. If payment is made in any form other than United States legal tender, the tax obligation shall not be satisfied until the payment has been honored in funds.

(c) Requirement of Security. If a taxpayer has remitted payment in the form of a check or other form of draw upon a bank or third party and such remittance has not been honored in funds, the Tax Collector may demand security for future payments.

(d) Method of Reporting. Each taxpayer shall elect to report on either a cash receipts basis or an accrual basis and shall indicate the choice on the Privilege License application. A taxpayer shall not change his reporting method without receiving prior written approval by the Tax Collector.
   (1) Taxpayers must report all gross income subject to the tax using the same basis of reporting.
   (2) Taxes imposed upon construction contracting shall be reported as follows:
       (A) Construction contractors shall report on either a progressive billing ("accrual") basis or cash receipts basis.
       (B) Speculative builders shall report the gross income derived from sale of improved real property at close of escrow or at transfer of title or possession, whichever occurs earlier.
       (C) Owner-builders who are not speculative builders shall report taxable amounts as provided in Section 8A-417.
Sec. 8A-530. When tax due; when delinquent; verification of return; extensions.

(a) Except as otherwise specified in this Section, the taxes levied under this Chapter shall be due, payable, and delinquent on the dates specified for the State Transaction Privilege Taxes in A.R.S. Section 42-5014. The taxpayer shall report on the taxes imposed by this Chapter at such frequency to be identical to the taxpayer's reporting frequency for the reporting of State Transaction Privilege Taxes.

(b) (Reserved)

c) (Reserved)

d) (Reserved)

e) The Tax Collector may for good cause extend the date for making any return required under the provisions of this Section as prescribed by A.R.S. Section 42-1107.

Sec. 8A-540. Interest and civil penalties.

Any taxpayer who shall have failed to timely pay any taxes imposed by this Chapter, or file a report for the same in a timely manner, or fail or refuse to allow examination of records by the Tax Collector, shall be subject to any interest or civil penalties on such tax in like manner as such interest and penalties are provided in A.R.S. Sections 42-1123 and 42-1125 for the State Transaction Privilege Tax.

(a) (Reserved)

(b) (Reserved)

c) (Reserved)

d) (Reserved)

e) (Reserved)

(f) (Reserved)

g) (Reserved)

(h) (Reserved)

(i) (Reserved)

Sec. 8A-541. (Reserved) (State Administration and Audits)
Sec. 8A-541. Erroneous advice or misleading statements by the Tax Collector; abatement of penalties and interest; definition. (Local Audits)

(a) Notwithstanding Section 8A-540(a), no interest or penalty may be assessed on an amount assessed as a deficiency if either:

(1) the deficiency assessed is directly attributable to erroneous written advice furnished to the taxpayer by an employee of the Town acting in an official capacity in response to a specific request from the taxpayer and not from the taxpayer's failure to provide adequate or accurate information.

(2) all of the following are true:

   (A) a tax return form prepared by the Tax Collector contains a statement that, if followed by a taxpayer, would cause the taxpayer to misapply this Chapter.

   (B) the taxpayer reasonably relies on the statement.

   (C) the taxpayer's underpayment directly results from this reliance.

(b) Each employee of the Tax Collector, at the time any oral advice is given to any person, shall inform the person that the Tax Collector is not bound by such oral advice.

(c) For purposes of this Section "tax return form" includes the instructions that the Tax Collector prepares for use with the tax return form.

Section 8A-542. Prospective application of new law or interpretation or application of law.

(a) Unless expressly authorized by law, the Tax Collector shall not apply any newly enacted legislation retroactively or in a manner that will penalize a taxpayer for complying with prior law.

(b) If the Tax Collector adopts a new interpretation or application of any provision of this Chapter or determines that any provision applies to a new or additional category or type of business and the change in interpretation or application is not due to a change in the law:

(1) The change in interpretation or application applies prospectively only unless it is favorable to taxpayers.

(2) The Tax Collector shall not assess any tax, penalty or interest retroactively based on the change in interpretation or application.

(c) For purposes of subsection (b), “new interpretation or application” includes policies and procedures which differ from established interpretations of this Chapter.

(d) (Reserved)

Sec. 8A-545. Deficiencies; when inaccurate return is filed; when no return is filed; estimates.

(a) If a taxpayer has failed to file a return or if the Tax Collector is not satisfied with the return or payment of tax required, the Tax Collector may redetermine the tax due, plus penalties and interest, and notify the taxpayer, as provided and prescribed by A.R.S. Sections 42-1108 and 42-1109.

(1) (Reserved)

(2) (Reserved)

(b) Estimates by the Tax Collector. Any estimate made by the Tax Collector is to be made on a reasonable basis. The existence of another reasonable basis of estimation does not, in any way, invalidate the Tax Collector's estimate. It is the responsibility of the taxpayer to prove that the Tax Collector's estimate is not reasonable and correct, by providing sufficient documentation of the type and form required by this Chapter or satisfactory to the Tax Collector.
Sec. 8A-546.  (Reserved)  (State Administration and Audits)

Sec. 8A-546.  Closing agreements in cases of extensive taxpayer misunderstanding or misapplication; approval; rules.  (Local Audits)

(a)  If the Tax Collector determines that noncompliance with tax obligations results from extensive misunderstanding or misapplication of provisions of this Chapter it may enter into closing agreements with those taxpayers under the following terms and conditions:

1.  Extensive misunderstanding or misapplication of the tax laws occurs if the Tax Collector determines that more than sixty percent (60%) of the persons in the affected class have failed to properly account for their taxes owing to the same misunderstanding or misapplication of the tax laws.

2.  The Tax Collector shall publicly declare the nature of the possible misapplication and the proposed definition of the class of affected taxpayers and shall conduct a public hearing to hear testimony regarding the extent of the misapplication and the definition of the affected class.

3.  If, after the public hearing, the Tax Collector determines that a class of affected taxpayers has failed to comply with their tax obligations because of extensive misunderstanding or misapplication of the tax laws it shall issue a tax ruling announcing that finding and publish the ruling in a newspaper of general circulation in the Town and through the next two model city tax code updates.

4.  A closing agreement under this Section may abate some or all of the penalties, interest and tax that taxpayers have failed to remit, or the agreement may provide for the prospective treatment of the matter as to the class of affected taxpayers.  All taxpayers in the class shall be offered the opportunity to enter into a similar agreement for the same tax periods.

5.  Taxpayers in the affected class who have properly accounted for their tax obligations for these tax periods shall be offered the opportunity to enter into an equivalent closing agreement providing for a pro rata credit or refund of their taxes previously paid.

6.  The closing agreement shall require the taxpayers to properly account for and pay such taxes in the future.  If a taxpayer fails to adhere to such a requirement, the closing agreement is voidable by the Tax Collector and he may assess the taxpayer for the delinquent taxes.  The Tax Collector may issue such a proposed assessment within six months after the date that he declares that closing agreement void or within the period prescribed by Section 8A-550 of this Chapter.

(b)  Before entering into closing agreements pursuant to this Section, the Tax Collector shall secure such approval as required by charter, ordinance or administrative regulation.

(c)  After a closing agreement has been signed pursuant to this Section, it is final and conclusive except on a showing of fraud, malfeasance or misrepresentation of a material fact.  The case shall not be reopened as to the matters agreed upon or the agreement shall not be modified by any officer, employee or agent of the Town.  The agreement or any determination, assessment, collection, payment abatement, refund or credit made pursuant to the agreement shall not be annulled, modified, set aside or disregarded in any suit, action or proceeding.

(d)  The Tax Collector shall report in writing its activities under this Section to the Mayor and Town Council on or before February 1 of each year.
Sec. 8A-550. Limitation periods.

(a) Except as provided elsewhere in this Chapter, deficiency assessments for the taxes imposed by this Chapter must be issued within the limitation periods prescribed in A.R.S. Section 42-1104, and must meet the provisions of A.R.S. Section 42-1108.

(b) (Reserved)

(c) In cases of failure to file a return or a false or fraudulent return, the limitation period shall be as prescribed in A.R.S. Section 42-1109.

(d) Special provisions relating to owner-builders. The limitation for an owner-builder subject to the tax as prescribed in Section 8A-417 shall be based upon the date such tax liability is reportable or was reported, as provided in Section 8A-417.

Sec. 8A-553. (Reserved) (State Administration and Audits)

Sec. 8A-553. Examination of taxpayer records; joint audits. (Local Audits)

(a) Waiver of Joint Audit. A taxpayer that does not authorize a joint audit to be conducted for a tax jurisdiction is subject to audit by that tax jurisdiction at any time subject to the limitation provisions provided in Section 8A-550.

(b) Tax Jurisdiction Acceptance of Joint Audit. If the Arizona Department of Revenue intends to conduct an audit of a taxpayer, the cities or towns for whom a joint audit is being conducted may accept the audit by the Arizona Department of Revenue or may elect to have a representative participate, provided that no more than two city or town representatives in total may participate.
   (1) If a city or town does not accept the audit as a joint audit, the city or town may not conduct an audit of the taxpayer for forty-two months from the close of the last tax period covered by the audit unless an exception applies to that taxpayer pursuant to A.R.S. Section 42-2059.
   (2) If a joint audit is performed by a city or town, the Arizona Department of Revenue is not prohibited from conducting an audit that does not violate the provisions of A.R.S. Section 42-2059.

Sec. 8A-555. Tax Collector may examine books and other records; failure to provide records.

(a) The Tax Collector may require the taxpayer to provide and may examine any books, records, or other documents of any person who, in the opinion of the Tax Collector, might be liable for any tax under this Chapter, for any periods available to him under Section 8A-550.

(b) (Reserved)

(c) (Reserved)

(d) The Tax Collector may use any generally accepted auditing procedures, including sampling techniques, to determine the correct tax liability of any taxpayer. The Tax Collector shall ensure that the procedures used are in accordance with generally accepted auditing standards.
(e) The fact that the taxpayer has not maintained or provided such books and records which the Tax Collector considers necessary to determine the tax liability of any person does not preclude the Tax Collector from making any assessment. In such cases, the Tax Collector is authorized to use estimates, projections, or samplings, to determine the correct tax. The provisions of Section 8A-545(b), concerning estimates, shall apply.

(f) (Reserved)

Sec. 8A-556. (Reserved) (State Administration and Audits)

Sec. 8A-556. No additional audits or proposed assessments; exceptions. (Local Audits)

(a) Once the Tax Collector completes an examination authorized by Section 8A-555 and a written notice of the determination of a deficiency has been issued to the taxpayer pursuant to Section 8A-545(a) or 8A-555(f), the taxpayer's liability for the time period subjected to the examination is fixed and determined, and no additional audit or examination may be conducted by the Tax Collector with respect to such time period except under the following circumstances:

(1) If a taxpayer files a claim for refund under Section 8A-560, the Tax Collector may conduct an examination limited to the issues presented in the refund claim.

(2) If the taxpayer failed to disclose material information during the initial examination, falsified books or records, or otherwise engaged in conduct which prevented the Tax Collector from conducting an accurate examination. The applicability of this subsection, and the Tax Collector's right to proceed thereunder, may be raised and contested by the taxpayer in a subsequent administrative review brought pursuant to Section 8A-570.

(b) An audit or examination conducted by any other taxing jurisdiction will not preclude the Tax Collector from conducting an audit or examination for the same time period.

(c) If the Tax Collector issues a notice of deficiency pursuant to either Section 8A-545(a) or Section 8A-555(f), the Tax Collector may not increase the proposed deficiency except in one or more of the following circumstances:

(1) the taxpayer made a material misrepresentation of fact.

(2) the taxpayer failed to disclose a material fact.

(3) the Tax Collector submitted a written request for information and the taxpayer, despite possessing or having access to such information, failed to provide it within 60 days as required by Section 8A-555(c).

(4) after issuing the notice of determination of deficiency but before the deficiency became final, the Arizona Tax Court, Court of Appeals or Supreme Court issued a decision, the applicability of which causes the deficiency initially proposed to increase.

Sec. 8A-560. Erroneous payment of tax; credits and refunds; limitations.

(a) Except as provided in Section 8A-565, the period within which a claim, meeting the requirements of subsection (c) of this Section, for credit may be filed, or refund allowed or made if no claim is filed, shall be as provided in A.R.S. Sections 42-1106 and 42-1118. For purposes of this Section, “claimant” means a taxpayer that has paid a tax imposed under this article and has submitted a credit or refund claim under this Section. Except where the taxpayer has granted a customer a power of attorney to pursue a credit or refund claim on the taxpayer’s behalf, claimant does not include any customer of such taxpayer, whether or not the claimant collected the tax from customers by separately stated itemization.
(b) (Reserved)

(c) A credit or refund claim submitted by a claimant for credit or refund of any taxes, penalties, or interest paid must be in writing and:
   (1) Identify the name, address and Town tax identification number of the taxpayer; and
   (2) Identify the dollar amount of the credit or refund requested; and
   (3) Identify the specific tax period involved; and
   (4) Identify the specific grounds upon which the claim is based.

(d) (Reserved)

(e) (Reserved)

(f) Interest shall be allowed on the overpayment of tax for any credit or refund authorized pursuant to this Section at the rate and in the manner set forth in Section 8A-540(a). Interest shall be calculated from the date the Tax Collector receives the claimant's written claim meeting the requirements of subsection (c) of this Section.

(g) The denial of a refund by the Tax Collector is subject to the provisions of A.R.S. Section 42-1119.

(h) Claimants shall be subject to the State taxpayer bill of rights (A.R.S. Section 42-2051 et. seq.), except that reasonable fees and other costs may be awarded and are not subject to the monetary limitations of A.R.S. Section 42-2064 if the Tax Collector's position was not substantially justified or was brought for the purpose of harassing the claimant, frustrating the credit or refund process or delaying the credit or refund. For the purposes of this Section, "reasonable fees and other costs" means fees and other costs that are based on prevailing market rates for the kind and quality of the furnished services, not to exceed the amounts actually paid for expert witnesses, the cost of any study, analysis, report, test, project or computer program that is found to be necessary to prepare the claimant's case and necessary fees for attorneys or other representatives.

(i) (Reserved)

(j) Any refund paid under the provisions of this Section shall be paid from the Privilege Tax revenue accounts.

Sec. 8A-565. Payment of tax by the incorrect taxpayer or to the incorrect Arizona city or town.

(a) When it is determined that taxes have been reported and paid to the Town by the wrong taxpayer, any taxes erroneously paid shall be transferred by the Town to the privilege tax account of the person who actually owes and should have paid such taxes, provided that the Town receives an assignment and waiver signed by both the person who actually paid the tax and the person who should have paid the tax.

(b) An assignment and waiver provided under this Section, must:
   (1) identify the name and town privilege license number of the person who erroneously paid the tax and the person who should have paid the tax.
   (2) provide that the person who erroneously paid the tax waives any right such person may have to a refund of the taxes erroneously paid.
   (3) authorize the Town Treasurer to transfer the erroneously paid tax to the privilege tax account of the person who should have paid the tax.
(c) When it is determined that taxes have been reported and paid to the wrong Arizona city or town, such taxes shall be remitted to the correct city or town, provided that the city or town to whom the taxes were erroneously paid receives an assignment and waiver signed by both the person who actually paid the tax and the person who should have paid the tax. Where the person who actually paid the tax and the person who should have paid the tax are one and the same, no assignment and waiver need be provided. The Town shall neither pay nor charge any interest or penalty on any overpayment or underpayment except such interest and penalty actually paid by the taxpayer relating to such tax.

(d) This Section in no way limits or restricts the applicability of any remedies which may otherwise be available under A.R.S. Section 42-6003. The limitations and procedures set forth in A.R.S. Section 42-6003 shall apply to all payments under this Section.

(e) When reference is made in this Section to this town or an Arizona city or town, and payments made to or requested from this Town or an Arizona city or town, the provisions shall be applicable to the Arizona Department of Revenue when it is acting for or on behalf of this Town or an Arizona city or town.

Sec. 8A-567. (Reserved)

Sec. 8A-570. Administrative review; petition for hearing or for redetermination; finality of order. (State Administration and Audits)

(a) Closing agreements between the Tax Collector and a taxpayer have no force of law unless made in accordance with the provisions of A.R.S. Section 42-1113.

(b) Administrative review.
   (1) Petitions of appeal shall be made to, and hearings shall be conducted by, the Arizona Department of Revenue, in accordance with the provisions of A.R.S. Section 42-1251, as modified by Section 8A-571.
   (2) (Reserved)
   (3) (Reserved)
   (4) (Reserved)
   (5) Hearings shall be held by the Arizona Department of Revenue in accordance with the provisions of A.R.S. Section 42-1251. The Department's decision may be appealed to the State Board of Tax Appeals, in accordance with the provisions of A.R.S. Section 42-1253.
   (6) (Reserved)
   (7) (Reserved)
   (8) (Reserved)

(c) (Reserved)

(d) (Reserved)

(e) Taxpayers shall be subject to the state taxpayer bill of rights (A.R.S. Section 42-2051 et. seq.).

Sec. 8A-570. Administrative review; petition for hearing or for redetermination; finality of order. (Local Audits)

For the purposes of this section, "Municipal Tax Hearing Office" means the administrative offices of the Municipal Tax Hearing Officer.

(a) Informal Conference. A taxpayer shall have the right to discuss any proposed assessment with the auditor prior to the issuance of any assessment, but any such informal conference is not required for the taxpayer to file a petition for administrative review.
(b) Administrative Review. 

(1) **Filing a Petition.** Other than in the case of a jeopardy assessment, a taxpayer may contest the applicability or amount of tax, penalty, or interest imposed upon or paid by him pursuant to this Chapter by filing a petition for a hearing or for redetermination with the Tax Collector as set forth below:

- (A) within forty-five (45) days of receipt by the taxpayer of notice of a determination by the Tax Collector that a tax, penalty, or interest amount is due, or that a request for refund or credit has been denied; or
- (B) by voluntary payment of any contested amount when accompanied by a timely filed return and a petition requesting a refund of the protested portion of said payment; or
- (C) by petition accompanying a timely filed return contesting an amount reported but not paid; or
- (D) by petition requesting review of denial of waiver of penalty as provided in subsection 8A-540(g).

(2) **Extension to file a petition.** In all cases, the taxpayer may request an extension from the Tax Collector. Such request must be in writing, state the reasons for the requested delay, and must be filed with the Tax Collector within the period allowed above for originally filing a petition. The Tax Collector shall allow a forty-five (45) day extension to file a petition, when such written request has been properly and timely made by the taxpayer, but such extension shall not exceed forty-five (45) days beyond the time provided for originally filing a petition. The Tax Collector may grant an additional extension and may determine the corresponding time of any such extension at his sole discretion.

(3) **Requirements for petition.**

- (A) The petition shall be in writing and shall set forth the reasons why any correction, abatement, or refund should be granted, and the amount of reduction or refund requested. The petition may be amended at any time prior to the time the taxpayer rests his case at the hearing or such time as the Hearing Officer allows for submitting of amendments in cases of redeterminations without hearings. The Hearing Officer may require that amendments be in writing, and in that case, he shall provide a reasonable period of time to file the amendment. The Hearing Officer shall provide a reasonable period of time for the Tax Collector to review and respond to the petition and to any written amendments.

- (B) The taxpayer, as part of the petition, may request a hearing which shall be granted by the Hearing Officer. If no request for hearing is made the petition shall be considered to be submitted for decision by the Hearing Officer on the matters contained in the petition and in any reply made by the Tax Collector.

- (C) The provisions of this Section are exclusive, and no petition seeking any correction, abatement, or refund shall be considered unless the petition is timely and properly filed under the Section.

(4) **Transmittal to Hearing Officer.** The town shall designate a Hearing Officer, who may be other than an employee of the (city/town). The Tax Collector, if designated to receive petitions, shall forward any petition to the Municipal Tax Hearing Officer within twenty (20) days after receipt, accompanied by documentation as to timeliness. In cases where the Hearing Officer determines that the petition is not timely or not in proper form, he shall notify both the taxpayer and the Tax Collector; and in cases of petitions not in proper form only, the Hearing Officer shall provide the taxpayer with an extension up to forty-five (45) days to correct the petition.

(5) **Hearings** shall be conducted by a Hearing Officer and shall be continuous until the Hearing Officer closes the record. The taxpayer may be heard in person or by his authorized representative at such hearing. Hearings shall be conducted informally as to the order of proceeding and presentation of evidence. The Hearing Officer shall admit evidence over hearsay objections where the offered evidence has substantial probative value and reliability. Further, copies of records and documents prepared in the ordinary course of business may be admitted, without objection as to foundation, but subject to argument as to weight, admissibility, and authenticity. Summary accounting records may be admitted subject to satisfactory proof of the reliability of the summaries. In all cases, the decision of the Hearing Officer shall be made solely upon substantial and reliable evidence. All expenses incurred in the hearing shall be paid by the party incurring the same.
(6) Redeterminations upon a "petition for redetermination" shall follow the same conditions, except that no oral hearing shall be held.

(7) Hearing Ruling. In either case, the Hearing Officer shall issue his ruling not later than forty-five (45) days after the close of the record by the Hearing Officer.

(8) Notice of Refund or Adjusted Assessment. Within sixty (60) days of the issuance of the Hearing Officer's decision, the Tax Collector shall issue to the taxpayer either a notice of refund or an adjusted assessment recalculated to conform to the Hearing Officer's decision.

(c) Stipulations that future tax is also protested. A taxpayer may enter into a stipulation with the Tax Collector that future taxes of similar nature are also at issue in any protest or appeal. However, unless such stipulation is made, it is presumed that the protest or appeal deals solely and exclusively with the tax specifically protested and no other. When a taxpayer enters into such a stipulation with the Tax Collector that future taxes of similar nature will be included in any redetermination, hearing, or court case, it is the burden of that taxpayer to identify, segregate, and keep record of such income or protested taxable amount in his books and records in the same manner as the taxpayer is required to segregate exempt income.

(d) When an assessment is final.
(1) If a request for administrative review and petition for hearing or redetermination of an assessment made by the Tax Collector is not filed within the period required by subsection (b) above, such person shall be deemed to have waived and abandoned the right to question the amount determined to be due and any tax, interest, or penalty determined to be due shall be final as provided in subsections 8A-545(a) and 8A-555(f).

(2) The decision made by the Hearing Officer upon administrative review by hearing or redetermination shall become final thirty (30) days after the taxpayer receives the notice of refund or adjusted assessment required by subsection (b)(8) above, unless the taxpayer appeals the order or decision in the manner provided in Section 8A-575.

(c) The provisions of the state taxpayer bill of rights (A.R.S. Section 42-2051 et. seq.) shall not apply.

Sec. 8A-571. Jeopardy assessments. (State Administration and Audits)

(a) If the Tax Collector believes that collection of any amounts imposed by this Chapter will be jeopardized by delay, he shall issue notice to the taxpayer in accordance with the provisions of A.R.S. Section 42-1111.

(b) In cases where such jeopardy notice has been issued, the taxpayer must meet the provisions of A.R.S. Section 42-1111, concerning appeals of jeopardy assessments, before any request for administrative review shall be honored. Any bond or collateral that may be required shall meet the provisions of A.R.S. Section 42-1102.

(c) (Reserved)

(d) (Reserved)

Sec. 8A-571. Jeopardy assessments. (Local Audits)

(a) If the Tax Collector believes that the collection of any assessment or deficiency of any amounts imposed by this Chapter will be jeopardized by delay, he shall deliver to the taxpayer a notice of such finding and demand immediate payment of the tax or deficiency declared to be in jeopardy, including interest, penalties, and additions.

(b) Jeopardy assessments are immediately due and payable, and the Tax Collector may immediately begin proceedings for collection. The taxpayer, however, may stay collection by filing, within ten (10) days after receipt of notice of jeopardy assessment, or within such additional time as the Tax Collector may allow, by bond or collateral in favor of the Town in the amount Tax Collector declared to be in jeopardy in his notice.
(c) "Bond or Collateral", as required by this Section,
(i) shall mean either:
(A) a bond issued in favor of the Town by a surety company authorized to transact business in this State and approved by the Director of Insurance as to solvency and responsibility, or
(B) collateral composed of securities or cash which are deposited with, and kept in the custody of, the Tax Collector.
(2) shall be of such form that it may, at any time without notice, be applied to any tax, penalties, or interest due and payable for the purposes of this Chapter. Securities held as collateral by the Tax Collector must be of a nature that they may be sold at public or private sale without notice to the taxpayer.

(d) If bond or collateral is not filed within the period prescribed by subsection (b) above, the tax collector may treat the assessment as final for purposes of any collection proceedings. The taxpayer nevertheless shall be afforded the appeal rights provided in Sections 8A-570 and 8A-575. The filing of a petition by the taxpayer under Section 8A-570, however, shall not stay the tax collector's rights to pursue any collection proceedings.

(e) If the taxpayer timely files sufficient bond or collateral, the jeopardy requirements are deemed satisfied, and the taxpayer may avail himself of the provisions of Section 8A-570, including requests for additional time to file a petition.

Sec. 8A-572. (Reserved) (State Administration and Audits)

Sec. 8A-572. Expedited review of jeopardy assessments. (Local Audits)

(a) Within thirty (30) days after the day on which the Tax Collector furnishes the written notice required by Section 8A-571(a), the taxpayer, pursuant to Section 8A-570, may request the Tax Collector to review the action taken. Within fifteen (15) days after the request for review, the Tax Collector shall determine whether both the jeopardy determination and the amount assessed are reasonable.

(b) Within thirty (30) days after the Tax Collector notifies the taxpayer of the determination he reached pursuant to subsection (a) above, the taxpayer may bring a civil action in the appropriate court. If the taxpayer so requests, the Town shall stipulate to an accelerated and expedited resolution of the civil action. If the court determines that either the jeopardy determination or the amount assessed is unreasonable, the court may order the Tax Collector to abate the assessment, to redetermine any part of the amount assessed or to take such other action as the court finds to be appropriate. A determination made by the court under this subsection is final except as provided in Arizona Revised Statutes § 12-170.

Sec. 8A-575. Judicial review. (State Administration and Audits)

(a) Appeal of a State Board of Tax Appeals decision to the courts is valid only if all the provisions of A.R.S. Section 42-1254 are met.

(b) (Reserved)

(c) (Reserved)

(d) (Reserved)
(e) The Town has the burden of proof by a preponderance of the evidence in any court proceeding regarding any factual issue relevant to ascertaining the tax liability of a taxpayer. This subsection does not abrogate any requirement of this Chapter that requires a taxpayer to substantiate an item of gross income, exclusion, exemption, deduction, or credit. This subsection applies to a factual issue if a preponderance of the evidence demonstrates that:

1. the taxpayer asserts a reasonable dispute regarding the issue.
2. the taxpayer has fully cooperated with the tax collector regarding the issue, including providing within a reasonable period of time, access to and inspection of all witnesses, information and documents within the taxpayer's control, as reasonably requested by the tax collector.
3. the taxpayer has kept and maintained records as required by the Town.

(f) The issuance of an adjusted or corrected assessment or notice of refund due to the taxpayer, where made by the Tax Collector pursuant to the decision of the Hearing Officer, shall not be deemed an acquiescence by the Town or the Tax Collector in said decision, nor shall it constitute a bar or estoppel to the institution of an action or counterclaim by the Town to recover any amounts claimed to be due to it by virtue of the original assessment.

(g) After the initiation of any action in the appropriate court by either party, the opposite party may file such counterclaim as would be allowed pursuant to the Arizona Rules of Civil Procedure.

Sec. 8A-575. Judicial review. (Local Audits)

(a) A taxpayer may seek judicial review of all or any part of a Hearing Officer's decision by initiating an action against the Town in the appropriate Court of this County. A taxpayer is not required to pay any tax, penalty, or interest upheld by the Hearing Officer before seeking such judicial review.

(b) The Tax Collector may seek judicial review of all or any part of a Hearing Officer's decision by initiating an action in the appropriate Court of this County.

(c) An action for judicial review cannot be commenced by either the taxpayer or the Tax Collector more than thirty (30) days after receipt by the taxpayer of notice of any refund or assessment recalculated or reduced to conform to the Hearing Officer's decision, unless the time to commence such an action is extended in writing signed by both the taxpayer and the Tax Collector. Failure to bring the action within thirty (30) days or such other time as is agreed upon in writing shall constitute a waiver of any right to judicial review, except as provided in subsection (g) below.

(d) The court shall hear and determine the appeal as a trial de novo; however, the Tax Collector cannot raise in the court any grounds or basis for the assessment not asserted before the Hearing Officer. Nothing in this subsection, however, shall preclude the Tax Collector from responding to any arguments which are raised by the taxpayer in the appeal.

(e) The Town has the burden of proof by a preponderance of the evidence in any court proceeding regarding any factual issue relevant to ascertaining the tax liability of a taxpayer. This subsection does not abrogate any requirement of this Chapter that requires a taxpayer to substantiate an item of gross income, exclusion, exemption, deduction, or credit. This subsection applies to a factual issue if a preponderance of the evidence demonstrates that:

1. the taxpayer asserts a reasonable dispute regarding the issue.
2. the taxpayer has fully cooperated with the tax collector regarding the issue, including providing within a reasonable period of time, access to and inspection of all witnesses, information and documents within the taxpayer's control, as reasonably requested by the tax collector.
3. the taxpayer has kept and maintained records as required by the Town.
(f) The issuance of an adjusted or corrected assessment or notice of refund due to the taxpayer, where made by the Tax Collector pursuant to the decision of the Hearing Officer, shall not be deemed an acquiescence by the Town or the Tax Collector in said decision, nor shall it constitute a bar or estoppel to the institution of an action or counterclaim by the Town to recover any amounts claimed to be due to it by virtue of the original assessment.

(g) After the initiation of any action in the appropriate court by either party, the opposite party may file such counterclaim as would be allowed pursuant to the Arizona Rules of Civil Procedure.

Sec. 8A-577. (Reserved)

Sec. 8A-578. (Reserved)  (State Administration and Audits)

Sec. 8A-578. Reimbursement of fees and other costs; definitions. (Local Audits)

(a) A taxpayer who is a prevailing party may be reimbursed for reasonable fees and other costs related to any administrative proceeding brought by the taxpayer pursuant to Section 8A-570(b). For purposes of this Section, a taxpayer is considered to be the prevailing party only if both of the following are true:
1. the Tax Collector's position was not substantially justified.
2. the taxpayer prevails as to the most significant issue or set of issues.

(b) Reimbursement under this Section may be denied if any of the following circumstances apply:
1. during the course of the proceeding the taxpayer unduly and unreasonably protracted the final resolution of the matter.
2. the reason that the taxpayer prevailed is due to an intervening change in the applicable law.

(c) The taxpayer shall present an itemization of the reasonable fees and other costs to the Taxpayer Problem Resolution Officer within thirty (30) days after receipt by the taxpayer of a notice of refund or recalculated assessment issued by the Tax Collector pursuant to Section 8A-570(b)(8). The Taxpayer Problem Resolution Officer shall determine the validity of the fees and other costs within thirty (30) days after receiving the itemization. The Taxpayer Problem Resolution Officer's decision is considered a final decision. Either the taxpayer or the Tax Collector may seek judicial review of the Taxpayer Problem Resolution Officer's decision. An action for judicial review, however, shall not be commenced more than thirty (30) days after receipt of the resolution officer's decision.

(d) In the event judicial review is not sought pursuant to subsection (c) above, the Town shall pay the fees and other costs awarded as provided in this Section within thirty days after demand by a person who has received an award pursuant to this Section.

(e) Reimbursement to a taxpayer under this Section shall not exceed twenty thousand dollars or actual monies spent, whichever is less. The reimbursable attorney or representative fees shall not exceed one hundred dollars per hour or actual monies spent, whichever is less, unless the Taxpayer Problem Resolution Officer determines that an increase in the cost of living or a special factor such as the limited availability of qualified attorneys or representatives for the proceeding involved justifies a higher fee.

(f) For purposes of this Section "reasonable fees and other costs" means fees and other costs that are based on prevailing market rates for the kind and quality of the furnished services, but not exceeding the amounts actually spent for expert witnesses, the cost of any study, analysis, report, test or project that is found to be necessary to prepare the party's case and necessary fees for attorneys or other representatives.
Sec. 8A-580. Criminal penalties.

(a) It is unlawful for any person to knowingly or willfully:
   (1) fail or refuse to make any return required by this Chapter.
   (2) fail to remit as and when due the full amount of any tax or additional tax or penalty and interest thereon.
   (3) make or cause to be made a false or fraudulent return.
   (4) make or cause to be made a false or fraudulent statement in a return, in written support of a return, or to demonstrate or support entitlement to a deduction, exclusion, or credit or to entitle the person to an allocation or apportionment or receipts subject to tax.
   (5) fail or refuse to permit any lawful examination of any book, account, record, or other memorandum by the Tax Collector.
   (6) fail or refuse to remit any tax collected by such person from his customer to the Tax Collector before the delinquency date next following such collection.
   (7) advertise or hold out to the public in any manner, directly or indirectly, that any tax imposed by this Chapter, as provided in this Chapter, is considered as an element in the price to the consumer.
   (8) fail or refuse to obtain a Privilege License or to aid or abet another in any attempt to intentionally refuse to obtain such a license or evade the license fee.
   (9) reproduce, forge, falsify, fraudulently obtain or secure, or aid or abet another in any attempt to reproduce, forge, falsify, or fraudulently obtain or secure, an exemption from taxes imposed by this Chapter.

(b) The violation of any provision of subsection (a) above shall constitute a Class One Misdemeanor.

(c) In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent statement, with the intent aforesaid, shall be guilty of the offense of perjury and on conviction thereof shall be punished in the manner provided by law.

Sec. 8A-590. Civil actions. (State Administration and Audits)

(a) Liens.
   (1) Any tax, penalty, or interest imposed under this Chapter which has become final, as provided in this Chapter, shall become a lien when the Town perfects a notice and claim of lien setting forth the name of the taxpayer, the amount of the tax, penalty, and interest, the period or periods for which the same is due, and the date of accrual thereof, the amount of the recording costs by the county recorder in any county in which the taxpayer owns real property and the documentation and lien processing fees imposed by the Town Council and further, stating that the Town claims a lien therefor.
   (2) The notice of claim of lien shall be signed by the tax collector under his official seal or the official seal of the Town, and, with respect to real property, shall be recorded in the office of the County Recorder of any county in which the taxpayer owns real property, and, with respect to personal property shall be filed in the office of the Secretary of State. After the notice and claim of lien is recorded or filed, the taxes, penalties, interest and recording costs and lien processing fees referred to above in the amounts specified therein shall be a lien on all real property of the taxpayer located in such county where recorded, and all tangible personal property of the taxpayer within the State, superior to all other liens and assessments recorded or filed subsequent to the recording or filing of the notice and claim of lien.
   (3) Every tax and any increases, interest, penalties, and recording costs and lien processing fees referred to above, shall become from the time the same is due and payable a personal debt from the person liable to the Town, but shall be payable to and recoverable by the Tax Collector and which may be collected in the manner set forth in subsection (b) below.
(4) Any lien perfected pursuant to this Section shall, upon payment of the taxes, penalties, interest, recording costs and lien processing fees referred to above and lien release fees imposed by the county recorder in any county in which the lien was recorded, thereby, be released by the Tax Collector in the same manner as mortgages and judgments are released. The Tax Collector may, at his sole discretion, release a lien in part, that is, against only specified property, for partial payment of moneys due the Town.

(b) Actions to recover tax. The Arizona Department of Revenue, or any agent or representative authorized by that Department, may bring action, in the name of the Town, to recover taxes as provided in A.R.S. Section 42-1114.

Sec. 8A-590. Civil actions. (Local Audits)

(a) Liens.

(1) Any tax, penalty, or interest imposed under this Chapter which has become final, as provided in this Chapter, shall become a lien when the Town perfects a notice and claim of lien setting forth the name of the taxpayer, the amount of the tax, penalty, and interest, the period or periods for which the same is due, and the date of accrual thereof, the amount of the recording costs by the county recorder in any county in which the taxpayer owns real property and the documentation and lien processing fees imposed by the Town Council and further, stating that the Town claims a lien therefor.

(2) The notice of claim of lien shall be signed by the Town Manager under his official seal or the official seal of the Town, and, with respect to real property, shall be recorded in the office of the County Recorder of any county in which the taxpayer owns real property, and, with respect to personal property shall be filed in the office of the Secretary of State. After the notice and claim of lien is recorded or filed, the taxes, penalties, interest and recording costs and lien processing fees referred to above in the amounts specified therein shall be a lien on all real property of the taxpayer located in such county where recorded, and all tangible personal property of the taxpayer within the State, superior to all other liens and assessments recorded or filed subsequent to the recording or filing of the notice and claim of lien.

(3) Every tax and any increases, interest, penalties, and recording costs and lien processing fees referred to above, shall become from the time the same is due and payable a personal debt from the person liable to the Town, but shall be payable to and recoverable by the Tax Collector and which may be collected in the manner set forth in subsection (b) below.

(4) Any lien perfected pursuant to this Section shall, upon payment of the taxes, penalties, interest, recording costs and lien processing fees referred to above and lien release fees imposed by the county recorder in any county in which the lien was recorded, thereby, be released by the Tax Collector in the same manner as mortgages and judgments are released. The Tax Collector may, at his sole discretion, release a lien in part, that is, against only specified property, for partial payment of moneys due the Town.

(b) Actions to recover tax. An action may be brought by the Town Attorney or other legal advisor to the Town designated by the Town Council, at the request of the Tax Collector, in the name of the Town, to recover the amount of any taxes, penalties, interest, recording costs, lien processing fees and lien release fees due under this Chapter; provided that:

(1) no action or proceeding may be taken or commenced to collect any taxes levied by this Chapter until the amount thereof has been established by assessment, correction, or reassessment; and

(2) such collection effort is made or the proceedings begun:
   (A) within six (6) years after the assessment of the tax; or
   (B) prior to the expiration of any period of collection agreed upon in writing by the Tax Collector and the taxpayer before the expiration of such six (6) year period, or any extensions thereof; or
   (C) at any time for the collection of tax arising by reason of a tax lien perfected, recorded, or possessed by the Town under this Section.
Sec. 8A-595. Collection of taxes when there is succession in and/or cessation of business.

(a) In addition to any remedy provided elsewhere in this Town Code that may apply, the Tax Collector may apply the provisions of subsections (b) through (d) below concerning the collection of taxes when there is succession in and/or cessation of business.

(b) The taxes imposed by this Chapter are a lien on the property of any person subject to this Chapter who sells his business or stock of goods, or quits his business, if the person fails to make a final return and payment of the tax within fifteen (15) days after selling or quitting his business.

(c) Any person who purchases, or who acquires by foreclosure, by sale under trust deed or warranty deed in lieu of foreclosure, or by any other method, improved real property or a portion of improved real property for which the Privilege Tax imposed by this Chapter has not been paid shall be responsible for payment of such tax as a speculative builder or owner builder, as provided in Sections 8A-416 and 8A-417.

(1) Any person who is a creditor or an affiliate of creditor, who acquires improved real property directly or indirectly from the creditor’s debtor by any means set forth in this subsection, shall pay the tax based on the amount received by the creditor or its affiliate in a subsequent sale of such improved real property to a party unrelated to the creditor, regardless of when such subsequent sale takes place. Such tax shall be due in the month following the month in which the sale of the improved real property by the creditor or its affiliate occurs. Notwithstanding the foregoing, if the real property meets the definition of partially improved residential real property in Section 8A-416(a)(4) and all of the requirements of Section 8A-416(b)(4) are met by the parties to the subsequent sale transaction, then the tax shall not apply to the subsequent sale.

(2) In the event a creditor or its affiliate uses the acquired improved real property for any business purpose, other than operating the property in the manner in which it was operated, or was intended to be operated, before the acquisition or in any other manner unrelated to selling the property, the tax shall be due. The gross income upon which the tax shall be determined pursuant to Sections 8A-416 and 8A-417 shall be the fair market value of the improved real property as of the date of acquisition. The tax shall be due in the month following the month in which such first business use occurs. When applicable, the credit bid shall be deemed to be the fair market value of the property as of the date of acquisition.

(3) Once the subsequent sale by the creditor or its affiliate has occurred and the creditor or its affiliate has paid the tax due from it pursuant to this subsection, neither the creditor nor its affiliate, nor any future owner, shall be liable for any outstanding tax, penalties or interest that may continue to be due from the debtor based on the transfer from the debtor to the creditor or its affiliate.

(4) If the tax liability imposed by either Section 8A-416 or Section 8A-417 on the transfer of the improved real property to the creditor or its affiliate, or any part thereof, is paid to the tax collector by the debtor subsequent to payment of the tax by the creditor or its affiliate, the amount so paid may constitute a credit, as equitably determined by the tax collector in good faith, against the tax imposed on the creditor or its affiliate by either paragraph 1 or paragraph 2 of this subsection.

(5) Notwithstanding anything in this chapter to the contrary, if a creditor or its affiliate is subject to tax as described in paragraph 1 or paragraph 2 of this subsection and such creditor or affiliate has not previously been required to be licensed, such creditor or affiliate shall become licensed no later than the date on which the tax is due.
(d) A person's successors or assignees shall withhold from the purchase money an amount sufficient to cover the taxes required to be paid, and interest or penalties due and payable, until the former owner produces a receipt from the Tax Collector showing that all Town tax has been paid or a certificate stating that no amount is due as then shown by the records of the Tax Collector. The Tax Collector shall respond to a request from the seller for a certificate within fifteen (15) days by either providing the certificate or a written notice stating why the certificate cannot be issued.

1) If a subsequent audit shows a deficiency arising before the sale of the business, the deficiency is an obligation of the seller and does not constitute a liability against a buyer who has received a certificate from the Tax Collector.

2) If the purchaser of a business or stock of goods fails to obtain a certificate as provided by this Section, he is personally liable for payment of the amount of taxes required to be paid by the former owner on account of the business so purchased, with interest and penalties accrued by the former owner or assignees.

Sec. 8A-596. (Reserved) (State Administration and Audits)

Sec. 8A-596. Agreement for installment payments of tax. (Local Audits)

(a) The Town may enter into an agreement with a taxpayer to allow the taxpayer to satisfy a liability for any tax imposed by this Chapter by means of installment payments. The Tax Collector may require a taxpayer who requests an installment payment agreement to complete a financial report in such form and manner as the Tax Collector may prescribe.

(b) The Tax Collector, without notice, may alter, modify or terminate an installment payment agreement if the taxpayer:

1) fails to pay an installment at the time the installment payment is due under the agreement.

2) fails to pay any other tax liability at the time the liability is due.

3) fails to file any tax report or return at the time the report or return is due.

4) fails to furnish any information requested by the Tax Collector within thirty days after receiving a written request for such information.

5) fails to notify the Tax Collector of a material improvement in the taxpayer's financial condition above the income previously reported in the most recent income statement within thirty days after the material improvement.

6) provides inaccurate, false or incomplete information to the Tax Collector.

(c) Notwithstanding any installment payment agreement, the Tax Collector may offset any tax refunds against the liabilities provided for in the installment payment agreement, may file and perfect any tax liens and, in the event the taxpayer breaches any term or provision of the installment payment agreement, may engage in collection activities.

(d) The Tax Collector, without notice, may terminate an installment payment agreement if the Tax Collector believes that the collection of tax to which the payment agreement pertains is in jeopardy.

(e) If the Tax Collector determines that the financial condition of a taxpayer has improved, the Tax Collector may alter, modify or terminate the agreement by providing notice to the taxpayer at least thirty days before the effective date of the action. The notice shall include the reasons why the Tax Collector believes the alteration, modification or termination is appropriate.

(f) An installment payment agreement shall remain in effect for the term of the agreement except as otherwise provided in this Section.
(g) A taxpayer who is aggrieved by a decision of the Tax Collector to refuse to enter into an installment payment agreement or to alter, modify or terminate an agreement entered into pursuant to this Section may petition the Taxpayer Problem Resolution Officer to review that determination. The Taxpayer Problem Resolution Officer may stay such alteration, modification or termination pending its review and may modify or nullify the determination.

(h) The Town and the taxpayer may modify any installment payment agreement at any time by entering into a new or modified agreement.

Sec. 8A-597. (Reserved) (State Administration and Audits)

Sec. 8A-597. Private taxpayer rulings; request; revocation or modification; definition. (Local Audits)

(a) The Tax Collector shall issue private taxpayer rulings to taxpayers and potential taxpayers on request. Each request shall be in writing and shall:
   (1) state the name, address and, if applicable, taxpayer identifying number of the taxpayer or potential taxpayer who requests the ruling.
   (2) describe all facts that are relevant to the requested ruling.
   (3) state whether, to the best knowledge of the taxpayer or potential taxpayer, the issue or related issues are being considered by the Tax Collector or any other taxing jurisdiction in connection with an active audit, protest or appeal that involves the taxpayer or potential taxpayer and whether the same request has been or is being submitted to another taxing jurisdiction for a ruling.
   (4) be signed by the taxpayer or potential taxpayer who makes the request or by an authorized representative of the taxpayer or potential taxpayer.

(b) A private taxpayer ruling may be revoked or modified by either:
   (1) a change or clarification in the law that was applicable at the time the ruling was issued, including changes or clarifications caused by regulations and court decisions.
   (2) actual written notice by the Tax Collector to the last known address of the taxpayer or potential taxpayer of the revocation or modification of the private taxpayer ruling.

(c) With respect to the taxpayer or prospective taxpayer to whom a private taxpayer ruling is issued, the revocation or modification of a private taxpayer ruling shall not be applied retroactively to tax periods or tax years before the effective date of the revocation or modification and the Tax Collector shall not assess any penalty or tax attributable to erroneous advice that is furnished to the taxpayer or potential taxpayer in the private taxpayer ruling if:
   (1) the taxpayer reasonably relied on the private taxpayer ruling.
   (2) the penalty or tax did not result either from a failure by the taxpayer to provide adequate or accurate information or from a change in the information.

(d) A private taxpayer ruling may not be relied upon, cited nor introduced into evidence in any proceeding by any taxpayer other than the taxpayer who received the ruling.

(e) A taxpayer may appeal the propriety of a retroactive application of a revoked or modified private taxpayer ruling by filing a written petition with the Tax Collector pursuant to Section 8A-570 within forty-five (45) days after receiving written notice of the intent to retroactively apply a revoked or modified private taxpayer ruling.

(f) A private taxpayer ruling constitutes the Tax Collector's interpretation of the Sections of this Chapter only as they apply to the taxpayer making, and the particular facts contained in, the request.
(g) A private taxpayer ruling which addresses a taxpayer's ongoing business activities will apply only
to transactions that occur or tax liabilities that accrue from and after the date of the taxpayer's
ruling request.

(h) The Tax Collector shall attempt to issue private taxpayer rulings within forty-five (45) days after
receiving the written request and on receiving the facts that are relevant to the ruling. If the ruling
is expected to be delayed beyond the forty-five (45) days, the Tax Collector shall notify the
requestor of the delay and the proposed date of issuance.

(i) Within thirty (30) days after being issued, the Tax Collector shall maintain the private taxpayer
ruling as a public record and make it available at a reasonable cost for public inspection and
copying. The text of private taxpayer rulings are open to public inspection subject to the
confidentiality requirements prescribed by Section 8A-510.

(j) In this Section, "private taxpayer ruling" means a written determination by the Tax Collector
issued pursuant to this Section that interprets and applies one or more Sections contained in this
Chapter and any applicable regulations.

(k) A private taxpayer ruling issued by the Arizona Department of Revenue pursuant to A.R.S. Section
42-2101 may be relied upon by the taxpayer to whom the ruling was issued and must be
recognized and followed by any Town in which such taxpayer has obtained a privilege license if
the Town has not issued a ruling addressing the facts described in the taxpayer's ruling request and
the statute at issue in the taxpayer's ruling request is, in essence, worded and written the same as
the applicable Section hereunder.
Article VI - Use Tax

Sec. 8A-600. Use tax: definitions.

For the purposes of this Article only, the following definitions shall apply, in addition to the definitions provided in Article I:

"Acquire (for Storage or Use)" means purchase, rent, lease, or license for storage or use.

"Retailer" also means any person selling, renting, licensing for use, or leasing tangible personal property under circumstances which would render such transactions subject to the taxes imposed in Article IV, if such transactions had occurred within this Town.

"Storage (within the Town)" means the keeping or retaining of tangible personal property at a place within the Town for any purpose, except for those items acquired specifically and solely for the purpose of sale, rental, lease, or license for use in the regular course of business or for the purpose of subsequent use solely outside the Town.

"Use (of Tangible Personal Property)" means consumption or exercise of any other right or power over tangible personal property incident to the ownership thereof except the holding for the sale, rental, lease, or license for use of such property in the regular course of business.

Sec. 8A-601. (Reserved)

Sec. 8A-602. (Reserved)

Sec. 8A-610. Use tax: imposition of tax; presumption.

(a) There is hereby levied and imposed, subject to all other provisions of this Chapter, an excise tax on the storage or use in the Town of tangible personal property, for the purpose of raising revenue to be used in defraying the necessary expenses of the Town, such taxes to be collected by the Tax Collector.

(b) The tax rate shall be at an amount equal to two and eighty-three one-hundredths percent (2.83%) of the:
   (1) cost of tangible personal property acquired from a retailer, upon every person storing or using such property in this Town.
   (2) gross income from the business activity upon every person meeting the requirements of subsection 8A-620(b) or (c) who is engaged or continuing in the business activity of sales, rentals, leases, or licenses of tangible personal property to persons within the Town for storage or use within the Town, to the extent that tax has been collected upon such transaction.
   (3) cost of the tangible personal property provided under the conditions of a warranty, maintenance, or service contract.
   (4) cost of complimentary items provided to patrons without itemized charge by a restaurant, hotel, or other business.
   (5) cost of food consumed by the owner or by employees or agents of the owner of a restaurant or bar subject to the provisions of Section 8A-455 of this Chapter.

(c) It shall be presumed that all tangible personal property acquired by any person who at the time of such acquisition resides in the Town is acquired for storage or use in this Town, until the contrary is established by the taxpayer.
(d) **Exclusions.** For the purposes of this Article, the acquisition of the following shall not be deemed to be the purchase, rental, lease, or license of tangible personal property for storage or use within the Town:

1. stocks, bonds, options, or other similar materials.
2. lottery tickets or shares sold pursuant to Article I, Chapter 5, Title 5, Arizona Revised Statutes.
3. Platinum, bullion, or monetized bullion, except minted or manufactured coins transferred or acquired primarily for their numismatic value as prescribed by Regulation.

(e) (Reserved)

(f) (Reserved)

**Sec. 8A-620. Use tax: liability for tax.**

The following persons shall be deemed liable for the tax imposed by this Article; and such liability shall not be extinguished until the tax has been paid to this Town, except that a receipt from a retailer separately charging the tax imposed by this Chapter is sufficient to relieve the person acquiring such property from further liability for the tax to which the receipt refers:

(a) Any person who acquires tangible personal property from a retailer, whether or not such retailer is located in this Town, when such person stores or uses said property within the Town.

(b) Any retailer not located within the Town, selling, renting, leasing, or licensing tangible personal property for storage or use of such property within the Town, may obtain a License from the Tax Collector and collect the Use Tax on such transactions. Such retailer shall be liable for the Use Tax to the extent such Use Tax is collected from his customers.

(c) Every agent within the Town of any retailer not maintaining an office or place of business in this Town, when such person sells, rents, leases, or licenses tangible personal property for storage or use in this Town shall, at the time of such transaction, collect and be liable for the tax imposed by this Article upon the storage or use of the property so transferred, unless such retailer or agent is liable for an equivalent excise tax upon the transaction.

(d) Any person who acquires tangible personal property from a retailer located in the Town and such person claims to be exempt from the Town Privilege or Use tax at the time of the transaction, and upon which no Town Privilege Tax was charged or paid, when such claim is not sustainable.

(e) Every person storing or using tangible personal property under the conditions of a warranty, maintenance, or service contract.

**Sec. 8A-630. Use tax: recordkeeping requirements.**

All deductions, exclusions, exemptions, and credits provided in this Article are conditional upon adequate proof of documentation as required by Article III or elsewhere in this Chapter.

**Sec. 8A-640. Use tax: credit for equivalent excise taxes paid another jurisdiction.**

In the event that an equivalent excise tax has been levied and paid upon tangible personal property which is acquired to be stored or used within this Town, full credit for any and all such taxes so paid shall be allowed by the Tax Collector but only to the extent Use Tax is imposed upon that transaction by this Article.
Sec. 8A-650. Use tax: exclusion when acquisition subject to Use Tax is taxed or taxable elsewhere in this Chapter; limitation.

The tax levied by this Article does not apply to the storage or use in this Town of tangible personal property acquired in this Town, the gross income from the sale, rental, lease, or license of which were included in the measure of the tax imposed by Article IV of this Chapter; provided, however, that any person who has acquired tangible personal property from a vendor in this Town without paying the Town Privilege Tax because of a representation to the vendor that the property was not subject to such tax, when such claim is not sustainable, may not claim the exclusion from such Use Tax provided by this Section.

Sec. 8A-660. Use tax: exemptions.

The storage or use in this Town of the following tangible personal property is exempt from the Use Tax imposed by this Article:

(a) tangible personal property brought into the Town by an individual who was not a resident of the Town at the time the property was acquired for his own use, if the first actual use of such property was outside the Town, unless such property is used in conducting a business in this Town.

(b) tangible personal property, the value of which does not exceed the amount of one thousand dollars ($1,000) per item, acquired by an individual outside the limits of the Town for his personal use and enjoyment.

(c) charges for delivery, installation, or other customer services, as prescribed by Regulation.

(d) charges for repair services, as prescribed by Regulation.

(e) separately itemized charges for warranty, maintenance, and service contracts.

(f) prosthetics.

(g) income-producing capital equipment.

(h) rental equipment and rental supplies.

(i) mining and metallurgical supplies.

(j) motor vehicle fuel and use fuel which are used upon the highways of this State and upon which a tax has been imposed under the provisions of Article I or II, Chapter 16, Title 28, Arizona Revised Statutes.

(k) tangible personal property purchased by a construction contractor, but not an owner-builder, when such person holds a valid Privilege License for engaging or continuing in the business of construction contracting, and where the property acquired is incorporated into any structure or improvement to real property in fulfillment of a construction contract.

(l) Sales of motor vehicles to nonresidents of this State for use outside this State if the vendor ships or delivers the motor vehicle to a destination outside this State.

(m) tangible personal property which directly enters into and becomes an ingredient or component part of a product sold in the regular course of the business of job printing, manufacturing, or publication of newspapers, magazines or other periodicals. Tangible personal property which is consumed or used up in a manufacturing, job printing, publishing, or production process is not an ingredient nor component part of a product.
(n) rental, leasing, or licensing for use of film, tape, or slides by a theater or other person taxed under Section 8A-410, or by a radio station, television station, or subscription television system.

(o) food served to patrons for a consideration by any person engaged in a business properly licensed and taxed under Section 8A-455, but not food consumed by owners, agents, or employees of such business.

(p) tangible personal property acquired by a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property is in fact used in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.

(q) (Reserved)

(r) (Reserved)

(s) groundwater measuring devices required by A.R.S. Section 45-604.

(t) (Reserved)

(u) aircraft acquired for use outside the State, as prescribed by Regulation.

(v) sales of food products by producers as provided for by A.R.S. Sections 3-561, 3-562 and 3-563.

(w) (Reserved)

(x) food and drink provided by a person who is engaged in business that is classified under the restaurant classification without monetary charge to its employees for their own consumption on the premises during such employees’ hours of employment.

(y) Tangible personal property donated to an organization or entity qualifying as an exempt organization under 26 U.S.C. Section 501(c)(3); if and only if:

1. the donor is engaged or continuing in a business activity subject to a tax imposed by Article IV; and
2. the donor originally purchased the donated property for resale in the ordinary course of the donor's business; and
3. the donor obtained from the donee a letter or other evidence satisfactory to the Tax Collector of qualification under 26 U.S.C. Section 501(c)(3) from the Internal Revenue Service or other appropriate federal agency; and
4. the donor maintains, and provides upon demand, such evidence to the Tax Collector, in a manner similar to other documentation required under Article III.

(z) (Reserved)

(aa) tangible personal property used in remediation contracting as defined in Section 8A-100 and Regulation 8A-100.5.

(bb) materials that are purchased by or for publicly funded libraries including school district libraries, charter school libraries, community college libraries, state university libraries or federal, state, county or municipal libraries for use by the public as follows:

1. printed or photographic materials.
2. electronic or digital media materials.
(cc) food, beverages, condiments and accessories used for serving food and beverages by a commercial airline, as defined in A.R.S. Section 42-5061(A)(49), that serves the food and beverages to its passengers, without additional charge, for consumption in flight. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(dd) wireless telecommunication equipment that is held for sale or transfer to a customer as an inducement to enter into or continue a contract for telecommunication services that are taxable under Section 8A-470.

(ee) (Reserved)

(ff) alternative fuel as defined in A.R.S. Section 1-215, by a used oil fuel burner who has received a Department of Environmental Quality permit to burn used oil or used oil fuel under A.R.S. Section 49-426 or Section 49-480.

(gg) food, beverages, condiments and accessories purchased by or for a public educational entity, pursuant to any of the provisions of Title 15, Arizona Revised Statutes, including a regularly organized private or parochial school that offers an educational program for grade twelve or under which may be attended in substitution for a public school pursuant to A.R.S. Section 15-802; to the extent such items are to be prepared or served to individuals for consumption on the premises of a public educational entity during school hours. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(hh) personal hygiene items purchased by a person engaged in the business of and subject to tax under Section 8A-444 of this code if the tangible personal property is furnished without additional charge to and intended to be consumed by the person during his occupancy.

(ii) The diversion of gas from a pipeline by a person engaged in the business of operating a natural or artificial gas pipeline, for the sole purpose of fueling compressor equipment to pressurize the pipeline, is not a sale of the gas to the operator of the pipeline.

(jj) Food, beverages, condiments and accessories purchased by or for a nonprofit charitable organization that has qualified as an exempt organization under 26 U.S.C Section 501(c)(3) and regularly serves meals to the needy and indigent on a continuing basis at no cost. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(kk) sales of motor vehicles that use alternative fuel if such vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and sales of equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in A.R.S. Section 1-215.

(ll) the storage, use or consumption of tangible personal property in the city or town by a school district or charter school.
(mm) renewable energy credits or any other unit created to track energy derived from renewable energy resources. For the purposes of this paragraph, "renewable energy credit" means a unit created administratively by the corporation commission or governing body of a public power utility to track kilowatt hours of electricity derived from a renewable energy resource or the kilowatt hour equivalent of conventional energy resources displaced by distributed renewable energy resources.

(nn) magazines or other periodicals or other publications by this state to encourage tourist travel.

(oo) paper machine clothing, such as forming fabrics and dryer felts, sold to a paper manufacturer and directly used or consumed in paper manufacturing.

(pp) overhead materials or other tangible personal property that is used in performing a contract between the United States government and a manufacturer, modifier, assembler or repairer, including property used in performing a subcontract with a government contractor who is a manufacturer, modifier, assembler or repairer, to which title passes to the government under the terms of the contract or subcontract.

(qq) coal, petroleum, coke, natural gas, virgin fuel oil and electricity sold to a qualified environmental technology manufacturer, producer or processor as defined in A.R.S. Section 41-1514.02 and directly used or consumed in the generation or provision of on-site power or energy solely for environmental technology manufacturing, producing or processing or environmental protection. This paragraph shall apply for twenty full consecutive calendar or fiscal years from the date the first paper manufacturing machine is placed in service. In the case of an environmental technology manufacturer, producer or processor who does not manufacture paper, the time period shall begin with the date the first manufacturing, processing or production equipment is placed in service.

(rr) machinery, equipment, materials and other tangible personal property used directly and predominantly to construct a qualified environmental technology manufacturing, producing or processing facility as described in A.R.S. Section 41-1514.02. This subsection applies for ten (10) full consecutive calendar or fiscal years after the start of initial construction.

(ss) (Reserved)
Reg. 8A-100.1. Brokers.

(a) For the purposes of proper administration of this Chapter and to prevent evasion of taxes imposed, brokers shall be wherever necessary treated as taxpayers for all purposes, and shall file a return and remit the tax imposed on the activity on behalf of the principal. No deduction shall be allowed for any commissions or fees retained by such broker, except as provided in Section 8A-405, relating to advertising commissions.

(b) Brokers for vendors. A broker acting for a seller, lessor, or other similar person deriving gross income in a category upon which this Chapter imposes a tax shall be liable for such tax, even if his principal would not be subject to the tax if he conducted such activity in his own behalf, by reason of the activity being deemed a "casual" one. For example:

(1) An auctioneer or other sales agent of tangible personal property is subject to the tax imposed upon retail sales, even if such sales would be deemed "casual" if his principal had sold such items himself.

(2) A property manager is subject to the tax imposed upon rental, leasing, or licensing of real property, even if such rental, leasing, or licensing would be deemed "casual" if his principal managed such real property himself.

(c) Brokers for vendees. A broker acting solely for a buyer, lessee, tenant, or other similar person who is a party to a transaction which may be subject to the tax, shall be liable for such tax and for filing a return in connection with such tax only to the extent his principal is subject to the tax.

(d) The liability of a broker does not relieve the principal of liability except upon presentation to the Tax Collector of proof of payment of the tax, and only to the extent of the correct payment. The broker shall be relieved of the responsibility to file and pay taxes upon the filing and correct payment of such taxes by the principal.

(e) (Reserved)

(f) Location of Business. Retail sales by brokers acting for another person shall be deemed to have occurred at the regular business location of the broker, in a manner similar to that used to determine "out-of-Town sales"; provided, however, that an auctioneer is deemed to be engaged in business at the site of each auction.

Reg. 8A-100.2. Delivery, installation, or other direct customer services.

(a) "Delivery Charges" exist only when the total charges to the ultimate customer or consumer include, as separately charged to the ultimate customer, charges for delivery to the ultimate consumer, whether the place of delivery is within or without the Town, and when the taxpayer's books and records show the separate delivery charges.

(1) Identification to the customer or consumer that the listed price has "delivery included" or other similar expression is insufficient to show the delivery as a separate charge. Only the separately stated charge for the delivery shall be deemed a "delivery charge".

(2) Freight in. Charges for delivery from place of production or the manufacturer to the vendor either directly or through a chain of wholesalers or jobbers or other middlemen are deemed "freight-in" and are not considered delivery.
(b) "Installation", as used in this definition, relates only to tangible personal property. Installation to real property is deemed construction contracting in this Chapter. Examples of installation relating to tangible personal property are: installing a radio in an automobile; applying sun screens on the windows of a boat; installing cabinets, carpeting, or "built-in appliances" to a camper or motorized recreational vehicle.

(c) Repair of tangible personal property is not included in this definition. See Regulation 8A-465.1.

(d) "Direct Customer Services" means services other than repair rendered directly to the customer. Services or labor provided by any person prior to the transfer of tangible personal property to the customer or consumer are not included in this definition. In the following examples, the requirements of subsection (e) below are referred to by the words "identify" or "identification."

1. A retailer sells a customer a $100 "plug-in" appliance, with a $25 delivery and installation charge. If the retailer identifies the $25 delivery and installation charge, it is a charge for direct customer services.

2. A caterer charges his customer $1,000 for the food and drink served, $300 for setup and site cleanup, and $500 for bartender and waiters. If all charges are properly identified, only the $300 for setup and cleanup is a charge for direct customer services, and the $1,500 for food and service is restauranting gross income.

3. Persons engaged in engraving on wood, metal, stone, etc. or persons engaged in retouching photographs or paintings may consider such charges for labor as direct customer services.

4. All charges by a photographer resulting in the sale of a photograph (sitting charges, developing, making enlargements, retouching, etc.) for services that occur prior to transfer of tangible personal property are not direct customer services.

5. An equipment rental company charging $25 for delivery may consider such delivery charge as a charge for direct customer service only if such charge is properly identified.

6. Even if identified, charges for labor incurred in the production of any manufactured article or of a custom-made article (jewelry, artwork, tailoring, draperies, etc.) are not included in this definition, as such labor occurs prior to the transfer of property.

(e) Recordkeeping requirements.

1. Any person who engages in transactions involving these services must:
   (A) Separately bill, invoice, or charge the customer for such services in a manner by which the customer or consumer may readily identify the specific dollar amount of the service charge; and
   (B) Maintain business books and records in a manner in which the separate charge for such services can be clearly identified, to the satisfaction of the Tax Collector.

2. Rendering a statement to a customer for a transaction involving such services and the transfer of tangible personal property which only indicates the total amount of the charges with words such as "services included" or "charge includes labor and parts" or similar a expression does not satisfy the requirements of this subsection.

Reg. 8A-100.3. Retailers.

When in the opinion of the Tax Collector it is necessary for efficient administration of this Chapter, he may regard any salesman, representative, peddler, canvasser, or agent of any dealer, distributor, supervisor, or employer under whom he operates or from whom he obtains tangible personal property for sale, rental, lease, or license as a retailer for the purposes of this Chapter, irrespective of whether he is making sales, rentals, leases, or licenses on his own behalf or on behalf of others. The Tax Collector may also regard such dealer, distributor, supervisor, or employer as a retailer for the purposes of this Chapter.

Sales to Native Americans or tribal councils by vendors located within the Town shall be deemed sales within the Town, unless all of the following conditions exist:

1. the vendor has properly accounted for such sales, in a manner similar to the recordkeeping requirements for out-of-Town sales; and
2. all of the following elements of the sale exist:
   A. solicitation and placement of the order occurs on the reservation; and
   B. delivery is made to the reservation; and
   C. payment originates from the reservation.

Reg. 8A-100.5. Remediation contracting.

The following activities are considered remediation contracting and are exempt:

1. excavation, transportation, treatment, and/or disposal of contaminated soil for purposes of site remediation (rather than characterization);
2. installation of groundwater extraction and/or injection wells for purposes of groundwater remediation;
3. installation of pumps and piping into groundwater extraction wells for remediation purposes;
4. installation of vapor extraction wells for the purpose of soil or groundwater remediation;
5. construction of remediation systems, such as groundwater treatment plants, vapor extraction systems, or air injection systems;
6. connection of remediation systems to utilities;
7. abandonment of groundwater or vapor extraction wells;
8. removal/demolition of remediation systems;
9. capping/closure construction activities; and
10. service or handling charges for subcontracted remediation contracting activities.

Reg. 8A-115.1. Computer hardware, software, and data services.

(a) Definitions.

1. "Computer Hardware" (also called "computer equipment" or "peripherals") is the components and accessories which constitute the physical computer assembly, including but not limited to: central processing unit, keyboard, console, monitor, memory unit, disk drive, tape drive or reader, terminal, printer, plotter, modem, document sorter, optical reader and/or digitizer, network.

2. "Computer Software" (also called "computer program") is tangible personal property, and includes:
   A. "Operating Program (Software)" (also called "executive program (software)"), which is the programming system or technical language upon which or by means of which the basic operating procedures of the computer are recorded. The operating program serves as an interface with user applied programs and allows the user to access the computer's processing capabilities.
   B. "Applied Program (Software)", which is the programming system or technical language (including the tape, disk, cards, or other medium upon which such language or program is recorded) designed either for application in a specialized use, or upon which or by means of which a plan for the solution of a particular problem is based. Typically, applied programs can be transferred from one computer to another via storage media. Examples of applied programs include: payroll processing, general ledger, sales data, spreadsheet, word processing, and data management programs.
(3) "Storage Medium" is any hard disk, compact disk, floppy disk, diskette, diskpack, magnetic tape, cards, or other medium used for storage of information in a form readable by a computer, but not including the memory of the computer itself.

(4) A "Terminal Arrangement" (also called "on-line' arrangement") is any agreement allowing access to a remote central processing unit through telecommunications via hardware.

(5) A "Computer Services Agreement" (also called "data services agreement") is an agreement allowing access to a computer through a third-party operator.

(b) For the purposes of this Chapter, transfer of title and possession of the following are deemed sales of tangible personal property and any other transfer of title, possession, or right to use for a consideration of the following is deemed rental, leasing, or licensing of tangible personal property:

(1) Computer hardware or storage media. Rental, leasing, or licensing for use of computer hardware or storage media includes the lessee's use of such hardware or storage media on the lessor's premises.

(2) Computer software which is not custom computer programming. Such prewritten ("canned") programs may be transferred to a customer in the form of punched cards, magnetic tape, or other storage medium, or by listing the program instructions on coding sheets. Transfer is deemed to have occurred whether title to the storage medium upon which the program is recorded, coded, or punched passes to the customer or the program is recorded, coded, or punched on storage medium furnished by the customer. Gross income from the transfer of such prewritten programs includes:

   (A) the entire amount charged to the customer for the sale, rental, lease, or license for use of the storage medium or coding sheets on which or into which the prewritten program has been recorded, coded, or punched.

   (B) the entire amount charged for the temporary transfer or possession of a prewritten program to be directly used or to be recorded, coded, or punched by the customer on the customer's premises.

   (C) license fees, royalty fees, or program design fees; any fee present or future, whether for a period of minimum use or of use for extended periods, relating to the use of a prewritten program.

   (D) the entire amount charged for transfer of a prewritten ("canned") program by remote telecommunications from the transferor's place of business to or through the customer's computer.

   (E) any charge for the purchase of a maintenance contract which entitles the customer to receive storage media on which prewritten program improvements or error corrections have been recorded or to receive telephone or on-site consultation services, provided that:

   (i) if such maintenance contract is not optional with the customer, then the charges for the maintenance contract, including the consultation services, are deemed gross income from the transfer of the prewritten program.

   (ii) if such maintenance contract is optional with the customer but the customer does not have the option to purchase the consultation services separately from the storage media containing the improvements or error corrections, then the charges for the maintenance contract, including the consultation services, are deemed gross income from the transfer of the prewritten program.

   (iii) if such maintenance contract is optional with the customer and the customer may purchase the consultation services separately from the storage media containing the improvements or error corrections, then only the charges for such improvements or error corrections are deemed gross income from the transfer of a prewritten program and charges for consultation are deemed to be charges for professional services.
(c) Producing the following by means of computer hardware is deemed to be the activity of job printing for the purposes of this Chapter:

1. statistical reports, graphs, diagrams, microfilm, microfiche, photorecordings, or any other information produced or compiled by a computer; except as provided in subsection (e) below.

2. additional copies of records, reports, manuals, tabulations, etc. "Additional Copies" are any copies in excess to those produced simultaneously with the production of the original and on the same printer, whether such copies are prepared by running the same program, by using multiple printers, by looping the program, by using different programs to produce the same output, or by other means.

(d) Charges for the use of communications channel in conjunction with a terminal arrangement or data services agreement are deemed gross income from the activity of providing telecommunication services.

(e) The following transactions are deemed direct customer services, provided that charges for such services are separately stated and maintained as provided by Regulation 8A-100.2(e):

1. "Custom (Computer) Programming", which is any computer software which is written or prepared for a single customer, including those services represented by separately stated charges for the modification of existing prewritten programs.

   A. Custom computer programming is deemed a professional service regardless of the form in which the programming is transferred.

   B. Custom programming includes such programming performed in connection with the sale, rental, lease, or license for use of computer hardware, provided that the charges for such are separately stated from the charges for the hardware.

   C. Custom computer programming includes a program prepared to the special order of a customer who will use the program to produce copies of the program for sale, rental, lease, or license. The subsequent sale, rental, lease, or license of such a program is deemed the sale, rental, lease, or license of a prewritten program.

2. Training services related to computer hardware or software, provided further that:

   A. the provider of such training services is deemed the ultimate consumer of all tangible personal property used in training others or provided to such trainees without separately itemized charge for the materials provided.

   B. training deemed a direct customer service does not include:

      i. training materials, books, manuals, etc. furnished to customers for a charge separate from the charge for training services.

      ii. training provided to customers without separate charge as part of the sale, rental, lease, or license of computer hardware or software, or as part of a terminal arrangement or data services agreement.

3. The use of computer time through the use of a terminal arrangement or a data service agreement, but not charges for computer hardware located at the customer's place of business (for example, the terminal, a printer attached to the terminal, a modem used to communicate with the remote central processing unit over a telephone line).

4. Compiling and producing, as part of a terminal arrangement or computer services agreement, original copies of statistical reports, graphs, diagrams, microfilm, microfiche, photorecordings, or other information for the same person who supplied the raw data used to create such reports.
(f) The purchase, rental, lease, or license for use of computer hardware, storage media, or computer software which is not deemed custom programming is deemed the use or storage of tangible personal property for the purpose of this Chapter, and the amount which may be subject to Use Tax shall be determined in the same manner as the determination of the gross income from the sale, rental, lease, or license for use of such.

Reg. 8A-200.1. When deposits are included in gross income.

(a) Refundable deposits shall be includable as gross income of the taxpayer for the month in which the deposits are forfeited by the lessee.

(b) Nonrefundable deposits for cleaning, keys, pet fees, maintenance, or for any other purpose are deemed gross income upon receipt.

Reg. 8A-250.1. Excess tax collected.

If a taxpayer collects taxes in excess of the combined tax rate from any customer in any transaction, all such excess tax shall be paid to the taxing jurisdictions in proportion to their effective rates. The right of the taxpayer to charge his customer for his own liability for tax does not allow the taxpayer to enrich himself at the cost of his customers. Tax paid on an activity that is not subject to tax or that qualifies for an exemption, deduction, exclusion or credit is not excess tax collected.

Reg. 8A-270.1. Proprietary activities of municipalities are not considered activities of a governmental entity.

The following activities, when performed by a municipality, are considered to be activities of a person engaged in business for the purposes of this Chapter, and not excludable by reason of Section 8A-270:

(a) rental, leasing, or licensing for use of real property to other than another department or agency of the municipality.

(b) producing, providing, or furnishing electricity, electric lights, current, power, gas (natural or artificial), or water to consumers or ratepayers.

(c) sale of tangible personal property to the public, when similar tangible personal property is available for sale by other persons, as, for example, at police or surplus auctions.

(d) providing wastewater removal services to consumers or ratepayers by means of sewer lines or similar pipelines.
Reg. 8A-270.2. Proprietary clubs.

(a) Equity requirements. In order to qualify for exclusion under Section 8A-270, a proprietary club must actually be owned by the members. For the purposes of qualification, a club will be deemed to be member-owned if at least eighty-five percent (85%) of the equity of the total amount of club-owned property is owned by bona fide individual members whose membership is represented in the form of shares, certificates, bonds, or other indicia of capital interest. A corporation may be considered an individual owner provided that it owns a membership solely for the benefit of one or more of its employees and it is not engaged in any business activity connected with the operation of the club.

(b) Gross revenue requirements. In computing gross revenue for the computation of this fifteen percent (15%) rule of subsection 8A-270(c)(1),

(1) the following shall be excluded:
   (A) membership dues.
   (B) membership fees which relate to the general admission to the club on a periodic (or perpetual) basis.
   (C) assessments.
   (D) special fund raising events, raffles, etc.
   (E) donations, gifts, or bequests.
   (F) gate receipts, admissions, and program advertising for not more than one tournament in any calendar year.

(2) the following must be included:
   (A) green fees, court use fees, and similar charges for the actual use of a facility or part thereof.
   (B) pro shop sales if the shop is owned by the club.
   (C) golf cart rental if the carts are owned by the club.
   (D) rentals, percentages, or commissions received for permitting the use of the premises or any portion thereof by a caterer, concessionaire, professional, or any other person for sales, rental, leasing, licensing, catering, food or beverage service, or instruction.
   (E) all receipts from food or beverage sales, room use or rental charge, corkage and catering charges, and similar receipts.
   (F) locker and locker room fees and attendants charges if paid to the club.
   (G) tournament entry fees other than entry fees for the one annual tournament exempt under subsection (b)(1)(F) above.

Reg. 8A-405.1. Local advertising examples.

For the purposes of illustration only, and not by way of limitation, the following are provided as examples of local advertising subject to the tax:

(1) retail sales and rental establishments doing business within the State when only one commonly designated business entity is identified by name in the advertisement.

(2) financial institutions doing business within the State whether part of a national chain or local business only.

(3) sales of real estate located within the State.

(4) health care facilities located within the State.

(5) hotels, motels, and apartments, whether a national chain or local so long as the advertisement identifies any location within the State.

(6) brokers doing business within the State whether stockbrokers, real estate brokers, insurance brokers, etc.

(7) nonprofit organizations, which even though tax exempt, have an office, whether national, local, or branch, within the State.

(8) political activity, except United States Presidential and Vice Presidential candidates.
(9) restaurants or food service establishments which have one or more branches, outlets, or franchises within the State even though the local franchisee or licensee may not be responsible for the placement of the advertisement.
(10) services provided by individuals or entities within the State such as doctors, lawyers, architects, hairdressers, auto repair shops, counseling services, utilities, contractors, auction houses, etc.
(11) coupons redeemable only at a single commonly designated business entity within the State.
(12) theater, sports, and other entertainment events held at locations within the State.

Reg. 8A-405.2. Advertising activity within the Town.

(a) In General. Except as provided elsewhere in this regulation, a person engaged in advertising activity shall be considered to be doing business entirely within the Town if all or a major portion of the dissemination facilities such as broadcasting studios, printing plants, or distribution centers are located within the Town limits. Remote studios patched to an in-Town studio and subject to engineering modulation or control at the in-Town studio are considered studios doing business in the Town.

(b) Billboards and other outdoor advertising companies shall be considered to be doing business within the Town to the extent they have billboards or similar displays within the Town.

(c) Publishers and distributors of newspaper and other periodicals shall be subject to the tax upon advertising imposed by Section 8A-405 and such tax shall be allocated in the manner prescribed by subsection (e) of Section 8A-435.

Reg. 8A-407.1. (Reserved)

Reg. 8A-415.1. Distinction between the categories of construction contracting.

For the purposes of this Chapter, transactions involving improvements to, or sales of, real property are designated into one of the following categories, and these categorizations shall apply, whether or not a person designates himself as a contractor, construction manager, developer, or otherwise:

(a) A person performing improvements to real property is one of the following:
   (1) an "Owner-Builder" when the work is performed by the owner or lessor or lessee-in-possession. An "owner-builder" may also be a "speculative builder".
   (2) a "Construction Contractor" when performing work for the owner or lessor or lessee-in-possession of the real property, unless that person has provided a written declaration stating that:
       (A) the owner-builder is improving the property for sale; and
       (B) the owner-builder is liable for the tax for such construction contracting activity; and
       (C) the owner-builder has provided the contractor his Town Privilege License number.
   (3) a "Subcontractor" as provided in Section 8A-415 (c).

(b) An owner or lessor ("owner-builder") of improved real property is one of the following:
   (1) a "Speculative Builder" as provided in Section 8A-100; or
   (2) an "owner builder who is not a speculative builder" in all other cases.

(c) The terms "owner", "lessor", and "lessee-in-possession" shall be deemed to include any authorized agent for such person.
Reg. 8A-415.2. Distinction between construction contracting and certain related activities.

(a) Certain rentals, leases, and licenses for use in connection with construction contracting. Rental, leasing, or licensing of earthmoving equipment with an operator shall be deemed construction contracting activity. Rental, leasing, or licensing of any other tangible personal property (with or without an operator) or of earthmoving equipment without an operator shall be deemed rental, leasing, or licensing of tangible personal property. For example:

(1) Rental of a backhoe, bulldozer, or similar earthmoving equipment with operator is construction contracting. Rental of these items without an operator is rental of tangible personal property.

(2) Rental of scaffolding, temporary fences, or barricades is rental of tangible personal property.

(3) Rental of pumps or cranes is rental of tangible personal property, whether or not an operator is provided with the equipment rented.

(b) Distinction between construction contracting, retail, and certain direct customer service activities.

(1) When an item is attached or installed on real property, it is a construction contracting activity and any subsequent repair, removal, or replacement of that item is construction contracting.

(2) Items attached or installed on tangible personal property are retail sales.

(3) Transactions where no tangible personal property is attached or installed are considered direct customer service activities (for example: carpet cleaning, lawn mowing, landscaping maintenance).

(4) Demolition, earth moving, and wrecking activities are considered construction contracting.

(c) Sale of consumable goods incorporated into or applied to real property is considered a retail sale and not construction contracting. Examples of consumable goods are lubricants, faucet washers, and air conditioning coolant, but not paint.

(d) Installation or removal of tangible personal property which has independent functional utility is considered a retail activity.

(1) "Tangible personal property which has independent functional utility" must be able to substantially perform its function(s) without attachment to real property. "Attachment to real property" must include more than connection to water, power, gas, communication, or other service.

(2) Examples of tangible personal property which has independent functional utility include artwork, furnishings, "plug-in" kitchen equipment, or similar items installed by bolts or similar fastenings.

(3) Examples of tangible personal property which does not have independent functional utility include wall-to-wall carpeting, flooring, wallpaper, kitchen cabinets, or "built-in" dishwashers or ranges.

(4) The installation of window coverings (drapes, mini-blinds, etc.) is always a retail activity.

Reg. 8A-415.3. Construction contracting; tax rate effective date.

(a) In the event of a tax rate change, the rate imposed on gross income from construction contracting shall be computed based upon the rate in effect when the contract was executed, subject to the "enactment date" as defined in this section. Gross income from a contract executed prior to the enactment date shall not be subject to the tax rate change, provided the contract contains no provision that entitles the construction contractor to recover the amount of the tax.
(b) In the event of a rate increase, in order to qualify for the lower rate, the construction contractor shall, upon request, provide sufficient documentation, in a manner and form prescribed by the tax collector, to verify that a contract was entered into before the enactment date.

(c) For purposes of this section, "enactment date" shall be:
   1. in the event an election is held, the date of election.
   2. in the event no election is held, the date of final adoption by the mayor and council.
   3. notwithstanding the above, nothing in this section shall be construed to prevent the town from establishing a later enactment date.


(a) A sale of a custom home, regardless of the stage of completion of such home shall be considered a "homeowner's bona fide non-business sale" and not subject to the tax on speculative builders if:
   1. the property was actually used as the principal place of family residence or vacation residence by the immediate family of the seller for the six (6) months next prior to the offer for sale; and
   2. the seller has not sold more than two (2) such residences (or, if the residence is a vacation residence, two (2) such vacation residences) within the thirty-six (36) months immediately prior to the offer for sale; and
   3. the seller has not licensed, leased, or rented the sold premises for any period within twenty-four (24) months prior to the offer for sale.

(b) In the event that a homeowner of a family residence contracts with a licensed construction contractor for improvements to a residence, the construction contracting on a family residence shall be presumed to be for an owner's bona fide non-business purpose and all construction contractors shall be required to report and pay the tax imposed on all such improvements.

(c) Purchases by a homeowner of tangible personal property for inclusion in any construction, alteration, or repair of his residence shall be subject to tax as retail sales to the ultimate consumer.

(d) "Owner" and "Homeowner" as used in this Regulation shall only mean an individual, and no other entity, association, or representative shall qualify; except that an administrator, executor, personal representative, or guardian in guardianship or probate proceedings, for the estate of a deceased or incompetent person or a minor, may claim "homeowner" status for such person if such person would have otherwise qualified with respect to the specific property involved.

Reg. 8A-416.2. Reconstruction contracting.

(a) "Reconstruction (of Real Property)" shall mean the subdividing of real property and, in addition, all construction contracting activities performed upon said real property; provided, however, that each of the following conditions are met:
   1. a structure existed on said real property prior to the reconstruction activity; and
   2. the "prior value" of said structure exceeds fifteen percent (15%) of the "prior value" of the integrated property (land, improvements, and structure); and
   3. the total cost of all construction contracting activities performed on said real property in the twenty-four (24) month period prior to the sale of any part of the real property exceeds fifteen percent (15%) of the "prior value" of the real property; and
   4. the structure which existed on the real property prior to the reconstruction activity still exists in some form upon the property, and is included, in whole or in part, in the property sold.
(b) Except as provided in subsection (c) below, "prior value" means the value of the total integrated property, with improvements, as existing immediately prior to any reconstruction activity. Where, according to Title 42 of the Arizona Revised Statutes, a property's full cash value for secondary tax purposes is intended to represent the property's fair market value, "prior value" shall be the property's full cash value for secondary property tax purposes as determined by the County Assessor in the year immediately preceding the year in which the reconstruction improvement(s) are or could have been included in the County Assessor's valuation. If the County Assessor's valuation is contested or appealed, the final determination at either the administrative or judicial level shall apply. Where, according to Title 42 of the Arizona Revised Statutes, a property's full cash value for secondary property tax purposes is not intended to represent the property's fair market value, "prior value" shall be the property's fair market value prior to the reconstruction improvement(s).

(c) "Alternative Prior Value" shall mean that as an alternative to the "prior value" defined above, the taxpayer may use his actual cost of the reconstructed property prior to the reconstruction, provided that evidence of such cost is presented to the Tax Collector and is determined by the Tax Collector, in his sole discretion, to be satisfactory. Such evidence shall consist, at a minimum, of proof of the actual, arms-length acquisition price, accompanied by a full appraisal of all property involved which appraisal shall have been performed by a real estate broker or MAI appraiser specifically for the purpose of assisting in the acquisition and further shall have been performed on behalf of the seller or a lending institution which has lent at least sixty-five percent (65%) of the acquisition price. (Only long term lending – not interim or construction financing will be considered.) This alternative value shall be used only if the property was acquired by the reconstruction taxpayer not more than thirty-six (36) months prior to a "sale" as defined below.

(d) A "sale" for the purpose of determining "alternative prior value" or "reconstruction" only shall be deemed to have occurred as of the date of the execution of a contract of sale or a deed (joint tenancy or warranty) whichever is earlier, to a purchaser or grantee of any single residential or other occupancy unit. In addition to the foregoing, a lease with option to purchase a single residential unit shall be considered a "sale" at the date of execution of such lease if said option is exercisable by the lessee in not later than nine (9) months. Further in the case of cooperative apartments, the sale date shall be the date of execution of the contract selling (subject or not to encumbrances, liens or security interests) of a share, or a sufficient number of shares which entitle the purchaser to the occupancy of a residential unit. In all cases a person shall include a husband and wife as a community, or any co-occupants of a single unit as joint tenants.

Reg. 8A-425.1. Distinction between job printing and certain related activities.

(a) Computerized Printing. Computerized versions of all items which would be taxable under Section 8A-425 if performed without computerized assistance are considered taxable under that Section, and therefore, are not exempt services.

(b) Book publishing. The printing of books shall be deemed job printing. Sales of books shall be deemed retail sales.

(c) Publication of newspapers, magazines, or other periodicals shall not be considered job printing for the purposes of this Chapter.
Reg. 8A-435.1. Distinction between publishing of periodicals and certain related activities.

(a) Book publishing shall not be considered publication of newspapers, magazines, or other periodicals for purposes of this Chapter. Sales of books shall be deemed retail sales. The printing of books shall be deemed job printing.

(b) Publication of newspapers, magazines, or other periodicals shall not be considered job printing for the purposes of this Chapter.

Reg. 8A-435.2. Advertising income of publishers and distributors of newspapers and other periodicals.

Publishers and distributors of newspapers and other periodicals shall be subject to the tax upon advertising imposed by Section 8A-405 and such tax shall be allocated in the manner prescribed by subsection (e) of Section 8A-435.

Reg. 8A-445.1. (Reserved)

Reg. 8A-445.3. Rental, leasing, and licensing of real property as lodging: room and board; furnished lodging.

(a) Room and board.

(1) Rooming houses, lodges, or other establishments providing both lodging and meals, shall maintain a record of the separate charges made for the lodging and the meals.

(2) The charge for lodging shall be subject to the tax imposed by Section 8A-444 or Section 8A-445. The charge for meals is subject to the tax upon restaurants and bars prescribed by Section 8A-455.

(b) Furnished lodging. A person who provides lodging with furnishings shall be deemed to be only in the business of rental, leasing, and licensing of lodging, and not in the business of rental, leasing, and licensing of such furnishings as tangible personal property, unless:

(1) Any tenant of any lodging space may choose to rent, lease, or license such lodging space either furnished or unfurnished; and

(2) The lessor separately charges tenants for lodging and for furnishings; and

(3) The lessor separately maintains his gross income from lodging and from furnishings separately in his accounting books and records.

If all of the above conditions are met, such person shall report both sources of income separately to the Town.
Reg. 8A-450.1. Distinction between rental, leasing, and licensing for use of tangible personal property and certain related activities.

(a) Certain rentals, leases, and licenses for use in connection with construction contracting. Rental, leasing, or licensing of earthmoving equipment with an operator shall be deemed construction contracting activity. Rental, leasing, or licensing of any other tangible personal property (with or without an operator) or of earthmoving equipment without an operator shall be deemed rental, leasing, or licensing of tangible personal property. For example:
   (1) Rental of a backhoe, bulldozer, or similar earthmoving equipment with operator is construction contracting. Rental of these items without an operator is rental of tangible personal property.
   (2) Rental of scaffolding, temporary fences, or barricades is rental of tangible personal property.
   (3) Rental of pumps or cranes is rental of tangible personal property, regardless of whether or not an operator is included with the equipment rented.

(b) Distinction between equipment rental, leasing, or licensing for use and transporting for hire. The hiring of mobile equipment (cranes, airplanes, limousines, etc.) is considered rental, leasing, or licensing of tangible personal property whenever the charge is for a fixed sum or hourly rate. By comparison, the activity of a common carrier conveying goods or persons for a fee based upon distance, and not time, shall be considered transporting for hire.

Reg. 8A-450.2. Rental, leasing, and licensing for use of tangible personal property: membership fees; other charges.

(a) Membership, admission, or other fees charged by any rental club or limited access lessor are considered part of taxable gross income.

(b) Gross income from rental, leasing, or licensing for use of tangible personal property must include all charges by the lessor to the lessee for repair, maintenance, or other service upon the tangible personal property rented, leased, or licensed.

(c) Sale of a warranty, maintenance, or service contract as a requirement of, or in conjunction with, a rental, leasing, or licensing contract is exempt.

Reg. 8A-450.3. Rental, leasing, and licensing for use of equipment with operator.

In cases where the tangible personal property is rented, leased, or licensed with an operator provided by the lessor, the charge for the operator shall not be includable in the gross income from the rental, lease, or license of such tangible personal property if the charge for the operator and the charge for the use of the equipment are separately itemized to the lessee and separately maintained on the books and records of the lessor.
Reg. 8A-450.4. Rental, leasing, and licensing for use of tangible personal property: semi-permanently or permanently installed tangible personal property.

(a) The term "semi-permanently or permanently installed" means that the item of tangible personal property has and is expected to have at the time of installation a permanent location at the site installed, as under a long-term lease agreement, except that the person using or applying said property may eventually replace it because it has become worn out or has become obsolete or the person ceases to have the right to possession of said property.

(b) An item of tangible personal property is deemed permanently installed if its installation requires alterations to the premises.

(c) Examples of "semi-permanently or permanently installed tangible personal property" include, but are not limited to: computers, duplicating machines, furniture not of portable design, major appliances, store fixtures.

(d) The term does not include mobile transportation equipment or tangible personal property designed for regular use at different locations or customarily used at different locations, as under numerous short-term rental, lease, or license agreements, whether or not such property is in fact so used.

(1) For example, use of a mobile crane, trencher, automobile, or other similar equipment shall be considered a rental, lease, or license transaction subject to taxation only by the city or town in which such business office of the lessor is based.

(2) Other similar examples include, but are not limited to: camping equipment, contracting equipment, chain saw, forklift, household items, invalid needs, janitorial equipment, reducing equipment, furniture of portable design, trucks or trailers, tools, towbars, sump pumps, are welders.

(e) A rental, lease, or license agreement which specifies that the item in question shall remain, under the terms of the agreement, located within the same city or town for more than one hundred eighty (180) consecutive days shall be sufficient evidence that such rented, leased, or licensed item is "permanently or semi-permanently installed" in said city or town, except when the item is mobile transportation equipment or one of the other types of portable equipment or property described in subsection (d) above.

Reg. 8A-450.5 Rental, leasing, and licensing for use of tangible personal property: delivery, installation, repair, and maintenance charges.

(a) Delivery and installation charges in connection with the rental, leasing, and licensing of tangible personal property are exempt from the tax imposed by Section 8A-450; provided that the provisions of Regulation 8A-100.2 have been met.

(b) Gross income from the sale of a warranty, maintenance, or similar service contract in connection with the rental, leasing, and licensing of tangible personal property shall be exempt.

(c) Separately stated charges for repair not included as part of a warranty, maintenance, or similar service contract relating to the rental, leasing, or licensing of tangible personal property are exempt from the tax imposed by Section 8A-450; however, such income is subject to the provisions of Sections 8A-460 and 8A-465, and the provisions of Regulation 8A-465.1.

Gratuities charged by or collected by persons subject to the tax imposed by Section 8A-455 may be excluded from gross income if:

1. such charge is separately stated upon the bill, invoice, etc. provided the customer, and such amounts are maintained separately in the books and records of the taxpayer; and
2. such gratuities are distributed in total to employees of the taxpayer in addition to customary and regular wages.

Reg. 8A-460.1. Distinction between retail sales and certain other transfers of tangible personal property.

(a) Charges for transfer of tangible personal property included in the gross income of the business activity of persons engaged in the following business activities shall be deemed only as gross income from such business activity and not sales at retail taxed by Section 8A-460:

1. tangible personal property incorporated into real property as part of reconstruction or construction contracting, per Sections 8A-415 through 8A-418.
2. job printing, per Section 8A-425.
3. mining, timbering, and other extraction, but not sales of sand, gravel, or rock extracted from the ground, per Section 8A-430.
4. publication of newspapers, magazines, and other periodicals, per Section 8A-435.
5. rental, leasing, and licensing of real or tangible personal property, per Sections 8A-445 or 8A-450.
6. restaurants and bars, per Section 8A-455.
7. food for home consumption, per section 8A-462.
8. telecommunications services, per Section 8A-470.
9. utility services, per Section 8A-480.
10. wastewater removal services, per Section 8A-485.

(b) Distinction between construction contracting, retail, and certain direct customer service activities.

1. When an item is attached or installed on real property, it is a construction contracting activity and any subsequent repair, removal, or replacement of that item is construction contracting.
2. Items attached or installed on tangible personal property are retail sales.
3. Transactions where no tangible personal property is attached or installed are considered direct customer service activities (for example: carpet cleaning, lawn mowing, landscape maintenance).
4. Demolition, earth moving, and wrecking activities are considered construction contracting.

(c) The sale of sand, rock, and gravel extracted from the ground shall be deemed a sale of tangible personal property and not mining or metallurgical activity.

(d) Sale of consumable goods incorporated into or applied to real property is considered a retail sale and not construction contracting. Examples of consumable goods are lubricants, faucet washers, and air conditioning coolant, but not paint.
Installation or removal of tangible personal property which has independent functional utility is considered a retail activity.

1. "Tangible personal property which has independent functional utility" must be able to substantially perform its function(s) without attachment to real property. "Attachment to real property" must include more than connection to water, power, gas, communication, or other service.

2. Examples of tangible personal property which has independent functional utility include artwork, furnishings, "plug-in" kitchen equipment, or similar items installed by bolts or similar fastenings.

3. Examples of tangible personal property which does not have independent functional utility include wall-to-wall carpeting, flooring, wallpaper, kitchen cabinets, or "built-in" dishwashers or ranges.

4. The installation of window coverings (drapes, mini-blinds, etc.) is always a retail activity.

Reg. 8A-460.2. Retail sales: trading stamp company transactions.

A trading stamp transaction is defined as follows: the trading stamp company issues stamps to a vendor; the vendor then provides them to its customers; and the customer then exchanges the stamps for merchandise from the trading stamp company.

The exchange transaction for the merchandise shall be deemed a retail sale and the trading stamp company a retailer. All taxes imposed by this Chapter applicable to retail transactions are therefore applicable to such exchange transactions.

The rate of tax shall be the retail rate based upon the retail dollar value of the redeemed merchandise as expressed in the redemption dollar value per book of stamps or portion thereof. The tax imposition described herein is in lieu of any Privilege or Use Tax upon the business of issuing stamps, redeeming the same, or using or storing property redeemed.

Reg. 8A-460.3. Retail sales: membership fees of retailers.

Membership, admission, or other fees charged by limited access retailers are considered part of taxable gross income of the business activity of selling tangible personal property.

Reg. 8A-460.4. Retail sales: professional services.

(a) "Professional Services" refer to services rendered by such persons as doctors, lawyers, accountants, architects, etc. for their customers or clients where the services meet particular needs of a specific client and only apply in the factual context of the client and the final product has no retail value in itself. For example, opinion letters, workpapers, reports, etc. are not in a form which would be subject to retail sales to customers. However, transfer of items in a form which would be subject to retail sales (e.g., artwork, forms, manuals, etc.) would not be considered professional services. The issue is one of fact which must be resolved in each situation.

(b) Creative ("idea") labor and design labor that do not result in tangible personal property that will be or can be sold are deemed professional services and, if charged separately and maintained separately in the taxpayer's books and records, are not includable in gross income.
(c) "Professional services" shall be deemed to include those items of tangible personal property which are incidental to the services rendered, provided such tangible personal property is "inconsequential."

(1) Incidental transfers of tangible personal property shall be regarded as "inconsequential" if,
   (A) the purchase price of the tangible personal property to the person rendering the professional services represents less than fifteen percent (15%) of the charge, billing, or statement rendered to the purchaser in connection with the transaction, and
   (B) the tangible personal property transferred is not in a form which is subject to retail sale.

(2) In cases where the tangible personal property transferred is deemed inconsequential, the provider of the tangible personal property so transferred is deemed the ultimate consumer of such tangible personal property, and subject to all applicable taxes imposed by this Chapter upon such transfer.

(d) Examples:
   (1) The transfer of paper embodying the result or work product of the services rendered by an attorney or certified public accountant is regarded as inconsequential to the charges for professional services.
   (2) An appraisal report issued by an appraiser, reflecting such appraiser's efforts to appraise real estate, is regarded inconsequential.
   (3) Use of a hair care product on a client's hair by a barber or beautician in connection with performing professional services is usually inconsequential. On the other hand, if the barber or beautician supplies the customer with a bottle of the product for the client's use thereafter and without the professional's assistance, the transfer of the bottle of hair care product is deemed not inconsequential.
   (4) If a mortician properly segregates his professional services from other taxable activities on his bill (invoice, contract), his gross income would include only the income derived from the sale of tangible personal property (casket, cards, flowers, etc.) and rental, leasing, or licensing of real and tangible personal property. His charges for professional services (embalming, cosmetic work, etc.) would not be includable in gross income.

Reg. 8A-460.5. Retail sales: monetized bullion; numismatic value of coins.

(a) "Monetized Bullion" means coins or other forms of money manufactured or minted from precious metals or other metals and issued as legal tender or a medium of exchange by or for any government authorized to do so.

(b) Any coin shall be considered to have been transferred or acquired primarily for its "Numismatic value" if the sale or acquisition price:
   (1) is equal to or greater than twice (2 times) the value of the metallic content of the coin as of the date of transfer or acquisition; and
   (2) is equal to or greater than twice (2 times) its face value, in the case of a coin which, at the time of transfer or acquisition, was legal tender or a medium of exchange of the government issuing or authorizing its issuance.
Reg. 8A-460.6. Retail sales: consignment sales.

Sales of merchandise acquired on consignment are taxable as retail sales. In cases where the merchant is acting as an agent on behalf of another dealer, sales of the consigned merchandise are taxable to the principal, provided the merchant makes full disclosure to customers that he is acting only as an agent for the named principal. However, when the principal is not deemed to be a dealer, such sales are considered to be those of the merchant and are taxable to him.


(a) Fair market value of parts and labor charges. The Tax Collector may examine the reporting of all transactions covered by this Section to determine if an "arms-length" price is charged for the parts and materials. The applicable tax may not be avoided by pricing a part, which ordinarily sells to the customer at $10, at $5 and including the difference as "service" or "labor". In the absence of satisfactory evidence supplied by the taxpayer as to industry or business practice, the Tax Collector may use the cost of the part or materials to the taxpayer marked up by a reasonable profit, to estimate the gross income subject to tax.

(b) (Reserved)
(1) (Reserved)
(2) (Reserved)

Reg. 8A-465.2. Retail sales: warranty, maintenance, and similar service contracts.

(a) Gross income from sales of warranty, maintenance, and service contracts is exempt from the tax imposed by Section 8A-460.

(b) Transfers of tangible personal property in connection with a service, warranty, guaranty, or maintenance agreement between a vendor and a vendee shall be subject to tax under Section 8A-460 only to the extent of gross income received from separately itemized charges made for the items of property transferred.

(c) The gross income derived from a maintenance insurance agreement, which agreement is entered into between the purchaser and any person other than the seller is not subject to tax imposed by Section 8A-460. If the provider of the maintenance insurance agreement pays for tangible personal property on behalf of the insured in the performance of the agreement, such sales are subject to all applicable taxes imposed by this Chapter.

(d) Charges for tangible personal property provided under the terms of a warranty, maintenance, or service contract exempted under Section 8A-465 are subject to tax as retail sales.

(e) However, gross income received by a dealer from a manufacturer for work performed under a manufacturer's warranty is not taxable under Section 8A-460.
Reg. 8A-465.3. Retail sales: sale of containers, paper products, and labels.

(a) The sale of a container or similar packaging material which contains personal property and which is transferred to the customer with the sale of the product is not taxable as a sale for resale. Examples of such nontaxable containers include but are not limited to:

1. packaging materials sold to a manufacturer of video equipment for containment of the product during shipment.
2. cellophane-type wrap sold to a meat department or butcher for containment of the individually wrapped or contained meat.
3. bags used to contain loose fungible goods such as fruits, vegetables, and other products sold in bulk, where such bags or containers are used to contain and measure the amount purchased by the customer.
4. shopping bags and similar merchandising bags sold to grocery stores, department stores or other retailers.
5. gift wrappings and gift boxes sold to department stores or other retailers.

(b) Sales of non-returnable or disposable paper (and similar products such as plastic or styrofoam) cups, lids, plates, bags, napkins, straws, knives, forks and other similar food accessories to a restaurant or others taxable under Section 8A-455 for transfer by the restaurant to its customer to contain or facilitate the consumption of the food, drink or condiment are sales for resale and are not taxable.

(c) Where a retailer imposes a charge for gift wrapping and the charge includes the container, paper, and other appropriate materials, the wrapping charge shall be considered a sale.

(d) Charges for returnable containers, where the charges are imposed on the customer, are subject to tax at the time of the transaction. A credit may be taken for the amount of refund after such refund is made.

(e) The sale of labels to a purchaser who affixes them to a primary container is a sale for resale and are not taxable. Directional or instructional material included with products sold are considered to be part of the product and a sale for resale. However, the sale of items such as price tags, shipping tags, and advertising matter delivered to the customer in connection with the retail sale is taxable to the retailer as a retail sale to it, and is not exempt as a sale for resale.

Reg. 8A-465.4. Retail sales: aircraft acquired for use outside the State.

"Aircraft acquired for use outside the State" means aircraft, navigational and communication instruments, and other accessories and related equipment sold to:

(a) Any foreign government for use by such government outside of this State.

(b) Persons who are not residents of this State and who will not use such property in this State other than in removing such property from this State. This subsection also applies to corporations that are not incorporated in this State, regardless of maintaining a place of business in this State, if the principal corporate office is located outside this State and the property will be used in this State other than in removing the property from this State.
Reg. 8A-470.1. Telecommunication services.

(a) Gross income from the business activity of providing telecommunication services to consumers within this Town shall not include:

1. charges for installation, maintenance, and repair of telecommunication equipment which are subject to the provisions of Sections 8A-415, 8A-416, or 8A-417 (construction contracting); 8A-445 (real property rental); 8A-450 (tangible personal property rental); or 8A-460 (retail sales); depending upon the nature of the work performed.

2. separately billed advertising charges which are subject to the provisions of Section 8A-405 or 8A-435.

(b) Mobile equipment. In cases where the customer is being provided telecommunication services to receiving/transmission equipment designed to be mobile in nature (for example, mobile telephones, portable hand-held two-way radios, paging devices, etc.), the provider shall, for the purposes of the tax imposed by this Section, determine whether such provider’s customers are "within this Town" as follows:

1. by the billing address of the customer, provided that such address is a permanent residence or business location of the consumer within the State.

2. in all other cases, the business location of the telecommunications provider.

Reg. 8A-475.1. Distinction between transporting for hire and certain related activities.

The hiring of mobile equipment (cranes, airplanes, limousines, etc.) is deemed rental, leasing, or licensing for use of tangible personal property whenever the charge is for a fixed sum or hourly rate. By comparison, the activity of a common carrier conveying goods or persons for a fee based upon distance, and not time, shall be considered transporting for hire.

Reg. 8A-520.1. (Reserved)

Reg. 8A-520.2. Change of method of reporting.

(a) Any taxpayer electing to change his reporting method shall be permitted to do so only upon filing a written request to the Tax Collector and after receiving written approval of the Tax Collector. The approval shall state the effective date of the change.

(b) The Tax Collector may postpone such approval to allow for examination of the records of the taxpayer and may further require that all tax liability be satisfied up to the effective date of the change.

(c) Failure of the taxpayer to notify the Tax Collector and await approval before changing the method of reporting will subject the taxpayer to interest and penalties if his original method of reporting would produce higher taxes due the Town. When a person makes such change without the consent of the Tax Collector, the Tax Collector may audit his books and records to verify the tax liability as of the date of the change.

(d) Any taxpayer who has failed to indicate a choice of reporting method upon the application for a Privilege License shall be deemed to have chosen the accrual method of reporting.
Reg. 8A-555.1. (Reserved) (State Administration and Audits)

Reg. 8A-555.1. Administrative Request for the attendance of witnesses or the production of documents; service thereof; remedies and penalties for failure to respond. (Local Audits)

(a) If a taxpayer refuses or fails to comply in whole or in part with a request to provide records authorized by Section 8A-555, the Tax Collector may issue his written Administrative Request which shall:
   (1) designate the individual to provide information.
   (2) describe specifically or generally the information to be provided, and any documents sought to be examined.
   (3) state the date, time, and place in which the individual shall appear before the Tax Collector to provide the information and to produce the documents sought.
   (4) be directed to:
      (A) any director, officer, employee, agent, or representative of the person sought to be examined; or
      (B) any independent accountant, accounting firm, bookkeeping or financial service retained or employed by such person for any purpose connected with business activity subject to taxation; or
      (C) any other person who, in the opinion of the Tax Collector, has knowledge of facts bearing upon any tax liability of the person or taxpayer from whom information is sought.

(b) The failure of a taxpayer to comply with reasonable requests for records without good reason or cause may, in the exercise of judicial discretion by a court, be held to constitute a failure to exhaust administrative remedies.


Evidence that collection of tax due is in jeopardy shall include documentation that:

(a) the taxpayer is going out of business.
(b) the taxpayer has no Town Privilege License or has no permanent business location in the State.
(c) the taxpayer has failed to timely pay any tax (or penalties and interest thereon) due to the Town on three (3) or more occasions within the previous thirty-six (36) calendar months.
(d) the taxpayer has remitted payment by check, which has been dishonored.
(e) the taxpayer has failed to comply with a formal written request of the Tax Collector made pursuant to Regulation 8A-555.1.
CHAPTER 9.  HEALTH AND SANITATION

Article 9-01  GARBAGE AND TRASH COLLECTION
Article 9-02  PREPARATION OF REFUSE FOR COLLECTION
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Article 9-08  SALE OF PSEUDOEPHEDRINE PRODUCTS
Article 9-01 GARBAGE AND TRASH COLLECTION

9-01-010 Definitions.

In this Chapter, unless the context otherwise requires:

A. "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.

B. "Refuse" means all garbage and trash.

C. "Trash" means all nonputrescible wastes.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 117, Rep&ReEn, 09/05/85; Ord. No. 178, Renumbered, 05/26/88, 5-01-010)

9-01-020 Collection Agency.

The Town, or other collectors authorized by 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 117, Ren&Amd, 09/05/85, 5-02-010; Ord. No. 178, Renumbered, 05/26/88, 5-01-020)

9-01-030 Rules.

The Council shall, from time to time, fix the classifications for garbage and trash collection within the Town and shall make such other rules and regulations as may be necessary to properly administer and enforce this Chapter.

(Ord. No. 117, Enacted, 09/05/85; Ord. No. 178, Ren&Amd, 05/26/88, 5-01-030, 5-01-040)

9-01-040 Collection Days and Hours.

The days and hours of collection of residential refuse shall be established, and may be amended from time to time, by resolution of the Council.

(Ord. No. 583, Enacted, 03/11/04)
Article 9-02 PREPARATION OF REFUSE FOR COLLECTION

9-02-010 Preparation of Refuse.

All refuse shall be prepared for collection or disposed of as follows:

A. Garbage. The customer shall furnish containers for the accumulation, storage and collection of all garbage. Such containers shall be tightly sealed and be of rust-resistant metal or plastic and shall have handles on the outside. Plastic garbage bags are acceptable containers provided said bags are tightly sealed and undamaged at the time of collection. The maximum capacity of each container shall not exceed sixteen (16) gallons and loaded for collection shall not exceed fifty (50) pounds in weight. Such containers shall be maintained in good repair and in a sanitary condition.

B. Trash. Trash shall be placed in containers or tied in bundles by the customer and set out for collection. Containers may be garbage containers, described above, or boxes not exceeding three (3) square feet by four (4) feet deep. In any event, the weight of a loaded container or bundle shall not exceed fifty (50) pounds.

C. Brush. Brush shall be cut and tied into such a size that one (1) person can readily load the individual pieces into a truck or chipper, and shall be piled in neat order with all long branches parallel to one another and shall have all metal or foreign materials removed to facilitate chipping.

D. Appliances and Vehicles. The Town will collect discarded appliances from dwelling premises that two (2) persons can readily lift into a truck.

E. 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 sightly 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.

F. 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.

G. Dangerous Waste. See Article 9-05.
H. **Soil and Concrete.** Waste soil, concrete, masonry blocks, sod and rocks shall be disposed of by the owner, tenant or occupant of the premises.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 117, Ren&Amd, 09/05/85, 5-02-040, 5-02-060; Ord. No. 178, Ren&Amd, 05/26/88, 5-02-010)

9-02-020 **Location for Pick Up.**

A. All refuse prepared for collection shall be placed at the rear of the lot, at the edge of the alley and in an easily accessible manner, providing such alley exists and is used as a refuse collection route. Where alleys do not exist or are not open for refuse service, refuse shall be set at the back of the roadside ditch. All containers and piles of refuse shall be so located as to not block the alley, sidewalk or gutter, or otherwise be a hazard to pedestrian or vehicular traffic.

B. When necessary to set containers at the front curb, they may be set out after 6:00 p.m. of the day preceding regular collection, and shall be removed from the curb by 6:00 a.m. of the day after collection.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 117, Ren&Amd, 09/05/85, 5-02-010; Ord. No. 178, Renumbered, 05/26/88, 5-02-020)

9-02-030 **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.

(Ord. No. 117, Enacted, 09/05/85; Ord. No. 178, Renumbered, 05/26/88, 5-02-030)

9-02-040 **Use of Containers.**

It is 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 117, Ren&Amd, 09/05/85, 5-02-030; Ord. No. 178, Renumbered, 05/26/88, 5-02-040)
Article 9-03 OTHER METHODS OF GARBAGE AND TRASH REMOVAL

9-03-010 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 of this Chapter.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 117, Rep&ReEn, 09/05/85; Ord. No. 178, Ren&Amd, 05/26/88, 5-03-010)

9-03-020 Vehicles and Receptacles to be Spillproof.

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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 117, Repealed, 09/05/85; Ord. No. 178, Enacted, 05/26/88)

9-03-030 Hauling Trash, Litter.

It is unlawful for any person to haul trash along the streets of the Town unless such trash is securely covered to prevent the trash from being blown or spilled on the street or roadway. Should accidental spillage occur, it shall be the responsibility of the driver of the vehicle to remove such spilled trash from the roadway and to replace it in the vehicle.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 117, Rep&ReEn, 09/05/85; Ord. No. 158, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 5-03-030, 9-09-090)

9-03-040 Dumping Refuse.

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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 117, Rep&ReEn, 09/05/85; Ord. No. 178, RenumbeRed, 05/26/88, 5-03-040)
Article 9-04 PROPERTY MAINTENANCE

9-04-005 Purpose and Scope.

The purpose of the Article is to promote the health, safety, economic, aesthetic, and general welfare of the citizens of Prescott Valley, and to protect neighborhoods against nuisances, blight and deterioration by establishing requirements for the maintenance of all land, whether improved or vacant.

(Ord. No. 559, Enacted, 07/10/03)

9-04-010 Definitions.

In this Article, unless the context requires otherwise:

A. "Debris" means rubbish created or deposited by collisions, explosions, wind and other weathering, and similar causes.

B. “Dilapidated Building” means any structure likely to burn or collapse whose condition endangers the life, health, safety or property of the public.

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) 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.

D. "Person" means any natural person, firm, partnership, association, corporation, company or organization of any kind, but not the Federal government, State, County, City or political subdivision of the State of Arizona.

E. "Premises" means any dwelling, house, building, or other structure, designed or used either wholly or in part for residential, commercial or industrial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps or vestibules belonging or appurtenant to such dwelling, house, building or other structures.

F. "Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

G. "Property" includes grounds, lots and tracts of land on which premises are located.

H. “Rubbish” is the same as “Refuse” and includes garbage, trash, weeds, yard waste, other accumulations of filth, related debris, and dilapidated buildings that constitute a hazard to public health and safety.

I. "Structures" includes buildings, improvements and other structures that are constructed or placed on property.

J. “Weeds” mean any vegetation that is (or is liable to be) detrimental, destructive or unsightly and difficult to control or eradicate. Without limiting the foregoing, the term “weeds” shall include (but not be limited to) bull thistle, cocklebur, foxtail, horseweed, lambsquarters, London rocket, mallow, milkweed, pigweed, mustards, prickly lettuce, ragweed, Russian thistle, shephardspurse, sowthistle, willow weed, and those types of plant growth defined as noxious weeds in A.R.S. 3-201 (as amended) regardless of whether a particular property owner or occupant who is the subject of enforcement action under this Code regards the growth as desirable.
K. “Yard Waste” means brush, grass and vegetation clippings, weeds, twigs, leaves, limbs, branches and trunks from trees, and general yard, garden and tree waste materials.

(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)

9-04-020 Owner, Lessee or Occupant to Maintain Property.

A. The owner, lessee or occupant of any property shall at all times remove rubbish (including other accumulations of filth, related debris, and dilapidated buildings) that constitute a hazard to public health and safety from said property, maintain said property in a clean and safe condition, and otherwise avoid keeping or maintaining any nuisance thereon. These requirements also apply to appurtenant, adjacent or contiguous sidewalks, alleys and portions of streets that are not hard-surfaced for
B. Without limiting the generality of the foregoing, the owner, lessee or occupant of any property shall have the following specific obligations and responsibilities on the property and appurtenant, adjacent or contiguous sidewalks, alleys and portions of streets that are not hard-surfaced for vehicular traffic:

1. To control weeds and yard waste thereon and otherwise maintain said areas free of dry bushes, trees, tumbleweeds, weeds or other dry vegetation that create a visual blight upon the neighborhood, harbor insect or rodent infestations, become a fire hazard, or otherwise threaten the health, safety or economic welfare of adjacent property owners or occupants. In so doing, the owner, lessee or occupant shall not allow grass or weeds to exceed twelve (12) inches in height and shall otherwise maintain the property in a manner that prevents weeds or yard waste from being carried or deposited by the elements upon any public place.

2. To keep ditches or similar watercourses that are part of the storm drainage system clean and free of rubbish (expressly including vegetation, yard waste, and debris) that would obstruct the easy and natural flow of water therein.

3. To maintain all installed landscaping and irrigation systems in accordance with Site Development Standards set forth in Article 13-26 of this Code.

4. To keep the portion of any sidewalk immediately adjacent to the property clean and free of snow and ice (including any that accumulates from passing snow plows and other traffic).

5. To refrain from keeping or maintaining any other nuisance thereon in a manner that causes substantial diminution to the value of other property in the neighborhood. In this regard, accumulations of personal property on property as part of a yard sale are not a nuisance as defined herein if, and only if:

   a. The personal property consists of surplus household property (regardless of ownership).

   b. The personal property is publicly offered for sale.

   c. The personal property is neatly displayed for sale (either within or without any premises).

   d. The personal property is neatly secured within premises during those periods when it is not offered for sale.

   e. The personal property is offered for sale over a period not longer than three (3) consecutive calendar days.

For the purposes of this yard sale exception, personal property is offered for sale through any method of informing or soliciting buyers of goods, including (but not limited to) use of signs, handbills, newspaper advertisements, and
direct personal contacts. However, nothing in this Subsection shall permit placement of rubbish or posting of signs on public property (including utility poles), or improper disposal of hazardous materials otherwise prohibited in this Code.

C. Beyond the access to property and removal of storm water provided by adjacent sidewalks, alleys, and portions of streets that are not hard-surfaced for vehicular traffic, nothing herein shall give the owner, lessee or occupant of any property abutting any such area any special or exclusive right of use of or control over such area. Moreover, nothing herein shall exclude the Town from conducting in its sole discretion activities to maintain, repair, replace, or build drainage structures in or hard-surface for vehicular travel any portion of said sidewalks, alleys, and portions of streets that are not yet hard-surfaced for vehicular traffic (expressly including removal of any lining placed in ditches by property owners, lessees or occupants to suppress vegetation). Nor shall anything herein impose on the Town any liability for such activities.

9-04-030 Prohibition Against Placing Rubbish on Other Property.

No person shall (with or without permission) place rubbish (including trash, garbage or related debris), appliances and vehicles, building material, soil & concrete, brush and other yard waste, sewage, or any other dangerous byproduct or waste, snow or ice on property not owned, leased or otherwise controlled by that person (including, but not limited to, any public place). The sole exception to this prohibition is placement (with permission) of such rubbish and other materials on property that has been zoned and otherwise permitted for disposal and storage of such items. Owners, lessees or occupants of property shall use and maintain authorized private receptacles for collection in such a manner that rubbish (including related debris) shall not be carried or deposited by the elements upon any adjacent property (including, but not limited to, any public place).

9-04-035 Criminal and Civil Liability.

A. Violation of this Article shall constitute a class 1 misdemeanor or a civil offense as set forth in Article 1-08 of this Code.

B. Nothing herein shall preclude the exercise of discretion by authorized personnel at any stage of the enforcement process to address circumstances of indigency or physical or mental incapacity through (as examples and not by way of limitation) coordination with service groups, diversion programs, and community service programs.

(Ord. No. 810, enacted, 01/14/16)
9-04-040 Notice to Comply.

Notwithstanding any criminal or civil action that may be brought under Section 9-04-035 above against any owner, lessee or occupant of property who fails, neglects or refuses to comply with the requirements of Sections 9-04-020 and 9-04-030 above, the Community Development Director, or his designee, may give written notice to the owner and to the lessee or occupant, if any, to comply with the applicable provisions thereof prior to the date for compliance on the notice. Such notice shall be given not less than thirty (30) days before the date set thereon for compliance and shall include the legal description of the property, an estimate of the cost of abatement by the Town, and a statement that unless the responsible person complies therewith by the date shown in the notice, the Town will, at the expense of such person, abate said violation. In such case, said notice shall include an explanation of the right to appeal said determination to the Town Council in accordance with Section 9-04-060 hereinafter.

(Ord. No. 117, Enacted, 09/05/85; Ord. No. 178, Ren&Amd, 05/26/88, 5-04-040; Ord. No. 283, Amended, 09/24/92; Ord. No. 396, Amended, 08/08/96; Ord. No. 559, Amended, 07/10/03; Ord. No. 810, Amended, 01/14/16)

9-04-050 Service of Notice.

A. The Community Development Director, or his designee, shall serve the notice to remove to the owner, the owner's authorized agent or the owner's statutory agent and to the occupant or lessee. The notice shall be served either by personal service or by certified mail. If notice is served by certified mail, it 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. For purposes of this Article, the notice shall be considered given either upon delivery of the notice by personal service, or upon mailing.

B. Town staff may cause said notice to be recorded in the County Recorder’s Office. If the notice has been recorded and there is subsequent compliance, Town staff shall record a release of the notice in the same Office.

(Ord. No. 117, Enacted, 09/05/85; Ord. No. 178, Ren&Amd, 05/26/88, 5-04-050; Ord. No. 283, Amended, 09/24/92; Ord. No. 396, Amended, 08/08/96; Ord. No. 559, Amended, 07/10/03)

9-04-060 Appeal to Council.

A. Prior to the date set for compliance on the notice, the owner, occupant or lessee may appeal to the Council from the demand of the Community Development Director, or his designee. Any such appeal must be heard during a regular meeting of the Council prior to the compliance date, and a written request to be placed on the regular agenda for that purpose must be received by the Town Manager no later than 5:00 p.m. on the Tuesday prior to the meeting. Upon receiving such a request, the Council shall hear and determine the appeal at the next meeting. The decision of the Council shall be final and may affirm, reverse or modify the requirements of the notice.
B. The Council may, at its option, appoint a Board of Citizens to hear such appeals. Said Board shall establish its procedures for hearing such appeals, subject to Council approval.

C. Notwithstanding Town Code Subsections 9-04-060(A) and 9-04-060(B), appeal to the Town Council (or to a Board of Citizens appointed for the purpose of hearing such appeals) is not available where the challenged removal or abatement is ordered by a court of competent jurisdiction.

(Ord. No. 117, Enacted, 09/05/85; Ord. No. 178, Renumbered, 05/26/88, 5-04-060; Ord. No. 283, Amended, 09/24/92; Ord. No. 396, Amended, 08/08/96)

9-04-070 Abatement by Town.

If any person having an interest in property, including an owner, lienholder, lessee or occupant, after notice as required by Section 9-04-040 of this Article, does not comply with the requirements of this Article as set forth in said notice, the Town may remove, abate, enjoin or cause the removal of the violation set forth therein.

(Ord. No. 117, Enacted, 09/05/85; Ord. No. 158, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 5-04-070, 9-09-140; Ord. No. 396, Amended, 08/08/96; Ord. No. 559, Amended, 07/10/03; Ord. No. 810, Amended, 01/14/16)

9-04-080 Assessment for Abatement.

A. Upon completion of the work, the Town Manager shall prepare a verified statement of account of the actual cost of the removal, abatement, or injunction (including the legal costs associated therewith and the actual cost of additional inspections and incidental connected costs), the name and address of the Town as the party imposing the assessment, the date the work was completed, and the street address and the legal description of the property on which said work was done, and shall serve a duplicate copy of such verified statement upon the owner and upon the lessee or occupant in the manner prescribed in Section 9-04-050.

B. The owner and the lessee or occupant shall have thirty (30) days from the date the verified statement is served or mailed to pay the assessment or to appeal in writing to the Town Council about the amount of the assessment. If an appeal is not filed with the Town Council within such thirty (30) day period, then the amount of the assessment as determined by the Manager shall become final. If an appeal is taken, the Town Council shall, at its next regular meeting, hear and determine the appeal and may affirm the amount of the assessment, modify the amount thereof or determine that no assessment at all shall be made. Upon affirmation or modification of the amount by the Council, the owner and the lessee or occupant shall have five (5) days to pay the assessment to the Town.

C. If no appeal is taken from the amount of the assessment or if an appeal is taken and the Council has affirmed or modified the amount of the assessment, and the assessment is not paid within the time specified:
1. Owner-occupied property or residential property of more than four (4) units - the original assessment or the assessment as so modified shall be recorded in the office of the County Recorder. Any assessment recorded after July 15, 1996, is prior and superior to all other liens, obligations, mortgages, or other encumbrances, except liens for general taxes.

2. Tenant-occupied Property - for residential properties of 4 or fewer units, if a property is serving as a rental and is occupied by a tenant during the time of the abatement, the Community Development Director, or his designee, will petition a court of competent jurisdiction for an order of judgment against the tenant in the amount of the assessment.

D. A sale of the property to satisfy an assessment obtained under the provisions of this Section shall be made upon judgment of foreclosure or order of sale. The Town shall have the right to bring an action to enforce the assessment in the Superior Court at any time after the recording of the assessment, but failure to enforce the assessment by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings prior to the recording thereof.

E. Assessments that are imposed under this Section 9-04-080 run against the property until paid and are due and payable in equal annual installments as follows:

1. Assessments of less than five hundred dollars ($500.00) shall be paid within one (1) year after the assessment is recorded.

2. Assessments of five hundred dollars ($500.00) or more but less than one thousand dollars ($1,000.00) shall be paid within two (2) years after the assessment is recorded.

3. Assessments of one thousand dollars ($1,000.00) or more but less than five thousand dollars ($5,000.00) shall be paid within three (3) years after the assessment is recorded.

4. Assessments of five thousand dollars ($5,000.00) or more but less than ten thousand dollars ($10,000.00) shall be paid within six (6) years after the assessment is recorded.

5. Assessments of ten thousand dollars ($10,000.00) or more shall be paid within ten (10) years after the assessment is recorded.

F. An assessment that is past due accrues interest at the rate prescribed by ARS §44-1201.

G. A prior assessment for the purposes provided in this Section shall not be a bar to subsequent assessment or assessments for these purposes, and any number of assessments on the same tract of land may be enforced in the same action.

(Ord. No. 117, Enacted, 09/05/85; Ord. No. 178, Ren&Amd, 05/26/88, 5-04-080; Ord. No. 283, Amended, 09/24/92; Ord. No. 396, Amended, 08/08/96; Ord. No. 810, Amended, 01/14/16)
Article 9-04a JUNKED MOTOR VEHICLES

9-04a-010 Purpose.

The purpose of this Article is to protect the health, safety and welfare of the citizens and promote the safety and value of property within the Town by providing for the removal and elimination of nuisance junked motor vehicles.

(Ord. No. 559, Enacted, 07/10/03)

9-04a-020 Definitions.

In this Article, unless the context otherwise requires:

A. “Junked Motor Vehicle” means any motor vehicle which is, at a minimum, of a type subject to registration under Title 28 of the Arizona Revised Statutes but does not have lawfully affixed thereto unexpired number or license plates assigned to the vehicle by any state and, in addition, which exhibits one (1) or more of the following conditions:

1. Wrecked, partially or fully dismantled, abandoned, stripped, substantially damaged, inoperative, inoperable, unused, scrapped, having the status of a hulk or shell, discarded or unable to be safely operated.

2. Has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.

3. Lacks an engine or two (2) or more wheels or other structural parts which renders the vehicle totally inoperable.
4. Has a broken or cracked windshield, window, headlight or taillight, or any other cracked or broken glass.

5. Has a broken or loose fender, door, bumper, hood, door handle, window handle, running board, steering wheel, trunk top, trunk handle, tail pipe or other structural or decorative piece.

6. Has become the habitat of rats, mice, snakes or any other vermin or insects, or is used for the storage of garbage or litter.

7. Which contains gasoline or any other flammable fuel.

8. Which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

B. "Motor Vehicle" means any self-propelled land vehicle which can be used for transporting persons or property.

C. "Person" means any natural person, firm, partnership, association, corporation, company or organization of any kind, but not the Federal government, State, County, City or political subdivision of the State.

D. "Private Property" means any real property not owned by the Federal government, State, County, City or political subdivision of the State.

E. "Store" means parking, storing, leaving, locating, keeping, maintaining, depositing, remaining or physical presence.

F. "Structure," for purposes of this Article, means:

1. Any enclosed garage or other permanent building lawfully constructed of opaque materials without openings, holes or gaps other than doors and windows; and

2. Any carport, if an opaque car cover completely covers the body of the vehicle within the carport.

(Ord. No. 559, Enacted, 07/10/03)

9-04a-030 Storage Declared Nuisance.

To store or to permit the storage of any junked motor vehicle on any private property within the Town in violation of this Article is hereby declared dangerous to the public safety and a public nuisance. It is further declared that such storage interferes with the enjoyment of property; reduces the value of private property; invites plundering; creates fire hazards; extends and aggravates urban blight and deterioration; represents a hazard to the health and safety of minors; attracts rodents and insects; and poses a serious danger to the public health, safety, comfort, convenience, welfare and happiness. Any junked motor vehicle located upon private property in violation hereof, wherein the owner of the vehicle is also the
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owner or person in control of the property upon which it is located, shall be considered a prima facie case of such a nuisance.

(Ord. No. 559, Enacted, 07/10/03)

9-04a-040 Prohibited Storage.

It is unlawful:

A. For any person owning or having custody of any junked motor vehicle to store such vehicle or to permit such vehicle to remain on private property within the Town, except as permitted by Section 9-04a-050 of this Article.

B. For any person owning or occupying any private property within the Town to store any junked motor vehicle or to permit such vehicle to remain on the owned or occupied property, except as permitted by Section 9-04a-050 of this Article.

(Ord. No. 559, Enacted, 07/10/03)

9-04a-050 Permitted Storage.

This Article shall not apply to any junked motor vehicle stored on private property within the Town, if the vehicle is:

A. So stored as part of a lawful and properly licensed business enterprise, operated in a proper zoning district and in compliance with the applicable zoning standards, either as a primary or an accessory use; or

B. So stored for future restoration, completely within a "structure" as defined in this Article.

(Ord. No. 559, Enacted, 07/10/03)

9-04a-060 Right of Entry.

The Chief of Police or any police officer or employees of the Building Department and Planning and Zoning Department of the Town are hereby authorized access to any property upon which a junk vehicle is located for the purpose of carrying out any and all actions required by this Article.

(Ord. No. 559, Enacted, 07/10/03)

9-04a-070 Notice to Abate.

Upon discovery of any junked motor vehicle located on private property in violation of this Article, the authorized Town official shall write to the owner or occupant of the property
upon which the vehicle is located, and the owner of the vehicle if known, that:

A. The junked motor vehicle constitutes a public nuisance under the provisions of this Article; and

B. The public nuisance must be abated in accordance with the provisions of Section 9-04a-090 herein within ten (10) calendar days;

C. The recipient may appeal the notice by delivering the same in writing to the Town Manager and request a public hearing thereon before the Board of Adjustment within the ten (10) calendar days provided for abatement.

(Ord. No. 559, Enacted, 07/10/03)

9-04a-080 Service of Notice.

Any such notice shall be deemed to be properly served when a copy thereof is delivered to the owner pursuant to Rules 4, 4.1, and 4.2 of the Arizona Rules of Civil Procedure, by certified mail with return-receipt requested to the owner's last known address, or, if the certified letter is returned with the receipt showing that it has not been delivered, by posting a copy thereof upon the junked motor vehicle. If the registered owner of a vehicle cannot be determined in that there is not a license plate, registration or vehicle identification number or other method to determine ownership of the vehicle, service of notice to the vehicle owner is considered waived, and the Town may immediately proceed without notice to the vehicle owner.

(Ord. No. 559, Enacted, 07/10/03)

9-04a-090 Duty of Owner after Notice.

The owner of a junked motor vehicle or the owner or occupant of the property upon which it is located shall (unless said owner or occupant appeals the notice pursuant to Section 9-04a-100 herein), within ten (10) days after receipt of written notice as provided in Sections 9-04a-070 and 9-04a-080 herein:

A. Lawfully register the vehicle and affix thereto unexpired number or license plates assigned to the vehicle by any state and repair any and all conditions set forth in Subsection 9-04a-020(A) which cause such vehicle to be a public nuisance;

B. Remove the vehicle or cause to have the vehicle removed to an authorized salvage yard or to any other location, provided the same complies with all applicable provisions of the Town Code; or

C. Lawfully store the vehicle pursuant to Section 9-04a-050 herein.

(Ord. No. 559, Enacted, 07/10/03)

9-04a-100 Review.
A. Request for Public Hearing.

1. Upon receipt of a notice of public nuisance from the authorized Town official, the owner of the vehicle or the owner or the lawful controller of the real property upon which the vehicle is located may file a written request with the Town Manager for a public hearing before the Board of Adjustment. Said request must be filed with the Manager within ten (10) calendar days after the mailing or service of the notice of public nuisance. The Board shall hold such a hearing within a reasonable period thereafter and shall there determine whether a nuisance exists and the appropriate manner of eliminating any nuisance. No abatement or other enforcement action shall be taken during the pendency of the appeal unless the nuisance constitutes a significant hazard to life or property.

2. Notice of the hearing shall be mailed via certified mail in accordance with Section 13-29-060 of this Code to the owner of the vehicle and/or the owner or lawful controller of the real property on which the vehicle is located, unless the vehicle is in such condition that identification numbers are not available to determine ownership (in which case notice to the vehicle owner is considered waived).

3. If such a request for a public hearing is not received within the ten (10) days after serving the notice of public nuisance, the Town shall have authority to abate the nuisance by removing the vehicle(s) giving rise to the public nuisance without such a hearing being held.

B. Hearing Procedure. The Board of Adjustment shall hold any such public hearing pursuant to the requirements of Section 13-29-060. In so doing, it shall hear all facts and testimony related to the appeal that it deems necessary. Facts and testimony may include testimony on the actual condition of the vehicle and the circumstances surrounding the vehicle's present location and condition. The Board shall not be limited by the technical rules of evidence. The owner of the vehicle and/or the owner or occupant of the real property on which the junked motor vehicle is located may appear in person and present relevant evidence or testimony on these issues. Other interested third parties may also present relevant evidence or testimony, at the discretion of the Board.

C. Board Decision.

1. The Board may impose such conditions and take such actions as it deems appropriate under the circumstances to carry out the purposes of this Article. For example, it may find that a particular vehicle is a public nuisance and order the vehicle removed from the property on which it is located, and disposed of as provided in this Article. The Board may also determine that other remedies should be pursued by the Town, either in concert with abatement or separately. On the other hand, the Board may determine that removal of the vehicle or pursuit of other remedies is presently unjustified.

2. The owner of the vehicle and/or the owner or lawful occupant of the real
property, or any other interested party who makes a presentation to the Board at such a hearing, shall be notified in writing of the Board’s decision. Any such decision shall be final.

D. Order of Removal. In the event that the Board determines, after hearing, that a junked motor vehicle must be removed from the property, said vehicle may be removed ten (10) calendar days after mailing of the written decision to the appropriate parties, and disposed of pursuant to Article 3, Chapter 11, Title 28 of the Arizona Revised Statutes.

(Ord. No. 559, Enacted, 07/10/03)

9-04a-110 Abatement; Criminal and Civil Enforcement.

A. Failure of the owner of a junked motor vehicle and/or the owner or occupant of the real property on which the junked motor vehicle is located to abate the nuisance as set forth herein, shall empower the authorized Town enforcement officials to remove such vehicles or cause them to be removed according to Subsection 9-04a-090(B) of this Code and disposed of pursuant to ARS §28-4801 et seq., at the expense of the owner of the vehicle and/or the owner or occupant of the real property.

B. Failure of the owner of a junked motor vehicle and/or the owner or occupant of the real property on which the junked motor vehicle is located to abate the nuisance as set forth herein, shall also empower the authorized Town enforcement officials to (a) issue a criminal complaint against the owner of the vehicle, the owner or occupant of the real property on which the vehicle is located, or both, (b) issue an appropriate civil complaint seeking to enjoin continuation of the public nuisance and, where possible, to collect damages, and (c) issue a civil citation in accordance with Article 1-08 of this Code.

(Ord. No. 559, Enacted, 07/10/03)

9-04a-120 Assessment of Costs.

A. In addition to any procedures for obtaining reimbursement for the costs of abating the public nuisance found in Article 2, Chapter 11, Title 28 of the Arizona Revised Statutes, the Town may receive reimbursement of abatement costs from the owner or occupant of the real property on which the vehicle was located. In pursuit thereof, the Town Manager or his designated representative may prepare a verified statement of account of the actual costs of such removal and abatement (including storage), the date the work was completed, and the street address and the legal description of the real property on which said work was done [including ten percent (10%) for administrative costs], and shall serve a duplicate copy of such verified statement upon the owner or occupant of said real property in the manner prescribed in Section 9-04a-080.

B. The owner or occupant of the real property shall have thirty (30) calendar days from the date of service upon him to pay the assessment as contained in the verified statement or appeal in writing to the Town Council (through the Town Manager) from

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the amount of the assessment. If an appeal is not so filed with the Town Council within such thirty (30) day period, then the amount of the assessment as determined by the Town Manager shall become final and binding. If an appeal is taken, the Town Council shall, at its next regular meeting, hear and determine the appeal and may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment at all shall be made.

C. If the assessment is not paid and no appeal is taken from the amount of the assessment, or if an appeal is taken and the Town Council affirms or modifies the amount of the assessment [and said amount is not paid within five (5) calendar days of the Council decision], the original assessment or the assessment as so modified shall be recorded in the Office of the Yavapai County Recorder, and from the date of its recording it shall become a lien on the lot or tract of adjacent land where the nuisance occurred until paid. Such liens shall be subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record.

D. If it is determined (either at the public hearing before the Board of Adjustment or at a Council hearing on the assessment) that the junked motor vehicle was placed on the real property without the consent of the owner or person in lawful control of the property, and that said owner or person in lawful control has not subsequently acquiesced in the presence of the vehicle, the Council shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle was located, or otherwise attempt to collect such costs from the owner or controller of the property.

E. A sale of the property to satisfy a lien obtained under the provisions of this Section shall be made upon judgment of foreclosure and order of sale. The Town shall have the right to bring action to enforce the lien in the Superior Court of Yavapai County at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prime facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. Failure to record a lien against the real property does not in any way prohibit the Town from utilizing any and all other remedies it may have against the person adjudged responsible for the nuisance, and the Town may pursue any remedies in law or equity to recover its costs, including administrative costs, involved in abating the nuisance, along with reasonable attorney fees and investigative costs incurred.

(Ord. No. 559, Enacted, 07/10/03)

9-04a-130 Prosecution.

In any criminal complaint proceeding for any violation of this Article:

A. Within ten (10) calendar days from the issuance of the complaint or at the arraignment, whichever date comes first, the prosecution shall move to dismiss the complaint if the defendant produces competent evidence of abatement as set forth in Section 9-04a-090 herein. If necessary, the arraignment date may be continued to permit Town verification of the abatement.
B. Photographic evidence showing that the vehicle did not have unexpired number or license plates affixed thereto on the date the photographic evidence was taken shall constitute prima facie evidence that the vehicle was not then currently registered and licensed.

(Ord. No. 559, Enacted, 07/10/03)

9-04a-140 Criminal Penalty.

Violation of this Article shall constitute a class 3 misdemeanor, and the violator shall be subject to a fine of no more than five hundred dollars ($500.00) and no more than thirty (30) days imprisonment, or both. No judge shall grant probation or suspend any fine established by this Section to a payment lower than fifty dollars ($50.00) per violation.

(Ord. No. 559, Enacted, 07/10/03)

9-04a-150 Non-exclusive Remedies.

Nothing herein shall be construed to require selection of an exclusive remedy to eliminate a public nuisance under this Article, and all available remedies, including (but not limited to) abatement by the Town at the expense of the vehicle owner and/or the property owner or occupant, criminal complaints, civil citations, or civil actions for injunction, damages, etc., may be pursued separately or concurrently.

(Ord. No. 559, Enacted, 07/10/03)
Article 9-04b  GRAFFITI

9-04b-010  Purpose.

The purpose of this article is to provide a procedure for prevention, prohibition and removal of Graffiti from walls, signs and other surfaces on structures located on public and private property in order to reduce blight and deterioration within the Town and to protect public health and safety.

(Ord. No. 684, Enacted, 06/21/08)

9-04b-020  Definitions.

In this Article, unless the context otherwise requires

A.  “Aerosol Paint Container” means any aerosol container which is adapted or made for the purpose of spraying paint.

B.  “Broad-Tipped Indelible Marker” means any felt-tip marker or similar implement which has a writing surface which is one-half (1/2) of an inch or greater and containing a fluid which is not water soluble.

C.  “Etch” means to permanently alter a surface by use of an etching solution or implement.

D.  “Etching Implement” means a tool, instrument, product, solution or substance capable of being used to etch a surface.

E.  “Etching Solution” means any product or compound manufactured for the purpose of permanently altering a glass or other surface.

F.  “Graffiti” means initials, designs, drawings, messages, slogans, signs, symbols or similar marks of any type that are written, spray-painted, etched, sketched or otherwise applied on any sidewalk, wall, building, fence, sign or other structure located on public or private property without consent of the owner and visible from a public right-of-way.

G.  “Graffiti Implement” means an Aerosol Paint Container, Broad-Tipped Indelible Marker, Etching Implement or Paint Stick, Graffiti Stick or Bleeder.
H. “Paint Stick, Graffiti Stick or Bleeder” means an implement containing paint, wax, epoxy or other similar substance.

I. “Responsible Party” means an owner, occupant, lessor, lessee, manager, licensee or other person having the right to control such property.

(Ord. No. 684, Enacted, 06/21/08)

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 §8-201 et seq. (as amended).

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

9-04b-040 Prohibiting Sale to or Purchase by Minors of Graffiti Implements.

A. No person or firm may sell, deliver or give or cause to be sold, delivered or given, any Graffiti Implement to any person under the age of eighteen (18) years, and no person under the age of eighteen may buy any Graffiti Implement.

B. Evidence that a person, his or her employee, or agent demanded and was shown
acceptable evidence of majority and acted upon such evidence in a transaction or sale shall be a defense to any prosecution under this Section. Acceptable evidence of majority shall include, but is not limited to, a driver’s license, state-issued identification or military identification.

C. This section does not apply to the transfer of Graffiti Implements from parent to child, guardian to ward, employer to employee, teacher to student or between persons of similar relationship when such transfer is for a lawful purpose.

D. Violation of this Section is a class 1 misdemeanor.

(Ord. No. 684, Enacted, 06/21/08)

9-04b-050 Regulating Storage and Display of Graffiti Implements.

A. No person who owns, conducts, operates or manages a business where Graffiti Implements are sold, nor any person who sells or offers for sale Graffiti Implements, may store or display, or cause to be stored or displayed, such Graffiti Implements in an area that is accessible to the public unless:

1. The Graffiti Implements are in view of employees at all times pending legal sale or other disposition; or

2. The Graffiti Implements are continuously under electronic surveillance at all times pending legal sale or other disposition; or

3. The legal sale or other disposition of Graffiti Implements is secured by a voluntary plan submitted by the business establishment and approved by the Town to include (but not be limited to) employee education, posting signs, and improving the store’s security.

B. Storage or display of Graffiti Implements shall in all cases be conducted so as to avoid sale or delivery of Graffiti Implements to persons under the age of 18 years.

C. Violation of this section is a civil offense, subject to a civil sanction of not less than five hundred dollars ($500).

(Ord. No. 684, Enacted, 06/21/08)

9-04b-060 Graffiti Removal and Abatement.

A. All sidewalks, walls, buildings, fences, signs, and other structures or surfaces shall be kept free from Graffiti when the Graffiti is visible from the street or other public or private property.

B. If it is determined by the Town that Graffiti exists on property in violation of this Article, the Town shall notify the Responsible Party of the violation as set forth in Article 9-04 of this Code.
C. If the Responsible Party fails to abate the Graffiti after notice, the Town may proceed to abate the Graffiti and bill the Responsible Party for the costs thereof as further set forth in Article 9-04 of this Code. The Town or its authorized private contractor is expressly authorized to enter private property and abate Graffiti thereon in accordance with this Article.

(Ord. No. 684, Enacted, 06/21/08)
Article 9-05  WASTEWATER TREATMENT SERVICE

9-05-010  Intent and Scope.

A. Intent. It is the intent of this Article, in connection with other provisions of this Code, to regulate the discharge of wastewater into the Town's wastewater treatment system; to provide for the construction and extension of the system; and to regulate connection thereto. It is also the intent of this Article to provide for the setting, collecting, and refunding of reasonable wastewater treatment rates, fees, charges and penalties.

B. Scope and Objectives. This Article sets forth uniform requirements for Customers and Users of the wastewater system, and enables the Town to comply with all applicable federal and State laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this Article are:

1. To prevent the introduction of pollutants into the wastewater system that will interfere with its operation;

2. To prevent the introduction of pollutants into the wastewater system which will pass through the wastewater system, inadequately treated, into receiving waters or otherwise be incompatible with the wastewater system;

3. To protect both wastewater system personnel who may be affected by wastewater and sludge in the course of their employment and the general...
public;

4. To improve opportunities for reuse and recycling of wastewater and sludge from the wastewater system;

5. To provide for rates, fees, charges, and penalties for the equitable distribution of the cost of operation, maintenance, and improvement of the wastewater system; and

6. To enable the Town to comply with conditions of its National Pollutant Discharge Elimination System and Arizona Aquifer Protection permits, sludge use and disposal requirements, and any other federal or State laws to which the wastewater system is subject.

This Article authorizes the issuance of industrial wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of rates, fees, charges, and penalties for the equitable distribution of costs resulting from the procedures established herein.

C. Applicability. This Article shall apply to all Customers and Users of the wastewater system.

D. Administration. Except as otherwise provided herein, the Town shall administer, implement, and enforce the provisions of this Article, including (but not limited to) the adoption of regulations from time to time by resolution. Any powers granted to or duties imposed upon the Town may be delegated by the Town to its authorized representative.

(Ord. No. 268, Enacted, 12/12/91; Ord. No. 284, Amended, 10/08/92; Ord. No. 391, Amended, 06/27/96; Ord. No. 510, Amended, 08/23/01)

9-05-020 Abbreviations and Definitions.

A. Abbreviations. The following abbreviations shall have the designated meanings:

- **BOD** - Biochemical Oxygen Demand
- **CFR** - Code of Federal Regulations
- **EPA** - U.S. Environmental Protection Agency
- **gpd** - gallons per day
- **mg/l** - milligrams per liter
- **NPDES** - National Pollutant Discharge Elimination System
- **RCRA** - Resource Conservation and Recovery Act
- **TSS** - Total Suspended Solids
- **USC** - United States Code

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

1. "Act or 'the Act'" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

2. "Authorized Signatory of the User" means:
   a. If the User is a corporation:
      (1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
      (2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
   b. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively;
   c. If the User is a federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility (or his/her designee);
   d. The individuals described in subparagraphs a through c above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.

3. "Biochemical Oxygen Demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration of milligrams per liter (mg/l).

4. "Categorical Pretreatment Standard or Categorical Standard" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

5. "Composite Sample" means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time, as specified by the Town.

6. "Customer" means (a) the record owner(s) of real property to which wastewater
treatment services are supplied and/or, (b) any Tenant of real property to which any of said services are supplied. Customers are the persons or entities responsible for the payment of wastewater treatment rates, fees, charges, and penalties for such services. While a Customer may also be a “User” as defined herein, the terms are not necessarily the same.

7. "Department” means any combination of Town officers and third-party contractors (and their respective personnel) assigned to manage, operate and maintain the wastewater treatment system for the Town.

8. “Developed Properties” means lots, parcels or properties upon which a building, unit, or structure has been built and an occupancy permit (temporary or permanent) has been issued by the Town, or which has actually been occupied (whether or not occupancy continues thereafter).

9. “Director” means the director of the department in which the Customer Accounts division of the Town is included, as appointed from time to time by the Town Manager, and/or related staff designees.

10. “Discharge”, used in the context of either a verb or a noun, means the disposal of water, wastewater, or any other liquid or substance from any User into the wastewater treatment system.

11. "Domestic Waste” means a typical, residential-type waste which requires no pretreatment under the provisions of this Article before discharging into the wastewater system, excluding industrial waste.

12. "Environmental Protection Agency (EPA)” means the U.S. Environmental Protection Agency or its authorized representative.

13. "Existing Source” means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

14. “Grab Sample” means an individual sample collected over a period of time not to exceed (15) minutes.

15. "Indirect Discharge or Discharge” means the introduction of pollutants into the wastewater system from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

16. "Industrial User” means a discharger into the wastewater system of nondomestic wastewater.

17. "Industrial Waste” means any and all liquid or water borne waste from industrial or commercial processes, excluding domestic waste.

18. "Interference” means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the wastewater
system, its treatment processes or operations, or its sludge or effluent processes, use or disposal.

19. "May" means discretionary or permissive.

20. "Medical Waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

21. "National Pollutant Discharge Elimination System (NPDES) Permit" means a permit issued to a wastewater system or other discharger pursuant to Section 402 of the Act.

22. "New Source" means:

a. Any building, unit, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

   (1) The building, unit, structure, facility, or installation is constructed at a site at which no other source is located; or

   (2) The building, unit, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

   (3) The production or wastewater generating processes of the building, unit, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

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 (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 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 22(c).

23. "Noncontact Cooling Water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

24. "Pass Through" means a discharge which exits the wastewater system into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's NPDES permit (including an increase in the magnitude or duration of a violation).

25. "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, or local governmental entities.

26. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution, commonly referred to as a measure of the acidity or alkalinity of a substance, expressed in standard units.

27. "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater, i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, or odor.

28. “Premises,” “Real Property” or “Property” means the building, unit, structure, designated turf area, or water storage area (including adjacent areas and appurtenances) to which domestic water service, wastewater service, and/or reclaimed water service is provided.
29. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the wastewater system. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

30. "Pretreatment Requirements" means any substantive or procedural requirement, other than a pretreatment standard, related to pretreatment and imposed on a User.

31. "Pretreatment Standard or Standards" means prohibited discharge standards, categorical pretreatment standards, and local limits.

32. "Prohibited Discharge Standards or Prohibited Discharges" means prohibitions against the discharge of certain substances in this Article.

33. "Reclaimed Water" means all effluent discharged from the wastewater treatment facility after treatment, and stored, transported, or recharged into the underground aquifer by the reclaimed water system of the Town.

34. "Septic Tank Waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

35. "Shall" means mandatory.

36. "Significant Industrial User" means

a. A User subject to categorical pretreatment standards; or

b. A User that:

   (1) Discharges an average of 25,000 gpd or more of process wastewater to the wastewater system (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or

   (2) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the wastewater system treatment plant; or

   (3) Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the wastewater system's operation or for violating any pretreatment standard or requirement.

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

37. "Slug Load" means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in this Article or any discharge of a nonroutine, episodic nature, including (but not limited to) an accidental spill or a noncustomary batch discharge.


39. "Tenant" means a person entitled under all agreements, written, oral or implied by law, and valid rules and regulations adopted under Arizona Revised Statutes, embodying the terms and conditions concerning the use and occupancy of a dwelling unit and/or other premises to occupy the same to the exclusion of others.

40. "Total Suspended Solids (TSS)" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

41. "Town" means the Town of Prescott Valley and, for purposes of authority, includes any of its officers, employees, contractors, and other agents unless express reference is made to the Mayor, the Council, the Manager, or a department head.

42. "Town Council" or "Council" means the governing body of the Town, comprised of its duly elected or appointed members.

43. "Town Manager" or "Manager" means the manager of the Town as appointed from time to time by the Town Council, and/or related staff designees.

44. "Unit" means any room or group of rooms designed for one (1) or more persons to reside, work, or carry on any organized activity as a homogeneous group, and containing or having direct access to at least one (1) accommodation for cooking, domestic water use, reclaimed water use, and/or wastewater disposal.

45. "User" means any person, partnership, corporation, municipality, political subdivision, or other entity or other organization that occupies any building, unit, structure, designated turf area, or water storage area and receives wastewater service or discharges, causes, or permits any discharge, as defined herein, into the wastewater system.

46. “Utilities Director” means the director of the Utilities Department, as
appointed from time to time by the Town Manager, and/or related staff
designees.

47. “Utility System” means the domestic water system, wastewater treatment
system and the reclaimed water system of the Town, or any portion thereof.

48. "Wastewater" means all domestic waste, industrial waste, and any other liquid
discharged into the wastewater treatment system.

49. "Wastewater Treatment System" or "Wastewater System" means all components
of the wastewater treatment system owned or leased by the Town, including
(but not limited to) public sanitary sewer lines, lift stations, treatment
facilities, and effluent disposal and recharge facilities.

Note that the use of the singular shall be construed to include the plural and the
plural shall include the singular, as indicated by the context of its use.

(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)

9-05-030 Wastewater Treatment Fund Administration.

A. Establishment. A Wastewater Treatment Fund is hereby established to account for all
revenues and expenditures of the wastewater treatment system. Nothing herein limits
the authority of the Town, in conformance with standard accounting and good
financial management practices, to establish other funds, subfunds, or accounts (i.e.,
debt service, replacement, etc.) and to transfer monies between them and the
Wastewater Treatment Fund for wastewater treatment purposes and system
administration purposes, or to make interfund loans as allowed by law and approved
by the Town Council.

B. Additional Regulations. The Town Council shall adopt additional regulations for Fund
administration from time to time by resolution.

(Ord. No. 284, Enacted, 10/08/92; Ord. No. 510, Amended, 08/23/01; Ord. No. 584, Amended, 03/25/04)

9-05-035 Establishing Wastewater Service.

A. Application. New wastewater treatment service to any building, Unit or structure on
real property, or any increase in the size of a wastewater service connection to any
building, Unit, or structure shall be initiated by applications from Customers [or, in
the case of the record owner(s) of real property, their agent(s)] on forms established
from time to time by the Director. The information required at application and the
consequences of providing false information may be set from time to time by
regulations adopted by resolution.

B. Tenant Accounts. Applications by Customers who are Tenants must include a copy of the
lease or rental agreement for the property to be served. Tenants applying for service to
the leased/rental property shall be responsible to pay all wastewater treatment rates, fees, charges, and penalties applicable to the property. Where residential property consisting of five or more units is occupied by multiple Tenants, Tenants may apply for utility service and place their name on accounts only if each Tenant of the property is individually metered for wastewater treatment services.

C. Deposit. Applications for wastewater treatment service shall be accompanied by a deposit established from time to time by resolution, and administered in accordance with regulations adopted from time to time by resolution. An additional deposit may also be established by regulation from time to time in cases of bankruptcy, as permitted under federal law.

D. Unauthorized Turn-On, Turn-Off, or Other Tampering. Except in emergency circumstances, it shall be unlawful for any person to physically turn-on or turn-off wastewater treatment service to any building, Unit, or structure, to otherwise tamper with or damage the wastewater system, or to direct, aid, or abet another in so doing without the approval of the Director after compliance with established application requirements. In lieu of criminal prosecution for such a misdemeanor violation, the Director may, at his/her sole discretion, impose a civil penalty for such violation, which penalty shall be set from time to time by resolution. The Director may also waive any per-day aspect of such civil penalty in appropriate circumstances, and provide for set-off of such penalties in return for payment of the actual costs of any damages.

(Ord. No. 510, Enacted, 08/23/01; Ord. No. 815, Amended, 04/28/16)

9-05-040 Wastewater Treatment Rates, Fees, Charges, and Penalties.

A. Classification of Users. For the purpose of establishing reasonable wastewater treatment rates, fees, charges, and penalties, Users of the wastewater system shall be classified into three (3) categories, as follows:

1. Residential. The residential classification shall include single family homes and individual dwelling Units within multi-family residential structures. A residential classification is not lost by reason of a "home occupation" if the activity in no manner contributes to discharges to the wastewater system. Each dwelling Unit in a multi-family dwelling is considered a separate residential User.

2. Commercial. Unless required to have an Industrial Wastewater Pretreatment Permit, the commercial classification shall include institutional Users such as government entities, schools, churches, and nonprofit organizations, as well as transient and group quarters (i.e., hotels/ motels, rooming houses, nursing homes, etc.). [A residential Unit located within a structure utilized for commercial purposes or located on property used for commercial purposes (i.e., mini-storage manager/caretaker residences, etc.) shall be considered a separate commercial User for purposes of establishing Base User Rates.] Each separate or separately-metered commercial unit in a structure or unified complex utilized for commercial purposes shall be considered a separate commercial User.
system, its treatment processes or operations, or its sludge or effluent processes, use or disposal.

19. "May" means discretionary or permissive.

20. "Medical Waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

21. "National Pollutant Discharge Elimination System (NPDES) Permit" means a permit issued to a wastewater system or other discharger pursuant to Section 402 of the Act.

22. "New Source" means:

   a. Any building, unit, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

      (1) The building, unit, structure, facility, or installation is constructed at a site at which no other source is located; or

      (2) The building, unit, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

      (3) The production or wastewater generating processes of the building, unit, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

   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) 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 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(c).

23. "Noncontact Cooling Water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

24. "Pass Through" means a discharge which exits the wastewater system into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's NPDES permit (including an increase in the magnitude or duration of a violation).

25. "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, or local governmental entities.

26. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution, commonly referred to as a measure of the acidity or alkalinity of a substance, expressed in standard units.

27. "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater, i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, or odor.

28. "Premises," "Real Property" or "Property" means the building, unit, structure, designated turf area, or water storage area (including adjacent areas and appurtenances) to which domestic water service, wastewater service, and/or reclaimed water service is provided.
29. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the wastewater system. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

30. "Pretreatment Requirements" means any substantive or procedural requirement, other than a pretreatment standard, related to pretreatment and imposed on a User.

31. "Pretreatment Standard or Standards" means prohibited discharge standards, categorical pretreatment standards, and local limits.

32. "Prohibited Discharge Standards or Prohibited Discharges" means prohibitions against the discharge of certain substances in this Article.

33. "Reclaimed Water" means all effluent discharged from the wastewater treatment facility after treatment, and stored, transported, or recharged into the underground aquifer by the reclaimed water system of the Town.

34. "Septic Tank Waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

35. "Shall" means mandatory.

36. "Significant Industrial User" means

a. A User subject to categorical pretreatment standards; or

b. A User that:

   (1) Discharges an average of 25,000 gpd or more of process wastewater to the wastewater system (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or

   (2) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the wastewater system treatment plant; or

   (3) Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the wastewater system's operation or for violating any pretreatment standard or requirement.

c. Upon a finding that a User meeting the criteria in subparagraph 31(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
the leased/rental property shall be responsible to pay all wastewater treatment rates, fees, charges, and penalties applicable to the property. Where residential property consisting of five or more units is occupied by multiple Tenants, Tenants may apply for utility service and place their name on accounts only if each Tenant of the property is individually metered for wastewater treatment services.

C. Deposit. Applications for wastewater treatment service shall be accompanied by a deposit established from time to time by resolution, and administered in accordance with regulations adopted from time to time by resolution. An additional deposit may also be established by regulation from time to time in cases of bankruptcy, as permitted under federal law.

D. Unauthorized Turn-On, Turn-Off, or Other Tampering. Except in emergency circumstances, it shall be unlawful for any person to physically turn-on or turn-off wastewater treatment service to any building, Unit, or structure, to otherwise tamper with or damage the wastewater system, or to direct, aid, or abet another in so doing without the approval of the Director after compliance with established application requirements. In lieu of criminal prosecution for such a misdemeanor violation, the Director may, at his/her sole discretion, impose a civil penalty for such violation, which penalty shall be set from time to time by resolution. The Director may also waive any per-day aspect of such civil penalty in appropriate circumstances, and provide for set-off of such penalties in return for payment of the actual costs of any damages.

(Ord. No. 510, Enacted, 08/23/01; Ord. No. 815, Amended, 04/28/16)

9-05-040 Wastewater Treatment Rates, Fees, Charges, and Penalties.

A. Classification of Users. For the purpose of establishing reasonable wastewater treatment rates, fees, charges, and penalties, Users of the wastewater system shall be classified into three (3) categories, as follows:

1. Residential. The residential classification shall include single family homes and individual dwelling Units within multi-family residential structures. A residential classification is not lost by reason of a "home occupation" if the activity in no manner contributes to discharges to the wastewater system. Each dwelling Unit in a multi-family dwelling is considered a separate residential User.

2. Commercial. Unless required to have an Industrial Wastewater Pretreatment Permit, the commercial classification shall include institutional Users such as government entities, schools, churches, and nonprofit organizations, as well as transient and group quarters (i.e., hotels/ motels, rooming houses, nursing homes, etc.). [A residential Unit located within a structure utilized for commercial purposes or located on property used for commercial purposes (i.e., mini-storage manager/caretaker residences, etc.) shall be considered a separate commercial User for purposes of establishing Base User Rates.] Each separate or separately-metered commercial unit in a structure or unified complex utilized for commercial purposes shall be considered a separate commercial User.
3. **Industrial.** An industrial User shall be any entity required to have an industrial wastewater pretreatment permit under this Article; otherwise it shall be classified as commercial. Each separate or separately-metered industrial Unit in a structure or unified complex utilized for industrial purposes shall be considered a separate industrial User.

B. **Wastewater Rates, Fees, Charges, and Penalties.** Wastewater rates, fees, charges, and penalties shall be set by resolution from time to time, in accordance with the Intent and Scope of this Article and with applicable Arizona and federal statutes.

1. **Coordination with Other Fees and Assessments.** Nothing herein shall limit the authority of the Town to impose development fees in accordance with ARS §9-463.05 and Article 7-11 of the Town Code (all as amended from time to time), or to establish improvement district assessments per ARS §48-571 et seq. and fees in-lieu of such assessments in order to upgrade and expand the wastewater treatment system. However, any Wastewater System Connection Charges paid hereunder shall be offset, in whole or in part, against any such fees and assessments in accordance with law.

C. **Billing.** Billing of residential, commercial and industrial Customers for wastewater treatment services shall be accomplished as set forth from time to time by regulations adopted by resolution.

1. **Taxes.** In addition to the wastewater treatment rates, fees, charges, and penalties established from time to time by resolution, wastewater treatment billings shall include any applicable taxes on the business of wastewater treatment service.

2. **Time Covered by Rates.** With regard to wastewater rates, fees, charges, penalties, and taxes, any Base User Rates are applied to the current billing period while any Volume Rates and all other wastewater rates, fees, charges, penalties, and taxes are applied to the prior billing period.

3. **Delinquency Dates.** Wastewater rates, fees, charges, penalties, and taxes are due on different dates for different Customers based on billing cycles. Such dates shall be specified for each Customer when service begins and shall be set forth in the billings received. Payment is due twenty (20) days after the billing date. Wastewater rates, fees, charges, penalties, and taxes are delinquent on the twenty-eighth (28th) day after the billing date. Nothing herein shall preclude the Director from changing a Customer's billing period, so long as adjustments are made in billings to reflect actual usage.

4. **Consequences of Account Delinquencies.** Account delinquencies in relation to wastewater rates, fees, charges, penalties, or taxes shall result in an "Active Account Processing Charge", set from time to time by resolution, being applied to the account on the twenty-eighth (28th) day after the billing date. Furthermore, wastewater treatment service will be subject to turn-off on and after the fiftieth (50th) day after the billing date (unless emergency circumstances justify immediate turn-off of wastewater treatment service).
5. **Application of Partial Payments.** The application of partial payments to delinquent accounts shall be established from time to time by regulations adopted by resolution. Partial payments shall not avoid wastewater treatment service turn-off nor shall they renew wastewater treatment service (except as specified in any payment agreements).

6. **Prepayments.** Nothing herein shall preclude the Town from limiting prepayments by regulations adopted from time to time by resolution.

7. **Customer Inquiry Required.** Failure of a Customer to receive any monthly wastewater treatment service billing or other communication from the Director with regard to applicable wastewater rates, fees, charges, penalties, or taxes, shall expressly not excuse the Customer from paying wastewater rates, fees, charges, penalties, or taxes due.

D. **Delinquency Procedures.** Procedures to be followed in the event of account delinquencies shall be established from time to time by regulations adopted by resolution. Such procedures shall include such enforcement measures as are available to the Town in law and in equity (including, but expressly not limited to, domestic water service turn-off), and shall provided for such notice to Customers and opportunities for administrative hearings prior to application of enforcement procedures (including, but not limited to, turn-off of domestic water service) as is deemed appropriate under the circumstances and complies with requirements of due process.

1. **Payment Agreements.** Nothing herein shall preclude the Director from offering to enter into Payment Agreements with Customers who have delinquent utility accounts at any stage of the enforcement process, as set forth from time to time by regulations adopted by resolution.

E. **Procedure When Retrofitting Wastewater System to Already-Developed Properties.** With regard to wastewater treatment service, during the initial start-up period for any phase or portion of the wastewater system (whether or not constructed by the Town through an improvement district), Customers on already-developed lots, parcels or properties included within such phase or portion shall be responsible for payment of applicable rates, fees, charges, penalties, and taxes from the time the system becomes ‘operational’ in the area. The wastewater system is operational in an area (with regard to individual lots, parcels or properties) on 1) the date said lots, parcels, or properties are connected to the phase or portion of the system by the construction contractor, 2) the date said lots, parcels or properties would have been connected to the phase or portion of the system had Customers reasonably cooperated with the construction contractor in order to be connected (i.e. had provided necessary construction easements, assisted and permitted construction crews to construct necessary service lines, permitted construction crews to actually connect appropriate structures on the lot, parcel, or property to the system, etc.) or 3) the date Customers were told in writing was the date appropriate structures on the lots, parcels or properties should be connected by them to the system.

1. **Later Responsibility Date Set in Writing.** Nothing herein precludes Department personnel, upon approval of the Town Council, from setting a later date for Customers to be responsible for wastewater rates, fees, charges, penalties, and
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taxes when those Customers' lots, parcels or properties have not actually been connected to the system, but only in conjunction with a final written notice to said Customers requiring that appropriate structures on their lots, parcels or properties be connected by them to the wastewater system by a date certain.

2. Coordination with Improvement District Assessments or Other Development Charges. Furthermore, nothing herein shall preclude the Town from applying wastewater rates, fees, charges, penalties, and taxes to Customers and their particular lots, parcels or properties, simply because an improvement district assessment or other development charge has been applied to the property for purposes of financing initial construction of a phase or portion of the wastewater system.

F. Industrial Wastewater Pretreatment Permit Fees. In addition to any other rates, fees, charges, and penalties authorized by this Article, the Council may adopt reasonable Industrial Wastewater Pretreatment Permit Fees for reimbursement of various costs related to pretreatment programs, including (but not limited to):

1. The cost of processing applications;
2. The cost of collecting and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;
3. Costs of reviewing and responding to accidental discharge procedures and construction;
4. Costs of filing appeals; and
5. Other costs to carry out the requirements contained herein.

These Industrial Wastewater Pretreatment Permit Fees relate solely to the matters covered by this Article and are separate from all other rates, fees, charges, and penalties chargeable by the Town.

(Ord. No. 284, Enacted, 10/08/92; Ord. No. 389, Amended, 07/11/96; Ord. No. 391, Amended, 06/27/96; Ord. No. 466, Amended, 07/08/99; Ord. No. 510, Amended, 08/23/01; Ord. No. 516, Amended, 12/06/01; Ord. No. 667, Amended, 09/28/06; Ord. No. 815, Amended, 04/28/16)

9-05-050 Wastewater Treatment System Extensions.

A. Approval. The Town shall approve the design of, issue permits for, and conduct inspections of all extensions of public sanitary sewer lines and related wastewater treatment facilities that are to be attached to the wastewater system.

B. Design and Construction. The design and construction of all sanitary sewer lines and related facilities under the jurisdiction of the Town must conform to such design and construction specifications as are adopted by the Town from time to time, as well as Arizona State Health Services Bulletin #11. As to size, the Town may require sanitary sewer lines and related facilities to be sized for future extensions.
C. **Inspection.** All sanitary sewer lines and related facilities to be attached directly or indirectly to the wastewater system shall be subject to inspection by the Town. Engineering plan review and inspection fees shall be charged as provided for in Chapter 16 of this Code. No physical alteration of or attachment to the Town's wastewater system shall commence without a Town inspector being present or without the inspector's express permission. There shall be no discharge into the wastewater system prior to obtaining necessary Town inspections and approval of the completed construction.

D. **Subdivisions.** Extension of the wastewater system into subdivisions shall be according to Subsections 14-04-040(G) and 14-04-070 of this Code.

E. **Other Developments.** All other developments requiring separate approval by the Town shall construct extensions of the wastewater system, including sanitary sewer lines and related facilities such as lift stations, provided they are within a reasonable distance to the system. The determination of what is a reasonable distance shall be made by the Town, based on (1) the nature and size of uses proposed for the development, (2) whether service can be provided by gravity flow or requires lift stations, (3) the capacity of existing public sanitary sewer lines and related facilities to which an extension would be attached, and (4) other considerations deemed appropriate by the Town.

New developments which are determined by the Town to not be within a reasonable distance to an operational existing sewer service area may be required, where deemed appropriate, to construct sanitary sewer lines and related facilities (including temporary treatment facilities) according to standards and specifications approved by the Town, in preparation for future connection to the wastewater system when it comes within a reasonable distance.

F. **Coordination With Fees, Assessments and Charges.** Nothing herein shall limit the authority of the Town to impose development fees in accordance with ARS §9-463.05 and Town Code Article 7-11 (all as amended from time to time), to establish improvement district assessments per ARS §48-571 et seq. and fees in-lieu of such assessments, or to apply Wastewater System Connection Charges calculated to recover the Town's costs to upgrade and extend the wastewater system to provide wastewater treatment services to new development. However, such fees, assessments and charges may be mutually offset, in whole or in part, or may be offset in whole or in part by the value of the construction undertaken by developers to extend the system, in accordance with law.

G. **Replacement or Repair.** Persons or entities that build or cause to be built any extensions of the wastewater system shall pay for any repairs or replacements made necessary as a direct or indirect result of such construction, including (for example) repair or replacement of curbs, gutters, sidewalks, road surfaces, drainage structures, and utilities damaged or disturbed during the building of wastewater line extensions.

(Ord. No. 284, Enacted, 10/08/92; Ord. No. 357, Amended, 03/23/95; Ord. No. 389, Amended, 07/11/96; Ord. No. 510, Amended, 08/23/01; Ord. No. 815, Amended, 04/28/16)
9-05-060 Connections.

A. **Wastewater Service Connections Required.** Every separate building, Unit, or structure to which wastewater treatment service is supplied shall have its own service connection. Unless otherwise expressly permitted by the Department, it is unlawful for any Customer having a wastewater treatment service connection to supply or permit utility service to be supplied through said connection to any other User, whether gratuitously or for consideration.

In the event that a stub-out has been included in the main line for a particular adjacent lot, parcel or property, then connection to the main line from any building, unit, structure, designated turf area, or water storage area on that lot, parcel or property shall be at that stub-out. If a stub-out has not been constructed in the mainline for a particular adjacent lot, parcel or property, then connection from any building, unit, structure, designated turf area, or water storage area on the property must be at a location specified by the Town and the necessary stub-out must be constructed at the Customer’s expense.

B. **Existing Developed Properties.** All existing developed properties within the appropriate distances established from time to time in the Town Code shall connect to the wastewater treatment system at the record owner(s) expense within ninety (90) days after the system is operational. If, as part of a specific initial service plan for an area, the Town has assumed the responsibility of providing connections to existing developed properties, this time for connection may be extended until the Town makes (or would have made if the property owner had given his or her timely written consent in a form acceptable to the Town) the connection in conformance with the plan. All connections shall be in accordance with the Town's Engineering Standards as adopted from time to time.

1. **When Wastewater System is “Operational”.** A phase or portion of the wastewater treatment system is operational in an area (with regard to individual lots, parcels, or properties) on either a) the date said lots, parcels or properties would have been connected to the phase or portion of the wastewater treatment system had customers reasonably cooperated with the construction contractor in order to be connected (i.e. had provided necessary construction easements, assisted and permitted construction crews to construct necessary service lines, permitted construction crews to actually connect appropriate structures on the lot, parcel, or property to the wastewater system, etc.), or b) the date customers were told in writing was the date appropriate buildings, Units, or structures on the lots, parcels or properties should be connected to the wastewater system.

2. **Option for Contractor to Make Connections.** If, as part of a specific initial service plan for an area, the construction contractor assumes responsibility for connecting existing developed properties to a phase or portion of the wastewater treatment system during construction [without cost to the Customers], then the time for connection may be extended until the contractor either makes the connection or would have made the connection if a) the Customers had consented and cooperated as set forth hereinabove, or b) the
connection had not been outside the scope of the contractor's contract because of physical barriers (however caused).

3. **Default Connection by Customers.** If Customers have not so consented and cooperated, or if the connection is outside of the construction contractor's contract (however caused), then said Customers must connect the property at their own expense within the original ninety (90) days of wastewater treatment system availability.

4. **Option to Set Later Connection Date.** Nothing herein shall preclude Department personnel, upon approval of the Town Council, from setting a later date in writing for Customers to connect to the wastewater treatment system.

5. **Abandonment of Private Septic Systems.** In the event buildings, Units, or structures on lots, parcels or properties with private sewage disposal systems are connected to a phase or portion of the wastewater treatment system, the private sewage disposal systems must be abandoned within sixty (60) days after such connection, in accordance with rules and regulations promulgated by the Yavapai County Board of Health, the Arizona Department of Health Services, and/or the Arizona Department of Environmental Quality. Failure of Customers to properly abandon private sewage disposal systems within the time specified shall be reported to appropriate State or County agencies, and Department personnel shall cooperate fully with such agencies to abate the nuisance created by such failure.

   a. **Contractor Responsibility.** If, as part of a specific initial service plan for an area, the construction contractor assumes responsibility for connecting existing developed properties to the wastewater treatment system during construction (without cost to the Customers), and such plan includes abandoning private sewage disposal systems, then enforcement of this requirement may be "toggled" until the contractor either abandons the private sewage disposal systems in the course of his contract or would have done so if i) the Customers had consented and cooperated by providing necessary construction easements, permitting entry onto property, etc., or ii) the abandonment were not outside the scope of the contractor's contract because of physical barriers (however caused).

   b. **Customer Non-Cooperation.** If i) Customers do not so consent and cooperate by the time that a construction contractor is released from an area by the Town (after having abandoned the other private sewage disposal systems on lots, parcels or properties in the area where permission had been granted and which could reasonably be abandoned pursuant to contract), or ii) the abandonment is outside of the construction contractor's contract (however caused) and Customers do not themselves arrange to abandon their private sewage disposal system in accordance with the regulations within sixty (60) days of connection to the wastewater treatment system, then enforcement shall be sought by the Town as set forth above.
i. Nothing herein shall preclude Department personnel, upon approval of the Town Council, from setting a later date in writing for Customers to abandon private sewage disposal systems on their lots, parcels or properties, prior to seeking enforcement as set forth above.

6. Nothing herein shall preclude the Town from refunding wastewater rates, fees, charges, penalties and taxes to Customers in the event it is discovered that their particular lots, parcels or properties had not, in fact, been connected to the wastewater treatment system through no failure on the part of said Customers to comply with this Article.

C. After-Developed Properties. All developments (including single family dwellings) within the appropriate distance as set from time to time in the Town Code from the wastewater treatment system which are to be approved for occupancy after the wastewater system is operational, shall be required to connect to the system at the expense of the record owner(s) before occupancy is approved by the Town. All connections shall be in accordance with the Town's Engineering Standards as adopted from time to time.

D. Other Assessments, Fees, and Charges. In addition to any Wastewater System Connection Charges which may be applied from time to time by resolution, in areas previously included within improvement districts created by the Town to extend the wastewater treatment system to such areas, if an assessment has not been previously paid to the Town to make the system available to a property (or if the assessment paid for that property was not in proportion to payments made for other similar properties, e.g. because of a property split, increased intensity of development, etc.), a separate in-lieu of assessment fee, calculated to be equivalent to the original assessment, may be imposed by the Town at the time development permits are issued as a condition of developing the property. Such in-lieu of assessment fee may be established from time to time by resolution. Furthermore, development fees pursuant to ARS §9-463.05 and Article 7-11 of the Town Code (all as amended from time to time) and Wastewater System Connection Charges may be imposed as a condition of developing the property. However, any such assessments, fees and charges shall be subject to mutual offset, in whole or in part, in accordance with law.

E. Permits and Inspections. No physical connection shall be made to the wastewater system until a permit for the same has been acquired from the Building Official in accordance with Chapter 7 of the Town Code (as amended from time to time), after payment of all required fees and charges, unless the connection is made by the Department. All connections shall conform to the International Plumbing Code, as adopted and amended by the Town from time to time. In addition to any other inspections, tests, and right-of-way permits that may be required, inspection and approval of wastewater system connections shall be required before any trench or hole is backfilled. Any plan review and inspection fee adopted from time to time by resolution may be waived under an initial service plan where the connection is made by the Town or a contractor that assumes responsibility for connecting existing developed properties during construction without cost to the Customer.

F. Damage. Any damage done to the wastewater system or to the public right-of-way as
a result of construction of a connection or any related construction or excavation activity shall be repaired to the Town's satisfaction at the constructing party's expense. The Town may require a bond of the party doing such construction or excavation prior to the activity being undertaken.

G. Inspection Manhole. All industrial Users must install an inspection manhole at the location and to the specifications of the Town. This manhole shall be available to Town personnel at all times for use in flow measurement and testing.

H. Criminal Violation. The requirement that buildings, Units and structures on lots, parcels or properties be connected to the wastewater treatment system (as set forth herein) is subject to vigorous enforcement by all equitable and legal means available, including civil and criminal actions against Customers. In this regard, failure to connect to the wastewater treatment system as set forth herein constitutes a class 1 misdemeanor (with each separate day being a separate offense).

1. Deferred Enforcement. Deferred enforcement or non-enforcement of this requirement by the Town should not be construed as a waiver of future enforcement with regard to the particular Customers and lots, parcels or properties involved.

I. Customer Agreements to Maintain Non-Gravity-Flow Facilities. In the event individual Customers, the record owner(s), contractors, or developers either cannot or choose not to develop particular lots, parcels or properties so as to connect to the wastewater treatment system by gravity flow, a building permit will only issue if said Customers, record owners, contractors, or developers enter into a binding agreement with the Town to construct and maintain at their sole expense any non-gravity flow facilities, including lengthy service lines, needed to connect to the wastewater treatment system.

(Ord. No. 284, Enacted, 10/08/92; Ord. No. 357, Amended, 03/23/95; Ord. No. 389, Amended, 07/11/96; Ord. No. 510, Amended, 08/23/01; Ord. No. 572, Amended, 10/23/03; Ord. No. 815, Amended, 04/28/16)

9-05-065 Wastewater System Maintenance.

A. Facilities Included in Wastewater Treatment System. The wastewater treatment system includes the "trunk system" and the "collector system". The "trunk system" includes all pipe larger than eight inches (8") in diameter. The "collector system" includes all pipe 8" or less in diameter, including the "service tap" between the main line and the property line. However, the collector system does not include service lines from the building sewer or private sewer out to the property line.

B. Responsibility for Maintenance of Wastewater Treatment System. The Department is generally responsible for the care and maintenance of the wastewater treatment system from manhole to manhole, including any emergency responses. Unless otherwise expressly provided for by written contract, Customers are responsible for the care and maintenance of service lines and service taps serving their lots, parcels or properties. Procedures for the handling of stoppages shall be set from time to time by regulations adopted by resolution.
C. **Requirements Prior to Excavations.** No Customer, User, or person shall make or begin any excavation in any public street, alley, right-of-way dedicated to public use, utility easement, or express or implied private property utility easement included in the wastewater treatment system without first (1) determining whether utility system facilities (above-ground or underground) will be encountered (and, if so, where they are located), and 2) taking measures for control of the facilities in a careful and prudent manner. No person shall begin excavating before the location of said facilities is marked or he or she is notified that marking is unnecessary. Additional provisions relating to excavation of public property shall be established from time to time by regulations adopted by resolution.

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(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)

9-05-070 **Restrictions on Discharges.**

A. **Required Approval.** Discharge into the wastewater treatment system of any wastewater having one or more of the following attributes requires the written approval of the Town:

1. A five (5) day BOD greater than three hundred (300) milligrams per liter by weight;
2. TSS of more than three hundred fifty (350) milligrams per liter of weight; or
3. An average monthly flow of greater than fifty thousand (50,000) gallons.

B. **Surcharge Factor.** The Town shall impose a surcharge factor on wastewater Volume Rates as provided from time to time by resolution, on designated Users who discharge wastes having strength of BOD or TSS greater than twice normal domestic waste. The surcharge factors shall only be applied if the average of BOD and TSS together is greater than 500, and shall only be applied in each case to the parts per million (ppm) above 500.
In determining whether to add the surcharge factors to Volume Rates in particular billings, staff may refer to the typical strengths of BOD and TSS shown in Table A below, in lieu of laboratory analyses. However, Users who so desire may supply analyses from certified laboratories at their own expense as often as may be required in writing by the Utilities Director.

### TABLE A

<table>
<thead>
<tr>
<th>STANDARD CLASSIFICATIONS</th>
<th>CHARACTERISTIC</th>
<th>STRENGTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Residential (Normal Domestic)</td>
<td>BOD (ppm)</td>
<td>TSS (ppm)</td>
</tr>
<tr>
<td>Auto Steam Cleaning</td>
<td>1,150</td>
<td>1,250</td>
</tr>
<tr>
<td>Bakery, Wholesale</td>
<td>1,000</td>
<td>600</td>
</tr>
<tr>
<td>Grocery Store</td>
<td>800</td>
<td>800</td>
</tr>
<tr>
<td>Hotel/Motel With Dining Facilities</td>
<td>700</td>
<td>360</td>
</tr>
<tr>
<td>Industrial Laundry</td>
<td>670</td>
<td>680</td>
</tr>
<tr>
<td>Market With Garbage Disposal</td>
<td>800</td>
<td>800</td>
</tr>
<tr>
<td>Mortuary</td>
<td>800</td>
<td>800</td>
</tr>
<tr>
<td>Restaurants, Food Preparation</td>
<td>1100</td>
<td>600</td>
</tr>
<tr>
<td>RV/Houseboat Wastes</td>
<td>4,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Schools &amp; Colleges With Cafeteria</td>
<td>1000</td>
<td>500</td>
</tr>
<tr>
<td>Septage Haulers</td>
<td>5,400</td>
<td>12,000</td>
</tr>
</tbody>
</table>

Failure by a Customer to pay the surcharge factor imposed and to provide corrective measures as may be required to prevent unauthorized discharges, after due notice by the Town and after being given a reasonable time to comply, shall be sufficient cause to discontinue wastewater services without further notice.

C. **Septage.** Septage shall only be discharged at the wastewater treatment facility in accordance with rules established by the Town, unless permission is granted in writing to discharge at another location. This restriction shall not apply to residential Users discharging (through adequate plumbing facilities on their own property) the wastewater tank of a normal recreational vehicle owned and operated solely by said Users.

(Ord. No. 284, Enacted, 10/08/92; Ord. No. 466, Amended, 07/08/99; Ord. No. 510, Amended, 08/23/01; Ord. No. 815, Amended, 04/28/16)

**9-05-080 Discharge Prohibitions.**

A. **Prohibited Discharge Standards.**

1. **General Prohibitions.** No User shall introduce or cause to be introduced into the wastewater system any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all Users of the wastewater system whether or not they are subject to categorical pretreatment standards or any other federal, State, or local pretreatment standards or requirements.
2. **Specific Prohibitions.** In connection with Article 7-03 of this Code (and except as provided in this Article), no User or other person shall discharge or permit to be discharged any of the following described waters or wastes into the wastewater system:

   a. Wastewater having a temperature greater than one hundred twenty (120) degrees Fahrenheit, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit [forty (40) degrees Celsius];

   b. Any water or waste which contains fats, oil, or grease in amounts that cause obstruction or interference of the wastewater treatment system, and at no time in amounts greater than one hundred (100) parts per million;

   c. Pollutants which create a fire or explosive hazard in the wastewater system, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred four (104) degrees Fahrenheit [forty (40) degrees Celsius] using the test methods specified in 40 CFR 261.21, and any gasoline, benzene, naphtha, fuel or other flammable or explosive liquid, solid, or gas;

   d. Solid or viscous substances in amounts which will cause obstruction of the flow in the wastewater system resulting in obstruction or interference with the wastewater treatment system, but in no case solids greater than 1/2 inch in any dimension; any garbage that has not been properly shredded; or any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, abrasives such as brick, cement onyx, or carbide;

   e. Any waters or wastes having a pH lower than six (6) or higher than eleven (11), or having any other corrosive property capable of causing damage to the structures, equipment, and personnel of the wastewater system;

   f. Any waters or wastes which contain or result in the presence of toxic, radioactive, or poisonous gases, vapors, or fumes within the wastewater system in a quantity that may injure or interfere with any wastewater treatment process, cause acute worker health and safety problems, or otherwise constitute a hazard to humans, or create any hazard in the utilization of the reclaimed water from the wastewater system;

   g. Any waters or wastes containing dissolved or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the wastewater treatment system;

   h. Noxious or malodorous liquids, gases, solids, or other wastewater which,
either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

i. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interactions with other pollutants, will cause interference with the wastewater system;

j. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

k. Trucked or hauled pollutants, except at discharge points approved by the Town;

l. In connection with Article 7-03 of this Code, any drainage waters, including (but not limited to) storm water, surface water, groundwater, roof runoff, or cellar or other subsurface drainage, swimming pool drainage, condensate, or de-ionized water, without the express permission of the Town;

m. Any noncontact cooling or unpolluted process water, without the express permission of the Town;

n. Sludges, screenings, or other residues from the pretreatment of industrial wastes;

o. Medical wastes, except as specifically authorized by the Town in an industrial wastewater pretreatment permit; or

p. Any material into a manhole through its top, unless specifically authorized by the Town.

Pollutants, substances, or wastewater prohibited by this Subsection shall not be processed or stored in such a manner that they could be discharged to the wastewater system.

B. Categorical Pretreatment Standards. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated and:

1. Equivalent Mass Limits. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Town may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c);

2. Alternate Limit. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Town shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e);
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3. Obtaining Variance. A User may obtain a variance from a categorical pretreatment standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard; and

4. Net Gross Adjustment. A User may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

C. State Pretreatment Standards. State pretreatment standards and any other applicable State standards or requirements are hereby incorporated.

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):

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

The above limits apply at the point where the wastewater is discharged to the wastewater system. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The Town may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

No non-residential User shall discharge wastewater containing restricted substances into the wastewater system in excess of limitations specified in its industrial wastewater pretreatment permit, or adopted by resolution by the Town. The Town shall publish and revise from time to time standards (local limits) for specific restricted substances. These standards shall be developed in accordance with 40 CFR 403.5 and shall implement the objectives of this Article. Standards published in accordance with this Subsection will be deemed pretreatment standards for the purposes of Section 307(d) of the Act.

The Town may impose mass limitations in addition to or in place of concentration based limitations. The Town may also revise or modify the standards (local limits) as required, or if deemed necessary to comply with the objectives or the general and specific prohibitions in this Article, or to ensure compliance with federal, State, or local law.

E. Right of Revision. The Town reserves the right to establish, by ordinance or in
industrial wastewater pretreatment permits, more stringent standards or requirements on discharges to the wastewater system.

F. **Dilution.** No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable pretreatment standard or requirement. The Town may impose mass limitations on Users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

G. **Application of Most Stringent Limitations.** For a discharge regulated by Categorical Pretreatment Standards or other federal, State, or local discharge limitations or requirements, the most stringent limitations and requirements will apply.

H. **Deadline for Compliance with Categorical Standards.**

1. **Compliance Time.** Compliance by existing sources with categorical pretreatment standards shall be within three (3) years of the date the standard is effective, unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, Subchapter N.

2. **New Sources.** New sources shall install, have in operating condition, and start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

(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)

9-05-090 **Pretreatment of Wastewater.**

A. **Pretreatment Facilities.** Users shall provide wastewater treatment as necessary to comply with this Article and shall achieve compliance with all federal pretreatment standards, local limits, and the prohibitions set out in this Article within the time limitations specified by EPA, the State, or the Town (whichever is more stringent). Any facilities necessary to meet the requirements of this Article shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Town for review, and shall be approved by the Town before such facilities are constructed. The review and/or approval of such plans and operating procedures will in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this Article.

B. **Additional Pretreatment Measures.**

1. **Town Authority to Restrict Discharge.** Whenever deemed necessary, the Town may require Users to restrict their discharge during peak flow periods,
designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and apply such other conditions as may be necessary to protect the wastewater system and determine the User's compliance with the requirements of this Article.

2. **Town Authority to Require Flow-Control Facility.** The Town may require any person discharging into the wastewater system to install and maintain, on that person's property and at that person's expense, a suitable storage and flow-control facility to ensure equalization of flow. An industrial wastewater pretreatment permit may be issued solely for flow equalization.

3. **Town Authority to Require Grease Interceptors.** Grease, oil, and sand interceptors or traps shall be provided by user when, in the opinion of the Town, they are necessary for the proper handling of wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not normally be required for a building used for residential purposes. All interceptors shall be of a type and capacity approved by the Town and shall be so located as to be easily accessible for cleaning and inspection. Such interceptors shall regularly be inspected, cleaned, and repaired by the User at the User's expense in order to maintain the same in a continuously operational condition.

4. **Town Authority to Require Gas Detection Meter.** Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

C. **Accidental Discharge/Slug Control Plans.** At least once every two (2) years the Town shall evaluate whether each Significant Industrial User needs an accidental discharge/Slug control plan. The Town may require any User to develop, submit for approval, and implement such a plan. An accidental discharge/Slug control plan shall address, at a minimum, the following:

1. Description of discharge practices, including nonroutine batch discharges;

2. Description of stored chemicals;

3. Procedures for immediately notifying the Town of any accidental or slug discharge, as required by this Article. Such notification must also be given for any discharge which would violate any of the prohibited discharges in this Article; and

4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
The review and/or approval of such plans will in no way relieve the User from the responsibility of modifying such plans or facilities as necessary to comply with the provisions of this Article.

D. **Hauled Wastewater.**

1. **Septic Tank Waste.** Septic tank waste may be introduced into the wastewater system only by certain dischargers at such locations and at such times as are established by the Town. If such discharges comply with the established requirements, the wastes discharged shall not violate this Article, or any other requirements established by the Town. The Town may require commercial septic tank waste haulers to obtain industrial wastewater pretreatment permits.

2. **Industrial Waste Haulers.** The Town shall require haulers of industrial waste to obtain industrial wastewater pretreatment permits. The Town may require generators of hauled industrial waste to obtain industrial wastewater pretreatment permits. The Town also may prohibit the discharge of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Article.

3. **Limits on Locations to Discharge Industrial Waste.** Industrial waste haulers may only discharge loads at locations designated by the Town. No load may be discharged without prior consent of the Town. The Town may collect samples of each hauled load to ensure compliance with applicable standards. The Town may also require the hauler to provide a waste analysis of any load prior to discharge.

4. **Tracking Form for Industrial Waste Haulers.** Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(Ord. No. 391, Enacted, 06/27/96; Ord. No. 510, Amended, 08/23/01; Ord. No. 815, Amended, 04/28/16)

**9-05-100 Industrial Wastewater Pretreatment Permit.**

A. **Introduction.**

1. **Discharge Subject to Terms of Permit.** Any permit granted by the Town to an industrial User granting the right to discharge to the wastewater system shall be subject to the terms and conditions (including, but not limited to, monitoring requirements and fees) set forth in the permit.

2. **Application of Industrial Wastewater Pretreatment Permits.** Industrial wastewater pretreatment permits shall be required of:
a. Any User needing written approval under this Article;

b. Any User who has a discharge which is permissible only if pretreatment of the wastewater by the User is performed prior to its entry into the wastewater system;

c. Any User whose discharge requires special handling or extraordinary monitoring by wastewater treatment system personnel and equipment, including (but expressly not limited to) grease traps, oil-water separators, sand traps, silver recovery systems, lint traps or any similar devices;

d. Any Significant Industrial User, except a Significant Industrial User that has filed a timely application pursuant to this Article may continue to discharge for the time period specified therein;

e. Any User whose discharge has or may have reasonable potential for adversely affecting the wastewater treatment system's operation or for violating any pretreatment standard or requirement; and

f. Other Users as necessary to carry out the purposes of this Article.

3. **Additional Compliance With Applicable Law.** Any violation of the terms and conditions of an industrial wastewater pretreatment permit shall be deemed a violation of this Article and subjects the industrial wastewater pretreatment permittee to the sanctions set out in this Article. Obtaining an industrial wastewater pretreatment permit does not relieve a permittee of its obligation to comply with all federal and State pretreatment standards or requirements, or with any other requirements of federal, State, and local law.

**B. Application.**

1. **Wastewater Analysis.** When requested by the Town, a User must submit information on the nature and characteristics of the User's wastewater. The Town is authorized to prepare a form for this purpose and may periodically require Users to update the information. Failure to provide the information shall be reasonable grounds for denying or terminating service to the User and shall be considered a violation of this Article.

2. **Existing Connections.** Any User required to obtain an industrial wastewater pretreatment permit who was discharging wastewater into the wastewater system prior to the effective date of this Article and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Town for an industrial wastewater pretreatment permit in accordance with this Article, and shall not cause or allow discharges to the wastewater system to continue after one hundred fifty (150) days of the effective date of this Article, except in accordance with an industrial wastewater pretreatment permit issued by the Town.
3. **New Connections.** Any User required to obtain an industrial wastewater pretreatment permit that proposes to begin or recommence discharging into the wastewater system must obtain such permit at the same time it obtains any building permit or other development permit under the technical building codes of the Town Code. In no event shall an application for an industrial wastewater pretreatment permit be filed any later than sixty (60) days prior to the date upon which any discharge will begin or recommence.

4. **Contents.** All Users required to obtain an industrial wastewater pretreatment permit must submit a permit application. The Town may require a User to submit as part of an application the following information:

   a. The information required by this Article;

   b. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the wastewater system;

   c. Number of employees, hours of operation, and proposed or actual hours of operation;

   d. Each product produced by type, amount, process or processes, and rate of production;

   e. Type and amount of raw materials processed (average and maximum per day);

   f. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, chemical storage areas, and appurtenances by size, location, and elevation, and all points of discharge;

   g. Time and duration of discharges; and

   h. Any other information as may be deemed necessary by the Town to evaluate the industrial wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed but will be returned to the User for revision.

5. **Signatories and Certification.** All industrial wastewater pretreatment permit applications and User reports must be signed by an authorized signatory of the User and contain the following certification statement:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the
information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

6. Decisions. The Town will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete industrial wastewater pretreatment permit application, the Town will determine whether or not to issue an industrial wastewater pretreatment permit. The Town may deny any application for an industrial wastewater pretreatment permit.

C. Issuance.

1. Duration. Industrial wastewater pretreatment permits shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An industrial wastewater pretreatment permit may be issued for a period less than five (5) years, at the discretion of the Town. Each industrial wastewater pretreatment permit will indicate a specific date upon which it will expire.

2. Contents. Industrial wastewater pretreatment permits shall include such conditions as are deemed reasonably necessary by the Town to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's reclaimed water, protect worker health and safety, protect the public, facilitate sludge management and disposal, and protect against damage to the wastewater system.

   a. Industrial wastewater pretreatment permits must contain:

      (1) A statement that indicates industrial wastewater pretreatment permit duration, which in no event shall exceed five (5) years;

      (2) A statement that the industrial wastewater pretreatment permit is nontransferable;

      (3) Effluent limits based on applicable pretreatment standards;

      (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, State, and local law; and

      (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, State, or local law.
b. Industrial wastewater pretreatment permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge and time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation and maintenance of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of accidental discharge/slug control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the wastewater system;

(5) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(6) A statement that compliance with the industrial wastewater pretreatment permit does not relieve the permittee of responsibility for compliance with all applicable federal and State pretreatment standards, including those which become effective during the term of the industrial wastewater pretreatment permit; and

(7) Other conditions as deemed appropriate by the Town to ensure compliance with this Article, and federal and State laws, rules, and regulations.

3. Appeals. The Town shall provide public notice of the issuance of an industrial wastewater pretreatment permit. Any person, including the User, may petition the Town to reconsider the terms of an industrial wastewater pretreatment permit within thirty (30) days of notice of issuance of the permit.

a. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

b. In its petition, the appealing party must indicate the industrial wastewater pretreatment permit provisions objected to, the reasons for the objection(s), and the alternative condition(s), if any, it seeks to place in the industrial wastewater pretreatment permit.
c. The effectiveness of the industrial wastewater pretreatment permit shall not be stayed pending the appeal.

d. If the Town fails to act within thirty (30) days of receipt of the request, the request for reconsideration shall be deemed to be denied. Decisions not to reconsider an industrial wastewater pretreatment permit, not to issue an industrial wastewater pretreatment permit, or not to modify an industrial wastewater pretreatment permit, shall be considered final administrative actions for purposes of judicial review.

e. Aggrieved parties seeking judicial review of the final administrative industrial wastewater pretreatment permit decision must do so by filing a complaint with the Yavapai County Superior Court within the appropriate Arizona statute(s) of limitations.

4. Reissuance. A User with an expiring industrial wastewater pretreatment permit shall apply for industrial wastewater pretreatment permit reissuance by submitting a complete permit application, in accordance with this Article, a minimum of sixty (60) days prior to the expiration of the User’s existing industrial wastewater pretreatment permit.

D. Modification, Transfer, and Revocation.

1. Modification. The Town may modify the industrial wastewater pretreatment permit for good cause including, but not limited to, the following reasons:

   a. To incorporate any new or revised federal, State, or local pretreatment standards or requirements;

   b. To address significant alterations or additions to the User’s operation, processes, or wastewater volume or character since the time of industrial wastewater pretreatment permit issuance;

   c. A change in the wastewater system that requires either a temporary or permanent reduction or elimination of the authorized discharge;

   d. Information indicating the permitted discharge poses a threat to the wastewater system, wastewater system personnel, the public, or the receiving waters;

   e. Violation of any terms or conditions of the industrial wastewater pretreatment permit;

   f. Misrepresentations or failure to fully disclose all relevant facts in the industrial wastewater pretreatment permit application or in any required reporting;

   g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
h. To correct typographical or other errors in the industrial wastewater pretreatment permit.

2. **Transfer.** Industrial wastewater pretreatment permits may not be assigned or transferred to a new owner and/or operator.

3. **Revocation.** The Town may revoke an industrial wastewater pretreatment permit for good cause, including, but not limited to, the following reasons:
   
a. Failure to notify the Town of significant changes to the wastewater prior to the changed discharge;

b. Failure to provide prior notification to the Town of changed conditions pursuant to this Article;

c. Misrepresentation or failure to fully disclose all relevant facts in the industrial wastewater pretreatment permit application;

d. Falsifying self-monitoring or other reports;

e. Tampering with monitoring equipment;

f. Refusing to allow the Town timely access to the facility premises and records;

g. Failure to meet effluent limitations;

h. Failure to pay fines;

i. Failure to pay sewer fees and charges;

j. Failure to meet compliance schedules;

k. Failure to complete a wastewater survey or the industrial wastewater pretreatment permit application;

l. Violation of any pretreatment standard or requirement, or any terms of the industrial wastewater pretreatment permit or this Article.

Industrial wastewater pretreatment permits shall be voidable upon cessation of operations. All industrial wastewater pretreatment permits issued to a particular User are void upon the issuance of a new industrial wastewater pretreatment permit to that User.

(Ord. No. 284, Enacted, 10/08/92; Ord. No. 391, Ren&Amd, 06/27/96, 9-05-090; Ord. No. 466, Amended, 07/08/99; Ord. No. 510, Amended, 08/23/01)

**9-05-110 Regulation of Waste Received from Other Jurisdictions.**
A. If another jurisdiction, or User located within another jurisdiction, contributes wastewater to the wastewater system, the Town shall enter into an intergovernmental agreement (IGA) pursuant to ARS 11-951 et seq. with the contributing jurisdiction.

B. Prior to entering into such an IGA, the Town shall request the following information from the contributing jurisdiction:

1. A description of the quality and volume of wastewater discharged to the wastewater system by the contributing jurisdiction;

2. An inventory of all Users located within the contributing jurisdiction and discharging to the wastewater system; and

3. Such other information as the Town may deem necessary.

C. Any such IGA, shall contain, at a minimum, the following conditions:

1. A requirement for the contributing jurisdiction to adopt a sewer use ordinance which is at least as stringent as this Article and discharge prohibitions and local limits which are at least as stringent as those set out in this Article. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the applicable provisions of the Prescott Valley Town Code and/or local limits;

2. A requirement for the contributing jurisdiction to submit a revised User inventory on at least an annual basis;

3. A provision specifying which pretreatment implementation activities, including industrial wastewater pretreatment permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing jurisdiction; which of these activities will be conducted by the Town; and which of these activities will be conducted jointly by the contributing jurisdiction and the Town;

4. A requirement for the contributing jurisdiction to provide the Town with access to all information the contributing jurisdiction obtains as part of its pretreatment activities;

5. Limits on the nature, quality, and volume of the contributing jurisdiction's wastewater at the point where it discharges to the wastewater system;

6. Requirements for monitoring the contributing jurisdiction's discharge;

7. A provision ensuring the Town access to the facilities of Users located within the contributing jurisdiction's boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Town; and

8. A provision specifying remedies available for breach of the terms of the IGA.

(Ord. No. 391, Enacted, 06/27/96; Ord. No. 510, Amended, 08/23/01)
9-05-120 Reporting Requirements.

A. Baseline Monitoring Reports.

1. After Effective Date of Categorical Pretreatment Standard. Within one hundred eighty (180) days after either the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4) (whichever is later), existing categorical users currently discharging to or scheduled to discharge to the wastewater system shall submit to the Town a report which contains the information listed in Subparagraph A(2) below. At least ninety (90) days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Town a report which contains the information listed in Subparagraph A(2) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

2. Information Required. Users described above shall submit the following information:

   a. Identifying Information. The name and address of the facility, including the name of the operator and owner.

   b. Environmental Permits. A list of any environmental control permits held by or for the facility.

   c. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by the User. This description should include a schematic process diagram which indicates points of discharge to the wastewater system from the regulated processes.

   d. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the wastewater system from regulated process streams and other streams (as necessary) to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

   e. Measurement of Pollutants.

      (1) The categorical pretreatment standards applicable to each regulated process.

      (2) The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the Town) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-
term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this Article.

(3) Sampling must be performed in accordance with procedures set out in this Article.

f. Certification. A statement, reviewed by the User’s authorized signatory and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

g. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Subsection must meet the requirements set out in this Article.

h. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with this Article.

B. Compliance Schedule and Progress Report. The following conditions shall apply to any schedule required by this Article or the Town:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

2. No increment referred to above shall exceed nine (9) months;

3. The User shall submit a progress report to the Town no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule;

4. In no event shall more than nine (9) months elapse between such progress reports to the Town; and

5. No compliance schedule shall exceed eighteen (18) months.
C. Report on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the wastewater system, any User subject to such pretreatment standards and requirements shall submit to the Town a report containing the information described in this Article. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with this Article.

D. Periodic Compliance Reports.

1. Report on Nature of Pollutants. All Significant Industrial Users shall, at a frequency determined by the Town but in no case less than every six (6) months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with this Article.

2. Appropriate Monitoring. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

3. More Frequent Monitoring. If a User subject to the reporting requirement in this Subsection monitors any pollutant more frequently than required by the Town, using the procedures prescribed in this Article, the results of this monitoring shall be included in the report.

E. Report of Changed Conditions. Each User must notify the Town of any planned significant changes to the User's operations or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change. In addition:

1. Application for Industrial Wastewater Pretreatment Permit May Be Required. The Town may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an industrial wastewater pretreatment permit application under this Article.

2. Town Issuance of Industrial Wastewater Pretreatment Permit May Be Required. The Town may issue an industrial wastewater pretreatment permit under this Article or modify an existing industrial wastewater discharge permit under Subparagraph 9-05-100(D)(1) of this Article in response to changed conditions.
or anticipated changed conditions.

3. **Town Response A Prerequisite.** No User shall implement the planned changed conditions until and unless the Town has responded to the User's notice.

4. **Significant Changes Defined.** For purposes of this requirement, significant changes include, but are not limited to, flow changes of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

F. **Reports of Potential Problems.**

1. **Town Notification.** In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the wastewater system (including a violation of the prohibited discharge standards in this Article), the User shall immediately telephone and notify the Town of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume (if known), and corrective actions taken by the User.

2. **Subsequent Written Report.** Within five (5) days following such discharge, the User shall, unless waived by the Town, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the wastewater system, natural resources, or any other damage to persons or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed pursuant to this Article.

3. **Failure to Provide Notice.** Failure to notify the Town of potential problem discharges shall be deemed a violation of this Article.

4. **Information to Employees.** A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subparagraph F(1) above. Employers shall ensure that all employees are advised of the emergency notification procedure.

G. **Reports from Unpermitted Users.** All Users not required to obtain an industrial wastewater pretreatment permit shall provide appropriate reports as may be required by the Town.

H. **Notice of Violation/Repeat Sampling and Reporting.** If sampling performed by a User indicates a violation, the User must notify the Town as soon as possible but no later than twenty four (24) hours of becoming aware of the violation. The User shall also immediately repeat the sampling and analysis and submit the results of the repeat analysis to the Town within the time period specified by the Town, but at no time greater than thirty (30) days after becoming aware of the violation. The User may not be required to resample if the Town monitors at the User's facility at least once a month, or if the Town samples between the User's initial sampling and when the User
receives the results of this sampling.


1. Notice of Discharge. Any User who commences the discharge of hazardous waste shall notify the Town, the EPA Regional Waste Management Division Director, and State hazardous waste authorities (in writing) of any discharge into the wastewater system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the wastewater system, the notification shall also contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this Subparagraph 9-05-120(I)(1) need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under this Article. The notification requirement in this Subsection 9-05-120(I) does not apply to pollutants already reported under the self-monitoring requirements of this Article.

2. Exemption From Notice Requirement. Dischargers are exempt from the requirements of Subparagraph 9-05-120(I)(1) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

3. In Case of New Federal Regulations. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Town, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

4. Certification of Reduction Program. In the case of any notification made under this Subsection 9-05-120(I), the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

5. No Authorization of Prohibited Discharge. This reporting provision does not
create a right to discharge any substance not otherwise permitted to be discharged by this Article, a permit issued thereunder, or any applicable federal or State law.

J. Analytical Requirements. All pollutant analyses (including sampling techniques) to be submitted as part of an industrial wastewater pretreatment permit application or report, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

K. Sample Collection.

1. Appropriate Technique. Except as indicated in Subparagraph 9-05-120(K)(2) below, the User must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Town may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

2. Specific Techniques. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

L. Timing. Written reports will be deemed to have been submitted on the date post-marked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

M. Record Keeping. Users subject to the reporting requirements of this Article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Article and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Town, or where the User has been specifically notified of a longer retention period by the U.S. EPA, the State, or the Town.

(Ord. No. 391, Enacted, 06/27/96; Ord. No. 510, Amended, 08/23/01)

9-05-130 Compliance Monitoring.
A. Right of Entry: Inspection and Sampling. The Town shall have the right upon presentation of proper credentials to enter the premises of any User to determine whether the User is complying with all requirements of this Article and any industrial wastewater pretreatment permit or order issued hereunder. Users shall allow the Town ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

1. **Arrangement for Town Entry.** Where a User has security measures in force which require proper identification and clearance before entry onto its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Town will be permitted to enter without delay for the purposes of performing specific responsibilities.

2. **Town Right to Install Devices.** The Town shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

3. **User Monitoring Equipment.** The Town may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually by a certified technician to ensure their accuracy. Calibration records shall be made available to the Town upon request.

4. **Removal of Obstructions.** Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Town and shall not be replaced. The costs of clearing such access shall be borne by the User.

5. **Unreasonable Delays.** Unreasonable delays in allowing the Town access to the User's premises shall be a violation of this Article.

B. **Search Warrants.** If the Town has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this Article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Town may seek issuance of a search warrant from the Prescott Valley Magistrate Court.

(Ord. No. 391, Enacted, 06/27/96; Ord. No. 510, Amended, 08/23/01)
9-05-140 Confidential Information.

Information and data on a User obtained from reports, surveys, industrial wastewater pretreatment permit applications, industrial wastewater pretreatment permits, and monitoring programs, and from the Town’s inspection and sampling activities, shall be available to the public without restriction unless the User specifically requests, and is able to demonstrate to the satisfaction of the Town, that the release of such information would be a misuse of public records because it would divulge information, processes or methods of production entitled to protection as trade secrets under the Arizona Open Records law. Any such request must be asserted by the User at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that some or all of the information therein should be held confidential, those portions of the report shall not be made available for public inspection but the Town shall, instead, take reasonable steps in accordance with State law to obtain an order closing those portions of the record to inspection. However, nothing herein shall preclude the Town from making such records available upon request to governmental agencies for uses related to the APP or NPDES programs, the pretreatment program, or in enforcement proceedings involving the person furnishing the report. Note that wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. No. 391, Enacted, 06/27/96; Ord. No. 510, Amended, 08/23/01)

9-05-150 Publication of Users in Significant Noncompliance.

The Town shall publish annually in the Daily Courier a list of the Users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria: 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH;

C. Any other discharge violation that the Town believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Town personnel or the general public);

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Town’s exercise of its emergency authority to halt or prevent such a discharge;
E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an industrial wastewater pretreatment permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within thirty (30) days after the due date any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s) which the Town determines will adversely affect the operation or implementation of this Article.

(Ord. No. 391, Enacted, 06/27/96; Ord. No. 510, Amended, 08/23/01)

9-05-160 Penalties and Remedies.

A. Types of Violation. Violations of this Article include, but are not limited to, the following:

1. Exceeding Quantity Discharge Limitations. A User exceeding the quantity discharge limitations as set forth herein or as made part of any industrial wastewater pretreatment permit.

2. Discharging Excessive Concentrations. A User discharging or permitting the discharge of excessive concentrations of substances limited by this Article or any industrial wastewater pretreatment permit issued pursuant to this Article.

3. Discharging Prohibited Substances. A User or other person discharging or permitting the discharge of any substance prohibited by this Article or by a permit issued pursuant to this Article.

4. Failure to Pay Charges. A Customer failing to pay any applicable wastewater treatment charge established pursuant to this Article.

5. Knowing Misrepresentations. A Customer or User knowingly misrepresenting or omitting any pertinent information from application permits or reports required by this Article or by an industrial wastewater pretreatment permit.

B. Responses to Noncompliance.

1. Construction of an Inspection Manhole. If evidence of discharges of prohibited substances or other violations of this Article is found, the Town may require the construction of an inspection manhole at the expense of the Customer and per the provisions of this Article.

2. Class 1 Misdemeanor. Except for failure to pay User fees and charges, any violation of this Article shall constitute a Class 1 Misdemeanor, and any such
violation shall constitute a separate offense on each successive day continued.

3. **Discontinuance of Service.** In addition to other remedies (civil and criminal) available to it, the Town may discontinue wastewater treatment services to any Customer or User who fails to comply with any provision of this Article as otherwise provided in this Article for account delinquencies. Discontinuance of services does not excuse payment of rates, fees, charges, or penalties due under this Article.

4. **Administrative Enforcement Remedies.**
   
a. **Notification of Violation.** When the Town finds that a User has violated (or continues to violate) any provision of this Article, an industrial wastewater pretreatment permit or order issued hereunder, or any other pretreatment standard or requirement, the Town shall serve upon a representative of the User (such representative meeting the criteria of authorized signatory) a written Notice of Violation. Within five (5) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof (to include specific required actions) shall be submitted by the User to the Town. Note that submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Also, nothing in this subparagraph B(4) shall limit the authority of the Town to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

   b. **Consent Orders.** The Town may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the orders issued pursuant to this Article and shall be judicially enforceable.

   c. **Show Cause Hearing.** The Town may order a User which has violated or continues to violate, any provision of this Article, an industrial wastewater pretreatment permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Town and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice shall be served on a representative of the User who meets the criteria of an authorized signatory. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.
d. **Compliance Orders.** When the Town finds that a User has violated or continues to violate any provision of this Article, an industrial wastewater pretreatment permit or order issued hereunder, or any other pretreatment standard or requirement, the Town may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, wastewater service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the wastewater treatment system. A compliance order may not extend the deadline for compliance established for a national pretreatment standard or requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

e. **Cease and Desist Orders.** When the Town finds that a User has violated (or continues to violate) any provision of this Article, an industrial wastewater pretreatment permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Town may issue an order to the User directing it to cease and desist all such violations and directing the User to:

1. Immediately comply with all requirements; and
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

f. **Administrative Fines.**

1. When the Town finds that a User has violated or continues to violate any provision of this Article, an industrial wastewater pretreatment permit or order issued hereunder, or any other pretreatment standard or requirement, the Town may fine such User in an amount not to exceed one thousand dollars ($1,000.00). Such fines shall be assessed on a per violation, per day basis. The Town may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

2. Unpaid fines shall, after thirty (30) calendar days, be assessed an
additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of ten percent (10%) per annum. A lien against the User's property (including but not limited to a judgment lien) may be sought for unpaid fines.

(3) Users desiring to dispute such fines must file a written request for the Town to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Upon receipt of such request, the Town Manager (or his/her designee) shall convene an Administrative Review hearing on the matter as otherwise provided in this Article. In the event the User's appeal is successful, the payment shall be returned to the User.

(4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

g. Emergency Suspensions. The Town may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons or property. The Town may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the wastewater system, or which presents or may present an endangerment to the environment.

(1) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary (including immediate severance of the wastewater service connection) to prevent or minimize damage to the wastewater system or its receiving stream, or endangerment to any individuals. The Town shall allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Town that the period of endangerment has passed, unless the termination proceedings in Subparagraph (B)(4)(h) herein are initiated against the User.

(2) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the Town within five (5) calendar days, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

Nothing in Subsection 9-05-160(B) shall be interpreted as requiring a hearing prior to any emergency suspension under this subparagraph (B)(4)(g).
h. **Termination of Discharge.** Any User that violates the requirements of this Article is subject to discharge termination. Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under this Article why the proposed action should not be taken. Exercise of this option by the Town shall not be a bar to, or a prerequisite for, taking any other action against the User.

i. **Administrative Review.** In the event of a dispute as to liability for wastewater system rates, fees, charges, penalties or taxes (or the amount of same), or the validity of proposed enforcement actions, a User may request an administrative review.

1. **Request for Administrative Review.** Requests must be received by the Director at least five (5) business days prior to any deadline set for (i) application of rates, fees, charges, penalties or taxes, or (ii) enforcement actions. Requests may be made in writing, by facsimile transmission, by telephone, by e-mail or in person, directed to the Office of the Director at 7501 E. Civic Circle, Prescott Valley, Arizona 86314, (928) 759-3011 (ph.), (928) 759-5533 (fax), [www.pvaz.net](http://www.pvaz.net) (website).

2. **Nature of Hearing.** Within five (5) business days of receipt of a request for administrative review, the Director shall arrange to meet with the User or its representative. At the hearing, the User or its representative may present their objection to the proposed rates, fees, charges, penalties, taxes or enforcement action. The Director may schedule additional meetings, if necessary.

3. **Decision.** Within five (5) business days after the final meeting with the User or its representative, the Director shall render a decision in the matter, explaining the basis for the decision and the actions that will be taken by the Director. A copy of the decision will be mailed first-class, postage prepaid, to the User at the address provided by the User on its account application.

4. **Appeal.** Within five (5) business days from the date of the Director’s decision, the User may appeal the Director’s decision to the Town Manager. The Town Manager shall arrange to meet with the User or its representative and the Director. At the hearing, the User or its representative may present their objection to the proposed rates, fees, charges, penalties, taxes or enforcement action. The Town Manager may schedule additional meetings, if necessary. Within five (5) business days after the final meeting with the User or its representative, the Town Manager shall issue a written determination, which shall be final. The application of any rates, fees, charges, penalties, taxes or enforcement action shall be tolled pending the final determination of the Town Manager.
5. **Judicial Enforcement Remedies.**

   a. **Injunctive Relief.** When the Town finds that a User has violated (or continues to violate) any provision of this Article, an industrial wastewater pretreatment permit or order issued hereunder, or any other pretreatment standard or requirement, the Town may petition the Yavapai County Superior Court (through the Town's Attorney) for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the industrial wastewater pretreatment permit, order, or other requirement imposed by this Article on activities of the User. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

   b. **Civil Penalties.**

      (1) A User which has violated or continues to violate any provision of this Article, an industrial wastewater pretreatment permit or order issued hereunder, or any other pretreatment standard or requirement, shall be liable to the Town for a maximum civil penalty of two thousand five hundred dollars $2,500.00 per violation, per day.

      (2) In addition to the above civil penalty, the Town may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages or fines incurred by the Town.

      (3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions taken by the User, the compliance history of the User, and any other factor as justice requires.

      (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

   c. **Criminal Prosecution.**

      (1) Except for failing to pay user fees and charges, Users that willfully or negligently violate any provision of this Article, an industrial wastewater pretreatment permit or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a Class 1 Misdemeanor,
punishable by a fine of not more than two thousand five hundred dollars ($2,500.00) per violation, per day, or imprisonment for not more than six (6) months, or both.

(2) A User which has willfully or negligently introduced any substance into the wastewater system which causes personal injury or property damage shall, upon conviction, be guilty of a Class 1 Misdemeanor, punishable by a fine of not more than two thousand five hundred dollars ($2,500.00) and/or imprisonment for six (6) months. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law. Furthermore, nothing herein shall preclude the Town from submitting such violations to the County Attorney or other legal officer for prosecution of other State or federal violations.

(3) A User that knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Article, an industrial wastewater pretreatment permit or order issued hereunder, or any other pretreatment standard or requirement, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article shall, upon conviction, be punished by a fine of not more than two thousand five hundred dollars ($2,500.00) per violation per day, or imprisonment for not more than six (6) months, or both.

d. Remedies Nonexclusive. The remedies provided for in this Article are not exclusive. The Town may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, the Town may take other action against any User when the circumstances warrant.

9-05-170 Affirmative Defenses to Discharge Violations.

A. Upset.

1. Definition. For the purposes of this Subsection, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. **Upset is Affirmative Defense in Specified Case.** An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Subparagraph A(3) are met.

3. **Basis For Affirmative Defense.** A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. An upset occurred and the User can identify the cause(s) of the upset;

   b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

   c. The User has submitted the following information to the Town as soon as possible but no later than twenty four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:

      (1) A description of the indirect discharge and cause of noncompliance;

      (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

      (3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

4. **Burden of Proof.** In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

5. **Limitation on Judicial Determination.** Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

6. **Ability to Control Discharges in Event of Facility Failure.** Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility, until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

B. **Prohibited Discharge Standards.** A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in this Article if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference, and that either: (a) a local limit exists for each pollutant discharged
and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or (b) no local limit exists but the discharge did not change substantially in nature or constituents from the User's prior discharge when the Town was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

C. Bypass.

1. Definitions. For the purposes of this Subsection,
   a. "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.
   b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2. Authorized Bypasses. A User may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to subparagraphs (3) and (4) of this Subsection.

3. a. Notice of Anticipated Bypass. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Town at least ten (10) days before the date of the bypass, if possible.
   b. Notice of Unanticipated Bypass. A User shall submit oral notice to the Town of an unanticipated bypass that exceeds applicable pretreatment standards as soon as possible, but no later than twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Town may waive the written report on a case-by-case basis if the oral report has been received within twenty four (24) hours.

4. a. Exceptions to Enforcement Action. Bypasses are prohibited, and the Town may take an enforcement action against a User for a bypass, unless
   (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
   (2) There were no feasible alternatives to the bypass, such as the
use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The User submitted notices as required under Subparagraph (3) of this Subsection.

b. Authorization of Certain Anticipated Bypasses. The Town may approve an anticipated bypass, after considering its adverse effects, if the Town determines that it will meet the three conditions listed in Subparagraph (4)(a) of this Subsection.

(Ord. No. 391, Enacted, 06/27/96; Ord. No. 510, Amended, 08/23/01)

9-05-180 Supplementary Provisions.

The provisions of this Article are intended to be supplementary to other applicable Code provisions. Where in conflict or where additional requirements are cited, the stricter provision shall apply.

(Ord. No. 284, Enacted, 10/08/92; Ord. No. 391, Renumbered, 06/27/96, 9-05-110)
Article 9-05a  DOMESTIC WATER SERVICE.

9-05a-010 Intent and Scope.

It is the intent of this Article, in connection with the other provisions of the Town Code, to regulate the financing, operation, and expansion of the Town's domestic water system (including regulation of connections thereto). In so doing, this Article provides for the setting, collecting, and refunding of reasonable domestic water rates, fees, charges, and penalties.

(Ord. No. 386, Enacted, 07/11/96Ord. No. 510, Amended, 08/23/01)

9-05a-020 Definitions.

In this Article, unless the context otherwise requires:

A. "Customer" means (a) the record owner(s) of real property to which domestic water services are supplied, and/or (b) any Tenant of real property to which any of said services are supplied. Customers are the person(s) or entity(ies) responsible for the payment of water charges for such services. While a Customer may also be a User as defined hereinafter, the terms are not necessarily the same.

B. "Department" means any combination of Town officers and third-party contractors (and their respective personnel) assigned to manage, operate and maintain the domestic water system for the Town.

C. “Developed Properties” means lots, parcels or properties upon which a building, unit, or structure has been built and an occupancy permit (temporary or permanent) has been issued by the Town, or which has actually been occupied (whether or not occupancy continues thereafter).
D. “Director” means the director of the department in which the Customer Accounts division of the Town is included, as appointed from time to time by the Town Manager, and/or related staff designees.

E. “Domestic Water” or “Water” means all groundwater (including reclaimed water recharged into the underground aquifer) and surface water acquired, treated, stored, or transported by the domestic water system.

F. “Domestic Water Service”, “Water Service” or “Service” means the acquisition, treatment, storage, transportation and delivery of domestic water by the Town to residential, commercial, or industrial water Users.

G. “Domestic Water System”, “Water System” or “System” means any or all components of the domestic water system managed, operated and maintained by the Town or through contracts with one (1) or more third-party contractors, including, but not limited to, wells, treatment facilities, pumps, booster stations, storage tanks, storage ponds, water mains, water lines, hydrants, valves, and meters, as well as any public rights-of-way, easements (express or implied) or licenses within which such are located (but expressly not including water service lines and connections thereto located on the Customer side of meters).

H. “Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, or local governmental entities.

I. “Premises,” “Real Property” or “Property” means the building, unit, structure, designated turf area, or water storage area (including adjacent areas and appurtenances) to which domestic water service, wastewater service, and/or reclaimed water service is provided.

J. “Reclaimed Water” means all effluent discharged from the wastewater treatment facility after treatment, and stored, transported, or recharged into the underground aquifer by the reclaimed water system of the Town.

K. “Reclaimed Water System” means any or all components of the reclaimed water system managed, operated and maintained by the Town or through contracts with one (1) or more third-party contractors, including (but not limited to) recharge wells, treatment facilities, pumps, booster stations, storage tanks, storage ponds, reclaimed water mains, reclaimed water lines, hydrants, valves, and meters, as well as any public rights-of-way, easements (express or implied) or licenses within which such are located (but expressly not including reclaimed water service lines and connections thereto located on the Customer side of meters).

L. “Tenant” means a person entitled under all agreements, written, oral or implied by law, and valid rules and regulations adopted under Arizona Revised Statutes, embodying the terms and conditions concerning the use and occupancy of a dwelling unit and/or other premises to occupy the same to the exclusion of others.

M. “Town” means the Town of Prescott Valley and, for purposes of authority, includes any
of its officers, employees, contractors, and other agents unless express reference is made to the Mayor, the Council, the Manager, or a department head.

N. “Town Council” or "Council" means the governing body of the Town, comprised of its duly elected or appointed members.

O. "Town Manager" or "Manager" means the manager of the Town as appointed from time to time by the Town Council, and/or related staff designees.

P. “Unit” means any room or group of rooms designed for one (1) or more persons to reside, work, or carry on any organized activity as a homogeneous group, and containing or having direct access to at least one (1) accommodation for cooking, domestic water use, reclaimed water use, and/or wastewater disposal.

Q. “Utilities Director” means the director of the Utilities Department, as appointed from time to time by the Town Manager, and/or related staff designees.

R. “Utility System” means the domestic water system, wastewater treatment system and the reclaimed water system of the Town, or any portion thereof.

S. "User" means any person, partnership, corporation, municipality, political subdivision or other entity or organization that occupies any building, Unit, structure, designated turf area, or water storage area and receives water service from the domestic water system.

(Ord. No. 386, Enacted, 07/11/96; Ord. No. 510, Amended, 08/23/01; Ord. No. 815, Amended, 04/28/16)

9-05a-030 Domestic Water Fund Administration.

A. Establishment. A Domestic Water Fund is hereby established to account for all revenues and expenditures of the Department in the operation of the domestic water system. Nothing herein limits the authority of the Town, in conformance with standard accounting and good financial management practices, to establish other funds, subfunds, or accounts (i.e., debt service, replacement, etc.) and to transfer monies between them and the water fund for water service purposes and system administration purposes, or to make interfund loans as allowed by law and approved by the Town Council.

B. Reserve Account. In the event debt financing is used to construct or extend any portion of the domestic water system, a separate reserve account shall be established and maintained in accordance with the terms of said financing. The monies within said account may be used for emergency purposes in accordance with the terms of said financing.

C. Additional Regulations. The Town Council shall adopt additional regulations for Fund administration from time to time by resolution.

(Ord. No. 386, Enacted, 07/11/96; Ord. No. 510, Amended, 08/23/01; Ord. No. 815, Amended, 04/28/16)
9-05a-040 Establishing Water Service.

A. Application. New domestic water service to any building, Unit, structure, designated turf area, or water storage area on real property, or any increase in the size of a water service connection to any building, Unit, structure, designated turf area, or water storage area shall be initiated by applications from Customers [or, in the case of the record owner(s) of real property, their agent(s)] on forms established from time to time by the Director. The information required at application and the consequences of providing false information may be set from time to time by regulations adopted by resolution.

B. Tenant Accounts. Applications by Customers who are Tenants must include a copy of the lease or rental agreement for the property to be served. Tenants applying for domestic water service to the leased/rental property shall be responsible to pay all domestic water rates, fees, charges, and penalties applicable to the property. Where residential property consisting of five or more units is occupied by multiple Tenants, Tenants may apply for utility service and place their name on accounts only if each Tenant of the property is individually metered for domestic water.

C. Deposit. Applications for domestic water service shall be accompanied by a deposit established from time to time by resolution, and administered in accordance with regulations adopted from time to time by resolution. An additional deposit may also be established by regulation from time to time in cases of bankruptcy, as permitted under federal law.

D. Unauthorized Turn-On, Turn-Off, or Other Tampering. Except in emergency circumstances, it shall be unlawful for any person to physically turn-on or turn-off domestic water service to any building, Unit, structure, designated turf area, or water storage area, to otherwise tamper with or damage the domestic water system, or to direct, aid, or abet another in so doing without the approval of the Director after compliance with established application requirements. In lieu of criminal prosecution for such a misdemeanor violation, the Director may (at his/her sole discretion) apply a civil penalty for such violation, which penalty shall be set from time to time by resolution. The Director may also waive any per-day aspect of such civil penalty in appropriate circumstances, and provide for set-off of such penalties in return for payment of the actual costs of any damages.

(Ord. No. 386, Enacted, 07/11/96; Ord. No. 456, Amended, 03/25/99; Ord. No. 510, Amended, 08/23/01; Ord. No. 815, Amended, 04/28/16)

9-05a-045 Water Conservation.

A. The Mayor and the Town Manager are hereby authorized to declare Water Conservation Levels, as set forth hereinafter, which shall have the effect of restricting usage of water produced by the Town's domestic and reclaimed water systems. Such Water Conservation Levels shall be based upon the Water Resource Status Levels determined by the Utilities Director (or his designee) which, in turn, are based upon the Utilities Director's assessment of the relationship between water demand and safe
water production capability. Safe water production capability is defined as ninety percent (90%) of the total water resources that can reasonably be produced through either the domestic water system or the reclaimed water system, based upon distribution components, storage reserves, weather conditions, and historic data.

B. Water Resource Status Levels are established as follows:

1. Status Level I: water demand is less than or equal to safe water production capability.

2. Status Level II: water demand is greater than safe water production capability for more than three (3) but less than fourteen (14) consecutive days.

3. Status Level III: water demand is greater than safe water production capability for fourteen (14) consecutive days or more.

4. Status Level IV: water demand is greater than the total water resources that can reasonably be produced through either the domestic water system or the reclaimed water system, based upon distribution components, storage reserves, weather conditions, and historic data.

C. Water Conservation Levels are established as follows:

1. Conservation Level I (Water Awareness): water users are encouraged to minimize waste when water is used for irrigation, vehicle and pavement washing, construction, and similarly intensive water uses. Water Conservation Level I may be declared by either the Town Manager or the Mayor.

2. Conservation Level II (Water Restrictions): water use is prohibited or restricted as follows:

   a. Irrigation, washing of vehicles, filling and refilling of swimming pools, spas, and wading pools is restricted to Monday, Wednesday, Friday, and Sunday for even-numbered addresses, and to Tuesday, Thursday, Saturday, and Sunday for odd-numbered addresses.

   b. Washing of vehicles is restricted to use of buckets and hoses with positive cut-off nozzles, except that no restrictions apply to commercial car washes, to washing of public safety vehicles, or to washing of vehicles for specified public health, safety, or welfare reasons.

   c. Washing of paved areas (e.g. drives, sidewalks and tennis courts) is prohibited except for specified health, safety or welfare reasons.

   d. Irrigation of golf courses is restricted to before Noon and after 7 P.M. No restrictions apply if golf courses are irrigated with reclaimed water.

   e. Irrigation of landscaped areas is restricted to between 6 P.M. and 10 P.M., and between 4 A.M. and 8 A.M. Monday, Wednesday, Friday and
Sunday for even-numbered addresses, and Tuesday, Thursday, Saturday and Sunday for odd-numbered addresses.

f. Operation of ornamental fountains is prohibited unless they are equipped with recycling pumps.

Water Conservation Level II may be declared by either the Town Manager or the Mayor.

3. Conservation Level III (Water Emergency): water use is prohibited or restricted as follows -

a. Filling and refilling of swimming pools, spas, and wading pools is prohibited.

b. Irrigation of golf courses is prohibited, except that no restrictions apply if golf courses are irrigated with reclaimed water.

c. Washing of vehicles and paved areas (e.g. drives, sidewalks and tennis courts) is prohibited, except that no restrictions apply to commercial car washes, to washing of public safety vehicles, or to washing of vehicles for specified public health, safety, or welfare reasons.

d. Non-emergency use of fire hydrants is prohibited unless written approval is first given by the Utilities Director for essential commercial purposes.

e. Irrigation of landscaped areas is prohibited.

f. Operation of ornamental fountains is prohibited.

Water Conservation Level III may only be declared by the Mayor.

4. Conservation Level IV (Water Crisis): water use is prohibited or restricted as follows -

a. Filling or refilling of swimming pools, spas, and wading pools is prohibited.

b. Irrigation of golf courses is prohibited.

c. Washing of vehicles and paved areas (e.g. drives, sidewalks and tennis courts) is prohibited, except that no restrictions apply to washing of public safety vehicles or to washing of vehicles for specified public health, safety, or welfare reasons.

d. Non-emergency use of fire hydrants is prohibited.

e. Irrigation of landscaped areas is prohibited.
f. Operation of ornamental fountains is prohibited.

g. Compaction and dust control on construction projects is prohibited, except that no restrictions apply to compaction and dust control using reclaimed water.

h. Other water uses declared in writing by the Mayor to be unduly consumptive are prohibited.

Water Conservation Level IV may only be declared by the Mayor.

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)(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.

E. Upon the effectiveness of a Water Conservation Level, water users shall comply with the water use restrictions and prohibitions related thereto, subject to the penalties set forth in Town Code §9-05a-100 hereinafter.

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

9-05a-050 Domestic Water Rates, Fees, Charges, and Penalties.

A. Classification of Users. For the purpose of applying domestic water rates, fees, charges, and penalties, domestic water system Users shall be classified into three (3) categories, as follows:

1. Residential. The residential classification shall include single family homes and individual dwelling Units within multi-family residential structures. A residential classification is not lost by reason of a "home occupation" if water consumption is not significantly increased because of said home occupation. Each dwelling Unit in a multi-family dwelling is considered a separate residential User.

2. Commercial. The commercial classification shall include institutional Users such as government entities, schools, churches, and nonprofit organizations, as well as transient and group quarters (i.e., hotels/ motels, rooming houses, nursing homes, etc.). A residential unit located within a structure utilized for commercial purposes or located on property used for commercial purposes (i.e., mini-storage manager/caretaker residences, etc.) shall be considered a separate commercial User for purposes of establishing Base User Rates. Each separate or separately-metered commercial unit in a structure or unified complex utilized for commercial purposes shall also be considered a separate commercial User.

3. Industrial. The industrial User shall be any entity required to have an industrial
wastewater pretreatment permit under Article 9-05 of the Town Code; otherwise it shall be classified as commercial. Each separate or separately-metered industrial Unit in a structure or unified complex utilized for industrial purposes shall be considered a separate industrial User.

B. **Water Rates, Fees, Charges, and Penalties.** Water rates, fees, charges, and penalties shall be set by resolution from time to time, in accordance with the Intent and Scope of this Article and with applicable Arizona and federal statutes.

1. **Coordination with Other Fees and Assessments.** Nothing herein shall limit the authority of the Town to impose development fees in accordance with ARS 9-463.05 and Article 7-11 of the Town Code (all as amended from time to time), or to establish improvement district assessments per ARS 48-517 et seq. and fees in-lieu of such assessments in order to upgrade or expand the domestic water system. However, any Water System Connection Charges paid hereunder shall be offset, in whole or in part, against any such fees and assessments in accordance with law.

C. **Billing.** Billing of residential, commercial and industrial Customers for domestic water services shall be accomplished as set forth from time to time by regulations adopted by resolution.

1. **Taxes.** In addition to the domestic water rates, fees, charges, and penalties established from time to time by resolution, domestic water billings shall include any applicable taxes on the business of domestic water service.

2. **Time Covered by Rates.** With regard to domestic water rates, fees, charges, penalties, and taxes, any Base User Rates are applied to the current billing period while any Volume Rates and all other water rates, fees, charges, penalties, and taxes are applied to the prior billing period.

3. **Delinquency Dates.** Water rates, fees, charges, penalties, and taxes are due on different dates for different Customers based on billing cycles. Such dates shall be specified for each Customer when service begins and shall be set forth in the billings received. Payment is due twenty (20) days after the billing date. Water rates, fees, charges, penalties, and taxes are delinquent on the twenty-eighth (28th) day after the billing date. Nothing herein shall preclude the Director from changing a Customer’s billing period, so long as adjustments are made in billings to reflect actual usage.

4. **Consequences of Account Delinquencies.** Account delinquencies in relation to water rates, fees, charges, penalties, or taxes shall result in an “Active Account Processing Charge”, set from time to time by resolution, being applied to the account on the twenty-eighth (28th) day after the billing date. Furthermore, domestic water service will be subject to turn-off on and after the fiftieth (50th) day after the billing date (unless emergency circumstances justify immediate turn-off of domestic water service).

5. **Application of Partial Payments.** The application of partial payments to
delinquent accounts shall be established from time to time by regulations adopted by resolution. Partial payments shall not avoid domestic water service turn-off nor shall they renew domestic water service (except as specified in any payment agreements).

6. **Prepayments.** Nothing herein shall preclude the Town from limiting prepayments by regulations adopted from time to time by resolution.

7. **Customer Inquiry Required.** Failure of a Customer to receive any monthly domestic water service billing or other communication from the Director with regard to applicable water rates, fees, charges, penalties, or taxes shall expressly not excuse the Customer from paying water rates, fees, charges, penalties, or taxes due.

D. **Delinquency Procedures.** Procedures to be followed in the event of account delinquencies shall be established from time to time by regulations adopted by resolution. Such procedures shall include such enforcement measures as are available to the Town in law and in equity (including, but expressly not limited to, domestic water service turn-off), and shall provide for such notice to Customers and opportunities for administrative hearings prior to application of enforcement procedures (including, but not limited to, turn-off of domestic water service) as is deemed appropriate under the circumstances and complies with requirements of due process.

1. **Payment Agreements.** Nothing herein shall preclude the Director from offering to enter into Payment Agreements with Customers who have delinquent utility accounts at any stage of the enforcement process, as set forth from time to time by regulations adopted by resolution.

(Ord. No. 386, Enacted, 07/11/96; Ord. No. 455, Amended, 03/11/99; Ord. No. 487, Amended, 08/24/00; Ord. No. 510, Amended, 08/23/01; Ord. No. 516, Amended, 12/06/01; Ord. No. 667, Amended, 09/28/06; Ord. No. 815, Amended, 04/28/16)

9-05a-060 **Domestic Water System Extensions.**

A. **Approval.** The Town shall approve the design of, issue permits for, and conduct inspections of all construction of water mains, water lines, and other water system components that are to be attached to the Town's domestic water system.

B. **Design and Construction.** The design and construction of all water mains, water lines, and other water system components to be attached to the Town's domestic water system must conform with good engineering practice, including such standards as have been adopted from time to time by the Town (i.e. the latest adopted technical building codes, the latest adopted engineering standards, the current subdivision code, and the latest general plan). As to size, in no case shall any water main be of a size less than six inches (6") for residential areas and eight inches (8") for commercial and industrial areas.

The Town reserves the right to require an increase in size of water mains, water lines,
and other water system components constructed to be attached to the Town's water system, in accordance with Article 14-04 of the Town Code (as amended from time to time).

C. Inspection. In accordance with Article 14-04 of the Town Code, all water mains, water lines, and other water system components to be attached to the Town's domestic water system shall be subject to inspection by the Town. Engineering plan review and inspection fees may be charged as provided for in Chapter 16 of the Town Code.

D. Subdivisions. Extensions of the domestic water system into subdivisions shall be regulated by Article 14-04 of the Town Code.

E. Other Developments. All other developments requiring separate approval by the Town shall construct extensions of the domestic water system, including water mains, water lines, and related facilities, in accordance with the Towns engineering standards, provided they are a reasonable distance from the water system. The determination of what is a reasonable distance shall be made by the Town, based on (1) the nature and size of uses proposed for the development, (2) the capacity of existing domestic water mains and related facilities to which any extension would be attached, and (3) other considerations deemed appropriate by the Town.

New developments which are determined by the Town to not be a reasonable distance from the domestic water system may still be required, where appropriate, to construct water mains, water lines, and related facilities according to standards and specifications approved by the Town, in preparation for future connection to the water system when it comes within a reasonable distance.

F. Replacement or Repair. Persons or entities that build or cause to be built any extensions of the domestic water system shall pay for any repairs or replacements made necessary as a direct or indirect result of such construction, including (for example) repair or replacement of curbs, gutters, sidewalks, road surfaces, drainage structures, and utilities damaged or disturbed during the building of water line extensions.

G. Coordination with Fees and Assessments. Nothing herein shall limit the authority of the Town to impose development fees in accordance with ARS §9-463.05 and Article 7-11 of the Town Code (all as amended from time to time), or to establish improvement district assessments per ARS §48-571 et seq. and fees in-lieu of such assessments in order to upgrade the Town's domestic water system. However, such fees and assessments may be offset in whole or in part by the value of construction to extend the system, in accordance with law.

(Ord. No. 386, Enacted, 07/11/96; Ord. No. 510, Amended, 08/23/01)

9-05a-070 Connections.

A. Water Service Connections Required. Every separate building, Unit, structure, designated turf area, and water storage area to which domestic water service is supplied shall have its own service connection. Unless otherwise expressly permitted
by the Department, it is unlawful for any Customer having a domestic water service connection to supply or permit utility service to be supplied through said connection to any other User, whether gratuitously or for consideration. Domestic water supplied as part of utility service shall only be delivered through meters supplied by the Town or by and through its third-party contractors.

For commercial properties, if a service connection has been included in the main line for a particular adjacent lot, parcel or property, then connection to the main line from any building, unit, structure, designated turf area, or water storage area on that lot, parcel or property shall be at that service connection. If a service connection has not been constructed in the mainline for a particular adjacent lot, parcel or property, then connection from any building, unit, structure, designated turf area, or water storage area on the property must be at a location specified by the Town and the necessary service connection must be constructed at the Customer’s expense.

1. **Incidental Entry on Private Property.** Department personnel are expressly authorized at all reasonable times to incidentally enter upon private property for the purpose of installing, reading, maintaining, and disconnecting meters, and for the purpose of repairing and maintaining all components of the domestic water system and for turning-on and turning-off domestic water service.

B. **Existing Developed Properties.** All existing developed properties within the appropriate distances established from time to time in the Town Code shall connect to the Town’s domestic water system at the record owner(s) expense within ninety (90) days after the system is operational. If, as part of a specific initial service plan for an area, the Town has assumed the responsibility of providing connections to existing developed properties, this time for connection may be extended until the Town makes (or would have made if the property owner had given his or her timely written consent in a form acceptable to the Town) the connection in conformance with the plan. All connections shall be in accordance with the Town's Engineering Standards as adopted from time to time.

1. **When Water System is "Operational".** A phase or portion of the domestic water system is operational in an area (with regard to individual lots, parcels, or properties) on either a) the date said lots, parcels or properties would have been connected to the phase or portion of the domestic water system had customers reasonably cooperated with the construction contractor in order to be connected (i.e. had provided necessary construction easements, assisted and permitted construction crews to construct necessary service lines, permitted construction crews to actually connect appropriate structures on the lot, parcel, or property to the water system, etc.), or b) the date customers were told in writing was the date appropriate buildings, Units, or structures on the lots, parcels or properties should be connected to the water system.

2. **Option for Contractor to Make Connections.** If, as part of a specific initial service plan for an area, the construction contractor assumes responsibility for connecting existing developed properties to a phase or portion of the domestic water system during construction [without cost to the Customers], then the time for connection may be extended until the contractor either makes the
connection or would have made the connection if a) the Customers had consented and cooperated as set forth hereinabove, or b) the connection had not been outside the scope of the contractor's contract because of physical barriers (however caused).

3. **Default Connection by Customers.** If Customers have not so consented and cooperated, or if the connection is outside of the construction contractor's contract (however caused), then said Customers must connect the property at their own expense within the original ninety (90) days of domestic water system availability.

4. **Option to Set Later Connection Date.** Nothing herein shall preclude Department personnel, upon approval of the Town Council, from setting a later date in writing for Customers to connect to the domestic water system.

5. **Abandonment of Private Water Systems.** In the event buildings, Units, or structures on lots, parcels or properties with private water systems are connected to a phase or portion of the domestic water system, the private water systems must be abandoned within sixty (60) days after such connection, in accordance with rules and regulations promulgated by the Yavapai County Board of Health, the Arizona Department of Health Services, and/or the Arizona Department of Water Resources. Failure of Customers to properly abandon private water systems within the time specified shall be reported to appropriate State or County agencies, and Department personnel shall cooperate fully with such agencies to abate the nuisance created by such failure.

   a. **Contractor Responsibility.** If, as part of a specific initial service plan for an area, the construction contractor assumes responsibility for connecting existing developed properties to the domestic water system during construction (without cost to the Customers), and such plan includes abandoning private water systems, then enforcement of this requirement may be "tollled" until the contractor either abandons the private water systems in the course of his contract or would have done so if i) the Customers had consented and cooperated by providing necessary construction easements, permitting entry onto property, etc., or ii) the abandonment were not outside the scope of the contractor's contract because of physical barriers (however caused).

   b. **Customer Non-Cooperation.** If i) Customers do not so consent and cooperate by the time that a construction contractor is released from an area by the Town (after having abandoned the other private water systems on lots, parcels or properties in the area where permission had been granted and which could reasonably be abandoned pursuant to contract), or ii) the abandonment is outside of the construction contractor's contract (however caused) and Customers do not themselves arrange to abandon their private water system in accordance with the regulations within sixty (60) days of connection to the domestic water system, then enforcement shall be sought by the Town as set forth above.
i. Nothing herein shall preclude Department personnel, upon approval of the Town Council, from setting a later date in writing for Customers to abandon private water systems on their lots, parcels or properties, prior to seeking enforcement as set forth above.

C. After-Developed Properties. All developments (including single family dwellings) within the appropriate distance as set from time to time in the Town Code from the Town's domestic water system which are to be approved for occupancy after the water system is operational, shall be required to connect to the water system at the expense of the record owner(s) before occupancy is approved by the Town. All connections shall be in accordance with the Town's Engineering Standards as adopted from time to time.

D. Permits and Inspections. No physical connection shall be made to the domestic water system until a permit for the same has been acquired from the Building Official in accordance with Chapter 7 of the Town Code (as amended from time to time), after payment of all required fees and charges, unless the connection is made by the Department. All connections shall conform to the International Plumbing Code, as adopted and amended by the Town from time to time. In addition to any other inspections, tests, and right-of-way permits that may be required, inspection and approval of water system connections shall be required before any trench or hole is backfilled. Any plan review and inspection fee adopted from time to time by resolution may be waived under an initial service plan where the connection is made by the Town or a contractor that assumes responsibility for connecting existing developed properties during construction without cost to the Customer.

As part of any connection, an approved water meter must be installed by the Department. The meters supplied may be changed from time to time as technological advances provide for greater efficiency in domestic water delivery and meter reading. Unless otherwise expressly permitted by the Department, all such meters shall be located within an adjacent public right-of-way, easement or license, and installed in accordance with the Engineering Standards adopted from time to time by the Town. Such meters and meter boxes shall not be obstructed in such a way as to prevent them from being accessed by Department personnel for reading, maintenance and other purposes. Such water meters are and remain part of the water system and are therefore property of the Town.

E. Damage. Any damage done to the domestic water system or to the public right-of-way as a result of construction of a connection or any related construction or excavation activity shall be repaired to the Town's satisfaction at the constructing party's expense. The Town may require a bond of the party doing such construction or excavation prior to the activity being undertaken.

It is unlawful for any person to intentionally break, deface, tamper with or damage any meter, hydrant, valve, line, pipe or other water system appliance or fixture, or in any other manner to interfere with the operation of any part of the domestic water system. Furthermore, it is unlawful for any person, with intent to injure or defraud, to connect any pipe, line, tube or other instrument with any water main, water line,
or service line, whether or not part of the water system, for conducting water supplied by the Town for the purpose of taking such water without permission and/or payment.

F. Criminal Violation. The requirement that buildings, Units, structures, designated turf areas, and water storage areas on lots, parcels or properties be connected to the domestic water system (as set forth herein) is subject to vigorous enforcement by all equitable and legal means available, including civil and criminal actions against Customers. In this regard, failure to connect to the domestic water system as set forth herein constitutes a class 1 misdemeanor (with each separate day being a separate offense).

1. Deferred Enforcement. Deferred enforcement or non-enforcement of this requirement by the Town should not be construed as a waiver of future enforcement with regard to the particular Customers and lots, parcels or properties involved.

G. Related Assessments, Fees and Charges. In addition to any Water System Connection Charges which may be applied from time to time by resolution, in areas previously included within improvement districts created to extend the domestic water system to such areas, if an assessment has not been previously paid to the Town to make the water system available to a property (or if the assessment paid for that property was not in proportion to payments made for other similar properties, e.g. because of a property split, increased intensity of development, etc.), a separate in-lieu of assessment fee, calculated to be equivalent to the original assessment, may be imposed by the Town as a condition of developing the property. Such in-lieu of assessment fee may be established from time to time by resolution. Furthermore, development fees pursuant to ARS 9-463.05 and Article 7-11 of the Town Code (all as amended from time to time) and Water System Connection Charges may be imposed as a condition of developing the property. However, any such assessments, fees and charges shall be subject to mutual offset, in whole or in part, in accordance with law.

(Ord. No. 386, Enacted, 07/11/96; Ord. No. 510, Amended, 08/23/01; Ord. No. 590, Amended, 03/25/04; Ord. No. 815, Amended, 04/28/16)

9-05a-075 Domestic Water System Maintenance.

A. Facilities Included in Domestic Water System. The domestic water system includes (but is expressly not limited to) wells, treatment facilities, pumps, booster stations, storage tanks, storage ponds, water mains, water lines, fire hydrants, valves, and meters, as well as any public rights-of-way, easements (express or implied), or licenses within which they are located (but expressly not including water service lines and connections thereto located on the Customer side of meters). "Water mains" include all pipe larger than six inches (6") in diameter and "service taps" between such pipes and meters. The domestic water system expressly does not include water service lines and connections thereto from buildings, Units, structures, designated turf areas, or water storage areas out to water meters, or any private easements or rights-of-way in which they may be located.
B. **Responsibility for Maintenance of Domestic Water System.** The Department is generally responsible for the care and maintenance of the domestic water system, including meters and all pipes, lines and other facilities on the street side or right-of-way side of the meters. However, Customers are responsible for the care and maintenance of their service lines (and connections thereto), any private easements or rights-of-way in which they may be located, and any internal water lines serving their properties.

C. **Requirements Prior to Excavations.** No Customer, User, or person shall make or begin any excavation in any public street, alley, right-of-way dedicated to public use, utility easement, or express or implied private property utility easement included in the domestic water system without first (1) determining whether utility system facilities (above-ground or underground) will be encountered (and, if so, where they are located), and 2) taking measures for control of the facilities in a careful and prudent manner. No person shall begin excavating before the location of said facilities is marked or he or she is notified that marking is unnecessary. Additional provisions relating to excavation of public property shall be established from time to time by regulations adopted by resolution.

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(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)

9-05a-080 **Fire Hydrants.**

A. **Fire Hydrants for Domestic Water Supply.** Customers [or, in the case of the record owner(s) of real property, their agent(s)] may apply for domestic water service through a fire hydrant by separate application on forms established from time to time by the Director. Upon approval by the Department and payment of a deposit set from time to time by resolution, a meter shall be installed on the hydrant from which the water is to be supplied. Such deposit shall only be returned upon return of the meter in operational condition. Customers shall thereafter be responsible for paying all applicable Water Service Rates. No domestic water service shall be obtained through fire hydrants without use of backflow preventers approved by applicable state or county agencies, and as set forth hereinafter in Chapter VIII, Section 8.

B. **Hydrant Locks.** Hydrant meters are assigned to specific fire hydrants and may not be
moved to other hydrants without the permission of the Utilities Director. Therefore, locks are placed upon hydrant meters for security purposes and breaking of the same except by emergency services personnel in times of emergency constitutes unauthorized tampering and is prohibited.

C. Unauthorized Tampering. Except in emergency circumstances, it shall be unlawful to tamper with or damage a fire hydrant or hydrant meter, or to direct, aid, or abet another in so doing without the approval of the Utilities Director after compliance with the above application requirements. In lieu of criminal prosecution for such a misdemeanor violation, the Director may (at his/her sole discretion) impose a civil penalty for such violation, which penalty shall be set from time to time by resolution. The Director may also waive any per-day aspect of such civil penalty in appropriate circumstances, and provide for set-off of such penalties in return for payment of the actual costs of any damages.

(Ord. No. 386, Enacted, 07/11/96; Ord. No. 510, Amended, 08/23/01; Ord. No. 815, Amended, 04/28/16)

9-05a-090 Cross-Connection Control Program.

A. Coordination with International Plumbing Code and the Arizona Administrative Code. In addition to the applicable provisions of the International Plumbing Code (as adopted and amended from time to time in Chapter 7 "BUILDING" of the Town Code) and Title 18, Chapter 4 of the Arizona Administrative Code, the provisions of this Section shall constitute a Cross-Connection Control Program for the Town. In the event of a conflict between the provisions of this Section and those of the International Plumbing Code and/or the Arizona Administrative Code, the provisions of this Section shall apply.

B. Program Goal. The goal of the cross-connection control program is to protect the Town's domestic water supply from the possibility of contamination or pollution by isolating within users' systems such contaminants or pollutants as might backflow into the domestic water supply. The program shall provide for the monitoring and enforcement of a continuing program of backflow prevention designed to prevent the contamination or pollution of the domestic water supply.

C. Program Implementation. This cross-connection control program shall be implemented as follows:

1. New Construction. With the adoption of this cross-connection control program, all commercial/industrial new construction, additions, remodeling, or tenant improvements on any property shall be evaluated to determine if a backflow prevention assembly (BFPA) or air gap is required. If it is determined that the property requires a BFPA or air gap, construction thereof shall be in accordance with the engineering standards adopted from time to time in Article 16-01 of the Town Code.

2. Retrofit of Existing Construction. If the Town is alerted, by any means, to potential backflow hazards involving existing properties, the Customer shall install a BFPA or air gap in accordance with the cross-connection control
program. retrofits shall be completed by a certified and licensed contractor approved by the Town within 3 months from the date the Town notifies the Customer. Customers are responsible to pay all costs for labor and materials incurred to complete a retrofit.

3. **Secondary Source of Water.** If a secondary water supply is connected to a customer system that is also served by the Town’s domestic water system, the secondary connection shall be mechanically disconnected or, in the alternative, a BFPA shall be installed. In the event the Customer fails to disconnect the secondary water supply or install a BFPA, the Town shall discontinue the domestic water service to the customer until such time as the secondary water supply has been disconnected or a BFPA has been installed. The Customer shall pay any and all charges associated with disconnecting and/or reconnecting to the domestic water system.

4. **Branching.** Assemblies on a metered service shall be located downstream of the meter before branching. On non-metered service, assembly shall be located downstream of any branching.

5. **Submergence.** Assemblies shall be located above ground in an area free from submergence or flood potential.

6. **Concrete Enclosure Pad.** The concrete pad shall be constructed above final grade to help prevent eroded soil from obstructing enclosure drains.

7. **Costs.** All costs to purchase, install, operate, maintain, replace and test BFPA’s and air gaps are the responsibility of the customer.

8. **Water Pressure and Volume.** Any water pressure drop or loss of volume caused by the installation of a BFPA or air gap is not the responsibility of the Department.

9. **Permits.** Building permits will not be issued until all BFPA’s and/or air gaps have been specified and located on a plan approved by the Water Department.

10. **Prohibited Locations.** Assemblies must not be located in traffic visibility triangles or where utility devices are prohibited by Town Code.

D. **Responsibilities.** The following responsibilities are involved in the program:

1. **Water Department (“The Department”).** The Department is vested with authority and responsibility for implementing and administering this cross-connection control program. No domestic water service connection to premises of a type specified in this program shall be installed or maintained unless the domestic water supply is protected as required herein.

2. **Cross-Connection Control Program Administration.** The Department may enforce, monitor, maintain and/or modify this program.

3. **Users.** Users shall not allow any pollutants or contaminants to enter into the
domestic water system or premise/in-premise systems from the point of delivery. Users shall, at their own expense, install, operate, test, replace, and maintain approved BFPAs or air gaps as required by the Department.

E. Definitions. The following definitions shall apply to this cross-connection control program:

1. "Air Gap" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device, and the flood level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel, and in no case less than one (1) inch.

2. "Backflow" means a reverse flow condition that causes water or mixtures of water and other liquids, gases, or substances to flow back into the distribution system. Backflow can be created by a difference in water pressure (backpressure), a vacuum or partial vacuum (backsiphonage), or a combination of both.

3. "Backflow Prevention Assembly (BFPA)” means an assembly or means designed to prevent the reversal of the normal flow caused by either backpressure or backsiphonage.

4. "BFPA Tester" means any person who has proven his/her competency to the satisfaction of the Department, is certified to install, make competent tests or repair, overhaul and make reports on backflow prevention assemblies, and who is conversant with applicable laws, rules and regulations, has had experience in plumbing or pipe fitting, or has other qualifications which are equivalent in the opinion of the Department.

5. "Double Check Valve Assembly" means an assembly of two (2) independently operating, approved check valves with tightly closing shut-off valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly must meet the design and performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California and the American Water Works Association (A.W.W.A.).

6. "Pollution" means the presence of any foreign substance (organic, inorganic, or biological) in the water which tends to degrade its quality so as to constitute a hazard or impair its usefulness or quality to a degree which does not create an actual hazard to the public health but does adversely and unreasonably affect it for domestic use.

7. "Pressure Breaker Assembly” means 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 must be equipped with properly located test cocks and tightly closing shut-off valves located at each end of the assembly. The entire assembly must meet the
specifications and standards of the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research.

8. "Reduced Pressure Principle Backflow Assembly" means an assembly of two (2) independently acting, approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve located between the check valves and below the first check valve. The unit shall include properly located test cocks and tightly closing shut-off valves at each end of the assembly. The entire device must meet the design and performance specifications determined by the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California and the American Water Works Association (A.W.W.A.).

9. "Water (Potable)" means any water which, according to standards recognized by the Town of Prescott Valley, is safe for human consumption.

10. "Water Service Connection" means the terminal end of the service connection from the domestic water system at its point of delivery to the User's plumbing fixtures. Inasmuch as one (1) or more meters are installed at the end of the service connection, then the service connection means the downstream end of the meter. Service connections include water service connections from fire hydrants and all other temporary or emergency service connections from the domestic water system. [Note that unprotected takeoffs from service lines will not be permitted upstream of any meter or any BFPA located at the point of delivery to the User's plumbing fixtures.]

F. Approval. Each backflow preventive assembly required hereunder shall be approved by the Water Department prior to installation, and shall be installed by and at the expense of the User. Approved backflow assemblies must have received approval from the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California, American Water Works Association (A.W.W.A.). Assemblies must be specified and located on construction plans for all new buildings, all additions with new services, and all changes of use of existing buildings as required hereinafter. Approval of such assemblies must be obtained prior to issuance of building permits.

G. Installation of BFPAs. With regard to installation of BFPAs and air gaps:

1. Types of Backflow Prevention Allowed. The Town has approved the following four (4) types of backflow prevention:
   a. Double Check Valve Assembly (DCVA)
   b. Reduced Pressure Principle Backflow (RPBA)
   c. Pressure Vacuum Breaker Assembly (PVBA)
   d. Air Gap (AG)

Backflow assemblies or air gaps may not be installed in pits, vaults or underground.
All firelines, whether commercial or residential, shall conform to the BFPA requirements under this cross-connection control program.

2. USC Approved BFPA. Approved assemblies shall include those manufactured in conformance with the standards established by the American Water Works Association (AWWA) and the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California.

3. Testing Frequency. BFPA and air gaps must be inspected for proper installation and tested for proper operation:
   a. At the time of installation;
   b. Annually after installation (minimum frequency);
   c. After a backflow incident;
   d. After a BFPA or air gap is repaired, reinstalled, relocated, re-plumbed (for air gaps); and
   e. At the request of the Utilities Director.

4. Backflow Assemblies - Outside Installation (RPBA and DCVA). Backflow assemblies installed outside shall:
   a. Be placed in an ASSE 1060 Class I enclosure that is electrically heated and situated on a concrete base slab. Upon approval by the Department, where electric heating is not possible, freeze protection may be accomplished by using an insulated blanket with a minimum R30 insulation rating inside an ASSE 1060 Class I enclosure.
   b. Be placed on private property and before the first branch line leading off of the service line.
   c. Be located in an accessible location approved by the Department.
   d. Be placed as close as practically possible to the water meter or the adjacent public private point of separation.
   e. Provide test cocks located at such points in the assembly to enable testing equipment to be connected and detect the pressure in each pressure zone.
   f. Be installed above ground.
   g. Be installed and oriented as approved by the manufacturer.
   h. Provide adequate drainage for RPBAs discharge water. The drainage system shall be of adequate capacity to accommodate intermittent discharge, a full port discharge or a full catastrophic failure of the relief valve.
i. Have at least the same cross-sectional area as the service and/or meter.

j. Have sufficient clearance provided to permit testing in place, maintenance, repair or replacement and be installed no less than twelve (12) inches or more than twenty-four (24) inches above grade level.

k. Provide two (2) sets of BFPAs installed in parallel if the water supply cannot be temporarily interrupted for the testing of assemblies.

l. Not include a bypass installed around BFPAs.

m. For all commercial irrigation uses, provide an RPBA separate from the domestic water system.

5. Backflow Assemblies – Inside Installation for Fire Sprinkler Systems (RPBA and DCVA). Inside installation of backflow assemblies shall be allowed for fire sprinkler systems only. The assemblies shall:

a. Be located in a NFPA freeze protected environment.

b. Be placed in a fire riser room unless otherwise approved by the Town. Fire riser rooms shall have an access door to the exterior of the building and signage on the door designating Fire Riser Room.

c. Not be further away than 150 feet from the property line adjacent to the public main.

d. Be installed and oriented as approved by the manufacturer.

e. Provide adequate drainage for discharge water. The drainage system shall be of adequate capacity to accommodate intermittent discharge, a full port discharge or a full catastrophic failure of the relief valve.

f. Provide test cocks located at such points in the assembly to enable testing equipment to be connected and detect the pressure in each pressure zone.

g. Have sufficient clearance provided to permit testing in place, maintenance, repair or replacement and be installed no less than twelve (12) inches or more than twenty-four (24) inches above grade level.

h. Not be bypassed.

i. Be installed with a tamper switch that detects a closed valve or with valves that can be locked in the open position. The method shall be approved by the Central Yavapai Fire District (CYFD).

j. Include an alarm system if required by CYFD.

6. Backflow Pressure Vacuum Backflow Assemblies (PVBA). Use of PVBAs is only allowed under the following conditions.
a. Use is restricted to low hazard backflow protection of single family residential and irrigation systems.

b. No additives, fertilizers, etc. may be used utilized in the system.

c. No external or internal pumps may be connected to the system.

d. Assemblies shall be equipped with gate valves on both the upstream and the downstream side of the assembly.

e. Test cocks shall be provided and located so that test equipment may be connected to the assembly at such points that the pressure in each pressure zone may be detected.

f. One of the test cocks shall be located upstream of the upstream gate valve, as close as possible to said assembly.

g. Assemblies shall be placed on private property.

h. The location of the assemblies shall be accessible as approved by the Department.

i. All assemblies shall be installed and oriented per manufacturer specifications.

j. Assemblies must have sufficient clearance provided to permit testing in place, maintenance, repair or replacement and must be installed at least twelve (12) inches above all downstream piping and outlets.

k. No bypass may be installed around a PVBA.

7. Air Gaps. An “approved air gap” (AG) shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel; in no case less than 1 inch (2.54 cm). For AG installation, all piping between the user’s connection and tank shall be entirely visible unless otherwise approved in writing by the Utilities Director.

8. Civil / Utility / Construction Plans. All constructions plans for new structures, additions with new service and the change of use for existing structures must contain specifications and illustrations for all BFPAs or air gaps to be installed and shall include the information set forth below. Construction plans will not be approved unless they comply with this subsection.

  a. Vicinity and Location. Show and illustrate vicinity and location.

  b. Size. Specify the size in inches.

  c. Type. Specify the type of assembly required, i.e., RPBA, DCVA, or air gap.

  d. Orientation. Specify and illustrate BFPA mounting orientation per USC code, i.e. vertical or horizontal.

  e. Special Conditions. Identify all special conditions, i.e., use of additives
or antifreeze or, in the alternative, a dry system.


g. Model. Provide full name of model of BFPA, as listed or specified on
USC list.

h. Code. For fire sprinkler applications, provide the citation to the fire
code applicable to the type of option approved by CYFD (i.e., tamper
switch or locking). If the code citation is not available, specify the
option being used (tamper switch or locking).

i. Freeze Protection Outdoors. If located outdoors, specify the type of
freeze protection being utilized (i.e., BFPA shall be electrically heated in
an enclosure per ASSE 1060 Class I).

j. Freeze Protection Indoors. If located indoors, state that the BFPA shall
be freeze protected per NFPA regulations.

k. Drainage. If a RPBA is installed indoors, illustrate the drainage plan and
state that the drainage capacity is sized properly to safely handle any and
all discharge. If RPBA is installed outdoors, state that the drainage has
been designed properly to safely handle any and all discharge.

l. Plan must state build in accordance with applicable Prescott Valley
standard detail.

H. Premises or Systems Requiring Approved Backflow Preventive Devices. An approved
backflow preventive assembly of the type specified in this Subsection shall be the
minimum installation of each service connection (whether from a fire hydrant,
temporary, regular or other water service connection) to the following type of
premises or systems:

1. Minimum type of backflow prevention:

Table 1 - Minimum Type of Backflow Prevention Based on Hazard

<table>
<thead>
<tr>
<th>Premises Requiring Backflow Prevention</th>
<th>Type of Backflow Prevention Required</th>
<th>DCVA</th>
<th>RPBA</th>
<th>PVBA</th>
<th>Air Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any Very High Risk Hazard*</td>
<td></td>
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<td></td>
<td></td>
<td>X</td>
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<tr>
<td>Any High Risk Hazard*</td>
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<td>X</td>
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<tr>
<td>Any Low Risk Hazard*</td>
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<td>Auxiliary Water Systems, Infrastructure, Pumps or Reservoirs on Property</td>
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<tr>
<td>Buildings Greater than Three (3) stories or Thirty-Four Feet (34') in Height</td>
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<td>X</td>
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<tr>
<td>Commercial / Government / Institutional / Industrial Facilities</td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>Fire Lines With Antifreeze or Additives</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
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| Fire Lines With no Antifreeze or Additives | X |
| Fire Lines With Compressors / Dry Systems | X |
| Commercial Class 1 and 2 Fire Systems | X |
| Commercial Class 3-6 Fire Systems | X |
| Commercial or Industrial Irrigation | X |
| Multifamily Larger than Fourplex | X |
| Radioactive Materials Processing | X |
| Intricate Internal Plumbing Arrangements | X |
| Any Premise with Access to Reclaimed Water | X |
| Wastewater - Plants, Lift Stations, Pumping Stations, Dump Stations | X |
| Mobile Homes, Storage Yards or RV Parks Served with Master Meter(s) | X |
| Water Trucks, Sewer, Reclaimed Water or Storm Cleaning Equipment | X |
| Temporary Construction Use (fire hydrant or auxiliary connection) | X |

*Hazards not defined elsewhere in this Table. The Town has sole discretion to determine what constitutes a hazard.

2. Single family residential units (used solely for residential purposes) requiring a fire sprinkler system shall not be required to install a backflow assembly, provided:
   a. The system is constructed using approved potable water piping and materials.
   b. The system does not contain anti-freeze or other chemicals.
   c. The system is connected to the customer’s side of the water meter.

I. Approved Backflow Preventive Assemblies. Approved assemblies shall be limited to those manufactured in conformance with the standards established by the American Water Works Association (AWWA) and approved by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC-FCCCHR).

J. Maintenance, Testing and Records. Users must maintain accurate records of BFPA tests, repairs and/or replacements and must provide the Department with copies of such records within thirty (30) days of the tests, repairs and/or replacements. The records shall be on forms approved by the Department and shall include the list of materials or replacement parts used. Testing, maintenance, replacements, and repairs to such assemblies shall be made at Users’ expense by a “General Tester” certified by the Arizona State Environmental Technical Training Center (ASSETT) and included on the Town’s list for certified backflow prevention assembly testers. Users must arrange for tests to be completed at the time of the initial installation and at least once a year thereafter on the anniversary date of the initial inspection. Following the installation of any assembly, Users must have the assembly inspected by the Department before a certificate of occupancy is issued.

Within ten (10) days following completion of any retrofits, repairs, repiping, overhauls, replacements, or relocations of any assembly, Users must have the assembly inspected as set forth herein.
K. **Inspections.** Users’ systems must be open for inspection at all reasonable times (including during all emergencies) by authorized representatives of the Department in order to determine whether cross-connections or other structural or sanitary hazards exist (including violations of this program). If such hazards are found, the Department may deny or immediately discontinue service to the premises by providing a physical break in the service line until the User has corrected the condition in conformance with this program.

L. **Discontinuation of Service.** Water service to any premises may be turned-off by the Department if a backflow preventive assembly required by this program is not installed, tested and maintained; if it is found that a backflow preventive assembly has been removed or bypassed; or if a cross-connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

M. **Existing Devices and Users.** If the Department determines that a User’s backflow preventive assembly does not meet applicable Engineering Standards, the User shall retrofit, replace or repair the assembly so that it meets the standards. Whenever it is determined by the Department that a water service poses an actual or potential threat to the physical properties of the domestic water system or to the potability of the water system, an assembly complying with this program must be installed. The cost of installation, testing and maintenance shall be borne by the User.

N. **Disclaimer of Liability.** This cross-connection control program shall not create any duty or liability on the part of the Town of Prescott Valley, its officers, employees, agents or successors.

(Ord. No. 386, Enacted, 07/11/96; Ord. No. 510, Amended, 08/23/01; Ord. No. 590, Amended, 03/25/04; Ord. No. 654, Amended, 03/09/06; Ord. No. 815, Amended, 04/28/16)

**9-05a-100 Penalties and Remedies.**

A. **Violations a Class 1 Misdemeanor.** Except for failure to pay domestic water rates, fees, charges, and penalties, any violation of this Article shall constitute a class 1 misdemeanor, and any such violation shall constitute a separate offense on each successive day it is continued.

B. **Turning-Off Domestic Water Services.** In addition to other remedies (civil or criminal) available to it, the Town of Prescott Valley may turn-off domestic water services to any Customer or User who fails to comply with any provision of this Article (including non-payment of rates, fees, charges, penalties, and taxes) as provided in this Article. Turning-off of domestic water services does not excuse failure to pay applicable rates, fees, charges, penalties, and taxes due under this Article.

C. **Administrative Review.** In the event of a dispute as to liability for domestic water system rates, fees, charges, penalties or taxes (or the amount of same), or the validity of proposed enforcement actions, a User may request an administrative review.

1. **Request for Administrative Review.** Requests must be received by the Director at least five (5) business days prior to any deadline set for (i) application of
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rates, fees, charges, penalties or taxes, or (ii) enforcement actions. Requests may be made in writing, by facsimile transmission, by telephone, by e-mail or in person, directed to the Office of the Director at 7501 E. Civic Circle, Prescott Valley, Arizona 86314, (928) 759-3011 (ph.), (928) 759-5533 (fax), www.pvaz.net (website).

2. Nature of Hearing. Within five (5) business days of receipt of a request for administrative review, the Director shall arrange to meet with the User or its representative. At the hearing, the User or its representative may present their objection to the proposed rates, fees, charges, penalties, taxes or enforcement action. The Director may schedule additional meetings, if necessary.

3. Decision. Within five (5) business days after the final meeting with the User or its representative, the Director shall render a decision in the matter, explaining the basis for the decision and the actions that will be taken by the Director. A copy of the decision will be mailed first-class, postage prepaid, to the User at the address provided by the User on its account application.

4. Appeal. Within five (5) business days from the date of the Director’s decision, the User may appeal the Director’s decision to the Town Manager. The Town Manager shall arrange to meet with the User or its representative and the Director. At the hearing, the User or its representative may present their objection to the proposed rates, fees, charges, penalties, taxes or enforcement action. The Town Manager may schedule additional meetings, if necessary. Within five (5) business days after the final meeting with the User or its representative, the Town Manager shall issue a written determination, which shall be final. The application of any rates, fees, charges, penalties, taxes or enforcement action shall be tolled pending the final determination of the Town Manager.

(Ord. No. 386, Enacted, 07/11/96; Ord. No. 510, Amended, 08/23/01; Ord. No. 815, Amended, 04/28/16)

9-05a-110 Supplementary Provisions.

The provisions of this Article are intended to be supplementary to other applicable Town Code provisions. Where in conflict or where additional requirements are cited, the stricter provision shall apply.

(Ord. No. 386, Enacted, 07/11/96)
Article 9-05b  RECLAIMED WATER SERVICE

9-05b-010  Intent and Scope.

It is the intent of this Article, in connection with the other provisions of the Town Code, to regulate the financing, operation, and expansion of the Town's reclaimed water system (including regulation of connections thereto). In so doing, this Article provides for the setting, collecting, and refunding of reasonable reclaimed water rates, fees, charges, and penalties.

(Ord. No. 510, Enacted, 08/23/01)

9-05b-020  Definitions.

In this Article, unless the context otherwise requires:

A. "Customer" means (a) the record owner(s) of real property to which reclaimed water services are supplied, and/or (b) any Tenant of real property to which any of said services are supplied. Customers are the person(s) or entity(ies) responsible for the payment of water charges for such services. While a Customer may also be a User as defined hereinafter, the terms are not necessarily the same.

B. "Department" means any combination of Town officers and third-party contractors (and their respective personnel) assigned to manage, operate and maintain the reclaimed water system for the Town.

C. "Director" means the director of the department in which the Customer Accounts division of the Town is included, as appointed from time to time by the Town Manager, and/or related staff designees.

D. "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or
any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, or local governmental entities.

E. “Premises,” “Real Property” or “Property” means the building, unit, structure, designated turf area, or water storage area (including adjacent areas and appurtenances) to which domestic water service, wastewater service, and/or reclaimed water service is provided.

F. “Reclaimed Water” means all effluent discharged from the wastewater treatment facility after treatment, and stored, transported, or recharged into the underground aquifer by the reclaimed water system of the Town.

G. “Reclaimed Water Service” means the treatment, storage, transportation and delivery of reclaimed water by the Town to commercial and industrial water Users.

H. “Reclaimed Water System” means any or all components of the reclaimed water system managed, operated and maintained by the Town or through contracts with one (1) or more third-party contractors, including (but not limited to) recharge wells, treatment facilities, pumps, booster stations, storage tanks, storage ponds, reclaimed water mains, reclaimed water lines, hydrants, valves, and meters, as well as any public rights-of-way, easements (express or implied) or licenses within which such are located (but expressly not including reclaimed water service lines and connections thereto located on the Customer side of meters).

I. “Tenant” means a person entitled under all agreements, written, oral or implied by law, and valid rules and regulations adopted under Arizona Revised Statutes, embodying the terms and conditions concerning the use and occupancy of a dwelling unit and/or other premises to occupy the same to the exclusion of others.

J. “Town” means the Town of Prescott Valley and, for purposes of authority, includes any of its officers, employees, contractors, and other agents unless express reference is made to the Mayor, the Council, the Manager, or a department head.

K. “Town Council” or “Council” means the governing body of the Town, comprised of its duly elected or appointed members.

L. “Town Manager” or “Manager” means the manager of the Town as appointed from time to time by the Town Council, and/or related staff designees.

M. “Unit” means any room or group of rooms designed for one (1) or more persons to reside, work, or carry on any organized activity as a homogeneous group, and containing or having direct access to at least one (1) accommodation for cooking, domestic water use, reclaimed water use, and/or wastewater disposal.

N. “User” means any person, partnership, corporation, municipality, political subdivision or other entity or organization that occupies any building, Unit, structure, designated turf area, or water storage area and receives water service from the domestic water system.

O. “Utilities Director” means the director of the Utilities Department, as appointed from
time to time by the Town Manager, and/or related staff designees.

P. “Utility System” means the domestic water system, wastewater treatment system and the reclaimed water system of the Town, or any portion thereof.

(Ord. No. 510, Enacted, 08/23/01; Ord. No. 815, Amended, 04/28/16)

9-05b-030 Reclaimed Water Fund Administration.

A. Establishment. A Reclaimed Water Fund is hereby established to account for all revenues and expenditures of the Department in the operation of the reclaimed water system. Nothing herein limits the authority of the Town, in conformance with standard accounting and good financial management practices, to establish other funds, subfunds, or accounts (i.e., debt service, replacement, etc.) and to transfer monies between them and the reclaimed water fund for reclaimed water service purposes and system administration purposes, or to make interfund loans as allowed by law and approved by the Town Council.

B. Reserve Account. In the event debt financing is used to construct or extend any portion of the reclaimed water system, a separate reserve account shall be established and maintained in accordance with the terms of said financing. The monies within said account may be used for emergency purposes in accordance with the terms of said financing.

C. Additional Regulations. The Town Council shall adopt additional regulations for Fund administration from time to time by resolution.

(Ord. No. 510, Enacted, 08/23/01)

9-05b-040 Establishing Reclaimed Water Service.

A. Application. New reclaimed water service to any building, Unit, structure, designated turf area, or water storage area on real property, or any increase in the size of a reclaimed water service connection to any building, Unit, designated turf area, or water storage area shall be initiated by applications from Customers [or, in the case of the record owner(s) of real property, their agent(s)] on forms established from time to time by the Director. The information required at application and the consequences of providing false information may be set from time to time by regulations adopted by resolution.

B. Tenant Accounts. Applications by Customers who are Tenants must include a copy of the lease or rental agreement for the property to be served. Tenants applying for service to the leased/rental property shall be responsible to pay all reclaimed water service rates, fees, charges, and penalties applicable to the property. Where residential property consisting of five or more units is occupied by multiple Tenants, Tenants may apply for utility service and place their name on accounts only if each Tenant of the property is individually metered for reclaimed water service.
C. **Deposit.** Applications for reclaimed water service shall be accompanied by a deposit established from time to time by resolution, and administered in accordance with regulations adopted from time to time by resolution. An additional deposit may also be established by regulation from time to time in cases of bankruptcy, as permitted under federal law.

D. **Unauthorized Turn-On, Turn-Off, or Other Tampering.** Except in emergency circumstances, it shall be unlawful for any person to physically turn-on or turn-off reclaimed water service to any building, Unit, structure, designated turf area, or water storage area, to otherwise tamper with or damage the reclaimed water system, or to direct, aid, or abet another in so doing without the approval of the Utilities Director after compliance with established application requirements. In lieu of criminal prosecution for such a misdemeanor violation, the Director may (at his/her sole discretion) apply a civil penalty for such violation, which penalty shall be set from time to time by resolution. The Director may also waive any per-day aspect of such civil penalty in appropriate circumstances, and provide for set-off of such penalties in return for payment of the actual costs of any damages.

(Ord. No. 510, Enacted, 08/23/01; Ord. No. 815, Amended, 04/28/16)

9-05b-045 **Water Conservation.**

A. The Mayor and the Town Manager are hereby authorized to declare Water Conservation Levels, as set forth hereinafter, which shall have the effect of restricting usage of water produced by the Town's reclaimed and domestic water systems. Such Water Conservation Levels shall be based upon the Water Resource Status Levels determined by the Utilities Director (or his designee) which, in turn, are based upon the Utilities Director's assessment of the relationship between water demand and safe water production capability. Safe water production capability is defined as ninety percent (90%) of the total water resources that can reasonably be produced through either the reclaimed water system or the domestic water system, based upon distribution components, storage reserves, weather conditions, and historic data.

B. **Water Resource Status Levels are established as follows:**

1. **Status Level I:** water demand is less than or equal to safe water production capability.

2. **Status Level II:** water demand is greater than safe water production capability for more than three (3) but less than fourteen (14) consecutive days.

3. **Status Level III:** water demand is greater than safe water production capability for fourteen (14) consecutive days or more.

4. **Status Level IV:** water demand is greater than the total water resources that can reasonably be produced through either the reclaimed water system or the domestic water system, based upon distribution components, storage reserves, weather conditions, and historic data.
C. Water Conservation Levels are established as follows:

1. Conservation Level I (Water Awareness): water users are encouraged to minimize waste when water is used for irrigation, vehicle and pavement washing, construction, and similarly intensive water uses. Water Conservation Level I may be declared by either the Town Manager or the Mayor.

2. Conservation Level II (Water Restrictions): water use is prohibited or restricted as follows:
   a. Irrigation, washing of vehicles, filling and refilling of swimming pools, spas, and wading pools is restricted to Monday, Wednesday, Friday, and Sunday for even-numbered addresses, and to Tuesday, Thursday, Saturday, and Sunday for odd-numbered addresses.
   b. Washing of vehicles is restricted to use of buckets and hoses with positive cut-off nozzles, except that no restrictions apply to commercial car washes, to washing of public safety vehicles, or to washing of vehicles for specified public health, safety, or welfare reasons.
   c. Washing of paved areas (e.g. drives, sidewalks and tennis courts) is prohibited except for specified health, safety or welfare reasons.
   d. Irrigation of golf courses is restricted to before Noon and after 7 P.M. No restrictions apply if golf courses are irrigated with reclaimed water.
   e. Irrigation of landscaped areas is restricted to between 6 P.M. and 10 P.M., and between 4 A.M. and 8 A.M. Monday, Wednesday, Friday and Sunday for even-numbered addresses, and Tuesday, Thursday, Saturday and Sunday for odd-numbered addresses.
   f. Operation of ornamental fountains is prohibited unless they are equipped with recycling pumps.

Water Conservation Level II may be declared by either the Town Manager or the Mayor.

3. Conservation Level III (Water Emergency): water use is prohibited or restricted as follows:
   a. Filling and refilling of swimming pools, spas, and wading pools is prohibited.
   b. Irrigation of golf courses is prohibited, except that no restrictions apply if golf courses are irrigated with reclaimed water.
   c. Washing of vehicles and paved areas (e.g. drives, sidewalks and tennis courts) is prohibited, except that no restrictions apply to commercial car washes, to washing of public safety vehicles, or to washing of vehicles for specified public health, safety, or welfare reasons.
d. Non-emergency use of fire hydrants is prohibited unless written approval is first given by the Utilities Director for essential commercial purposes.

e. Irrigation of landscaped areas is prohibited.

f. Operation of ornamental fountains is prohibited.

Water Conservation Level III may only be declared by the Mayor.

4. Conservation Level IV (Water Crisis): water use is prohibited or restricted as follows -

a. Filling or refilling of swimming pools, spas, and wading pools is prohibited.

b. Irrigation of golf courses is prohibited.

c. Washing of vehicles and paved areas (e.g. drives, sidewalks and tennis courts) is prohibited, except that no restrictions apply to washing of public safety vehicles or to washing of vehicles for specified public health, safety, or welfare reasons.

d. Non-emergency use of fire hydrants is prohibited.

e. Irrigation of landscaped areas is prohibited.

f. Operation of ornamental fountains is prohibited.

g. Compaction and dust control on construction projects is prohibited, except that no restrictions apply to compaction and dust control using reclaimed water.

h. Other water uses declared in writing by the Mayor to be unduly consumptive are prohibited.

Water Conservation Level IV may only be declared by the Mayor.

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), 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.

E. Upon the effectiveness of a Water Conservation Level, water users shall comply with the water use restrictions and prohibitions related thereto, subject to the penalties set forth in Town Code §9-05b-100 hereinafter.
9-05b-050   Reclaimed Water Rates, Fees, Charges, and Penalties.

A.  Classification of Users.  For the purpose of applying reclaimed water rates, fees, charges, and penalties, reclaimed water system Users shall be classified into three (3) categories, as follows:

1.  Residential.  The residential classification shall include single family homes and individual dwelling Units within multi-family residential structures. A residential classification is not lost by reason of a “home occupation” if water consumption is not significantly increased because of said home occupation. Each dwelling Unit in a multi-family dwelling is considered a separate residential User.

2.  Commercial.  The commercial classification shall include institutional Users such as government entities, schools, churches, and nonprofit organizations, as well as transient and group quarters (i.e., hotels/ motels, rooming houses, nursing homes, etc.). A residential unit located within a structure utilized for commercial purposes or located on property used for commercial purposes (i.e., mini-storage manager/caretaker residences, etc.) shall be considered a separate commercial User. Each separate or separately-metered commercial unit in a structure or unified complex utilized for commercial purposes shall also be considered a separate commercial User.

3.  Industrial.  The industrial User shall be any entity required to have an industrial wastewater pretreatment permit under Article 9-05 of the Town Code; otherwise it shall be classified as commercial. Each separate or separately-metered industrial Unit in a structure or unified complex utilized for industrial purposes shall be considered a separate industrial User.

B.  Reclaimed Water Rates, Fees, Charges, and Penalties.  Reclaimed water rates, fees, charges, and penalties shall be set by resolution from time to time, in accordance with the Intent and Scope of this Article and with applicable Arizona and federal statutes.

1.  Coordination with Other Fees and Assessments.  Nothing herein shall limit the authority of the Town to impose development fees in accordance with ARS 9-463.05 and Article 7-11 of the Town Code (all as amended from time to time), or to establish improvement district assessments per ARS 48-517 et seq. and fees in-lieu of such assessments in order to upgrade or expand the reclaimed water system.

C.  Billing.  Billing of residential, commercial and industrial Customers for reclaimed water services shall be accomplished as set forth from time to time by regulations adopted by resolution.

1.  Taxes.  In addition to the reclaimed water rates, fees, charges, and penalties established from time to time by resolution, reclaimed water billings shall include any applicable taxes on the business of reclaimed water service.
2. **Time Covered by Rates.** With regard to reclaimed water rates, fees, charges, penalties, and taxes, Volume Rates and all other reclaimed water rates, fees, charges, penalties, and taxes are applied to the prior billing period.

3. **Delinquency Dates.** Reclaimed water rates, fees, charges, penalties, and taxes are due on different dates for different Customers based on billing cycles. Such dates shall be specified for each Customer when service begins and shall be set forth in the billings received. Payment is due twenty (20) days after the billing date. Reclaimed water rates, fees, charges, penalties, and taxes are delinquent on the twenty-eight (28th) day after the billing date. Nothing herein shall preclude the Director from changing a Customer’s billing period, so long as adjustments are made in billings to reflect actual usage.

4. **Consequences of Account Delinquencies.** Account delinquencies in relation to reclaimed water rates, fees, charges, penalties, or taxes shall result in an “Active Account Processing Charge”, set from time to time by resolution, being applied to the account on the twenty-eighth (28th) day after the billing date. Furthermore, reclaimed water service will be subject to turn-off on and after the fiftieth (50th) day after the billing date (unless emergency circumstances justify immediate turn-off of reclaimed water service).

5. **Application of Partial Payments.** The application of partial payments to delinquent accounts shall be established from time to time by regulations adopted by resolution. Partial payments shall not avoid reclaimed water service turn-off nor shall they renew reclaimed water service (except as specified in any payment agreements).

6. **Prepayments.** Nothing herein shall preclude the Town from limiting prepayments by regulations adopted from time to time by resolution.

7. **Customer Inquiry Required.** Failure of a Customer to receive any monthly reclaimed water service billing or other communication from the Director with regard to applicable reclaimed water rates, fees, charges, penalties, or taxes shall expressly not excuse the Customer from paying reclaimed water rates, fees, charges, penalties, or taxes due.

D. **Delinquency Procedures.** Procedures to be followed in the event of account delinquencies shall be established from time to time by regulations adopted by resolution. Such procedures shall include such enforcement measures as are available to the Town in law and in equity (including, but expressly not limited to, reclaimed water service turn-off), and shall provide for such notice to Customers and opportunities for administrative hearings prior to application of enforcement procedures (including, but not limited to, turn-off of reclaimed water service) as is deemed appropriate under the circumstances and complies with requirements of due process.

1. **Payment Agreements.** Nothing herein shall preclude the Director from offering to enter into Payment Agreements with Customers who have delinquent utility accounts at any stage of the enforcement process, as set forth from time to time.
9-05b-060  Reclaimed Water System Extensions.

A. Approval. The Town shall approve the design of, issue permits for, and conduct inspections of all construction of reclaimed water mains, reclaimed water lines, and other reclaimed water system components that are to be attached to the Town's reclaimed water system.

B. Design and Construction. The design and construction of all reclaimed water mains, reclaimed water lines, and other reclaimed water system components to be attached to the Town's reclaimed water system must conform with good engineering practice, including such standards as have been adopted from time to time by the Town (i.e. the latest adopted technical building codes, the latest adopted engineering standards, the current subdivision code, and the latest general plan).

The Town reserves the right to require an increase in size of reclaimed water mains, reclaimed water lines, and other reclaimed water system components constructed to be attached to the Town's reclaimed water system, in accordance with Article 14-04 of the Town Code (as amended from time to time).

C. Inspection. In accordance with Article 14-04 of the Town Code, all reclaimed water mains, reclaimed water lines, and other reclaimed water system components to be attached to the Town's reclaimed water system shall be subject to inspection by the Town. Engineering plan review and inspection fees may be charged as provided for in Chapter 16 of the Town Code.

D. Subdivisions. Extensions of the reclaimed water system into subdivisions shall be regulated by Article 14-04 of the Town Code.

E. Other Developments. All other developments requiring separate approval by the Town shall construct extensions of the reclaimed water system, including reclaimed water mains, reclaimed water lines, and related facilities, in accordance with the Towns engineering standards, provided they are a reasonable distance from the reclaimed water system. The determination of what is a reasonable distance shall be made by the Town, based on (1) the nature and size of uses proposed for the development, (2) whether service can be provided by gravity flow or requires pump stations, (3) the capacity of existing reclaimed water mains and related facilities to which any extension would be attached, and (4) other considerations deemed appropriate by the Town.

New developments which are determined by the Town to not be a reasonable distance from the reclaimed water system may still be required, where appropriate, to construct reclaimed water mains, reclaimed water lines, and related facilities according to standards and specifications approved by the Town, in preparation for future connection to the reclaimed water system when it comes within a reasonable
F. Replacement or Repair. Persons or entities that build or cause to be built any extensions of the reclaimed water system shall pay for any repairs or replacements made necessary as a direct or indirect result of such construction, including (for example) repair or replacement of curbs, gutters, sidewalks, road surfaces, drainage structures, and utilities damaged or disturbed during the building of reclaimed water line extensions.

G. Coordination with Fees and Assessments. Nothing herein shall limit the authority of the Town to impose development fees in accordance with ARS §9-463.05 and Article 7-11 of the Town Code (all as amended from time to time), or to establish improvement district assessments per ARS §48-571 et seq. and fees in-lieu of such assessments in order to upgrade the Town's reclaimed water system. However, such fees and assessments may be offset in whole or in part by the value of construction to extend the system, in accordance with law.

(Ord. No. 510, Enacted, 08/23/01)

9-05b-070 Connections.

A. Reclaimed Water Service Connections Required. Every separate building, Unit, structure, designated turf area, and water storage area to which reclaimed water service is supplied shall have its own service connection. Unless otherwise expressly permitted by the Department, it is unlawful for any Customer having a reclaimed water service connection to supply or permit utility service to be supplied through said connection to any other User, whether gratuitously or for consideration. Reclaimed water supplied as part of utility service shall only be delivered through meters supplied by the Town (by and through its third-party contractors).

1. Incidental Entry on Private Property. Department personnel are expressly authorized at all reasonable times to incidentally enter upon private property for the purpose of installing, reading, maintaining, and disconnecting meters, and for the purpose of repairing and maintaining all components of the reclaimed water system and for turning-on and turning-off reclaimed water service.

B. Permits and Inspections. No physical connection shall be made to the reclaimed water system until a permit for the same has been acquired from the Building Official in accordance with Chapter 7 of the Town Code (as amended from time to time), after payment of all required fees and charges, unless the connection is made by the Department. All connections shall conform to the International Plumbing Code, as adopted and amended by the Town from time to time. In addition to any other inspections, tests, and right-of-way permits that may be required, inspection and approval of reclaimed water system connections shall be required before any trench or hole is backfilled.

As part of any connection, an approved reclaimed water meter must be installed by the Department. The meters supplied may be changed from time to time as
technological advances provide for greater efficiency in domestic water delivery and meter reading. Unless otherwise expressly permitted by the Department, all such meters shall be located within an adjacent public right-of-way, easement or license, and installed in accordance with the Engineering Standards adopted from time to time by the Town. Such meters and meter boxes shall not be obstructed in such a way as to prevent them from being accessed by Department personnel for reading, maintenance and other purposes. Such reclaimed water meters are and remain part of the reclaimed water system and are therefore property of the Town.

C. Damage. Any damage done to the reclaimed water system or to the public right-of-way as a result of construction of a connection or any related construction or excavation activity shall be repaired to the Town's satisfaction at the constructing party's expense. The Town may require a bond of the party doing such construction or excavation prior to the activity being undertaken.

It is unlawful for any person to intentionally break, deface, tamper with or damage any meter, hydrant, valve, line, pipe or other reclaimed water system appliance or fixture, or in any other manner to interfere with the operation of any part of the reclaimed water system. Furthermore, it is unlawful for any person, with intent to injure or defraud, to connect any pipe, line, tube or other instrument with any reclaimed water main, reclaimed water line, or service line, whether or not part of the reclaimed water system, for conducting reclaimed water supplied by the Town for the purpose of taking such reclaimed water without permission and/or payment.

D. Related Assessments, Fees and Charges. In areas previously included within improvement districts created to extend the reclaimed water system to such areas, if an assessment has not been previously paid to the Town to make the reclaimed water system available to a property (or if the assessment paid for that property was not in proportion to payments made for other similar properties, e.g. because of a property split, increased intensity of development, etc.), a separate in-lieu of assessment fee, calculated to be equivalent to the original assessment, may be imposed by the Town as a condition of developing the property. Such in-lieu of assessment fee may be established from time to time by resolution. Furthermore, development fees pursuant to ARS §9-463.05 and Article 7-11 of the Town Code (all as amended from time to time) and reclaimed water system connection charges may be imposed as a condition of developing the property. However, any such assessments, fees and charges shall be subject to mutual offset, in whole or in part, in accordance with law.

(Ord. No. 510, Enacted, 08/23/01; Ord. No. 590, Amended, 03/25/04; Ord. No. 815, Amended, 04/28/16)

9-05b-080 Reclaimed Water System Maintenance.

A. Facilities Included in Reclaimed Water System. The reclaimed water system includes (but is expressly not limited to) recharge wells, treatment facilities, pumps, booster stations, storage tanks, storage ponds, mains, lines, fire hydrants, valves, and meters, as well as any public rights-of-way, easements (express or implied), or licenses within which they are located (but expressly not including service lines and connections thereto located on the Customer side of meters). "Mains" include all pipe larger than six inches (6") in diameter and "service taps" between such pipes and meters. The
reclaimed water system expressly does not include service lines and connections thereto from buildings, Units, structures, designated turf areas, or water storage areas out to meters, or any private easements or rights-of-way in which they may be located.

B. Responsibility for Maintenance of Reclaimed Water System. The Department is generally responsible for the care and maintenance of the reclaimed water system, including meters and all pipes, lines and other facilities on the street side or right-of-way side of the meters. However, Customers are responsible for the care and maintenance of their service lines (and connections thereto), any private easements or rights-of-way in which they may be located, and any internal lines serving their properties.

C. Requirements Prior to Excavations. No Customer, User, or person shall make or begin any excavation in any public street, alley, right-of-way dedicated to public use, utility easement, or express or implied private property utility easement included in the reclaimed water system without first (1) determining whether utility system facilities (above-ground or underground) will be encountered (and, if so, where they are located), and 2) taking measures for control of the facilities in a careful and prudent manner. No person shall begin excavating before the location of said facilities is marked or he or she is notified that marking is unnecessary. Additional provisions relating to excavation of public property shall be established from time to time by regulations adopted by resolution.

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(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)

9-05b-090 Hydrants.

A. Hydrants for Reclaimed Water Supply. Customers [or, in the case of the record owner(s) of real property, their agent(s)] may apply for reclaimed water service through a hydrant (where applicable) by separate application on forms established from time to time by the Director. Upon approval by the Department and payment of a deposit set from time to time by resolution, a meter shall be installed on the hydrant from which the reclaimed water is to be supplied. Such deposit shall only be
returned upon return of the meter in operational condition. Customers shall thereafter be responsible for paying all applicable Reclaimed Water Rates.

B. **Hydrant Locks.** Hydrant meters are assigned to specific hydrants and may not be moved to other hydrants without the permission of the Utilities Director. Therefore, locks are placed upon hydrant meters for security purposes and breaking of the same except by emergency services personnel in times of emergency constitutes unauthorized tampering and is prohibited.

C. **Unauthorized Tampering.** Except in emergency circumstances, it shall be unlawful to tamper with or damage a hydrant or hydrant meter, or to direct, aid, or abet another in so doing without the approval of the Utilities Director after compliance with the above application requirements. In lieu of criminal prosecution for such a misdemeanor violation, the Director may (at his/her sole discretion) impose a civil penalty for such violation, which penalty shall be set from time to time by resolution. The Director may also waive any per-day aspect of such civil penalty in appropriate circumstances, and provide for set-off of such penalties in return for payment of the actual costs of any damages.

(Ord. No. 510, Enacted, 08/23/01; Ord. No. 815, Amended, 04/28/16)

**9-05b-100 Penalties and Remedies.**

A. **Violations a Class 1 Misdemeanor.** Except for failure to pay reclaimed water rates, fees, charges, and penalties, any violation of this Article shall constitute a class 1 misdemeanor, and any such violation shall constitute a separate offense on each successive day it is continued.

B. **Turning-Off Reclaimed Water Service.** In addition to other remedies (civil or criminal) available to it, the Town of Prescott Valley may turn-off reclaimed water services to any Customer or User who fails to comply with any provision of this Article (including non-payment of rates, fees, charges, penalties, and taxes) as provided in this Article. Turning-off of reclaimed water services does not excuse failure to pay applicable rates, fees, charges, penalties, and taxes due under this Article.

(Ord. No. 510, Enacted, 08/23/01)

**9-05b-110 Supplementary Provisions.**

A. **This Article Supplementary.** The provisions of this Article are intended to be supplementary to other applicable Town Code provisions. Where in conflict or where additional requirements are cited, the stricter provisions shall apply.

B. **Effect of Reclaimed Water Agreements.** Nothing herein shall preclude the Town from entering into agreements with developers with regard to reclaimed water rates, fees, charges, penalties, and taxes, or with regard to other aspects of reclaimed water service. Where they conflict, the provisions in such agreements shall supersede the provisions of this Article.
C. **Administrative Review.** In the event of a dispute as to liability for reclaimed water system rates, fees, charges, penalties or taxes (or the amount of same), or the validity of proposed enforcement actions, a User may request an administrative review.

1. **Request for Administrative Review.** Requests must be received by the Director at least five (5) business days prior to any deadline set for (i) application of rates, fees, charges, penalties or taxes, or (ii) enforcement actions. Requests may be made in writing, by facsimile transmission, by telephone, by e-mail or in person, directed to the Office of the Director at 7501 E. Civic Circle, Prescott Valley, Arizona 86314, (928) 759-3011 (ph.), (928) 759-5533 (fax), [www.pvaz.net](http://www.pvaz.net) (website).

2. **Nature of Hearing.** Within five (5) business days of receipt of a request for administrative review, the Director shall arrange to meet with the User or its representative. At the hearing, the User or its representative may present their objection to the proposed rates, fees, charges, penalties, taxes or enforcement action. The Director may schedule additional meetings, if necessary.

3. **Decision.** Within five (5) business days after the final meeting with the User or its representative, the Director shall render a decision in the matter, explaining the basis for the decision and the actions that will be taken by the Director. A copy of the decision will be mailed first-class, postage prepaid, to the User at the address provided by the User on its account application.

4. **Appeal.** Within five (5) business days from the date of the Director’s decision, the User may appeal the Director’s decision to the Town Manager. The Town Manager shall arrange to meet with the User or its representative and the Director. At the hearing, the User or its representative may present their objection to the proposed rates, fees, charges, penalties, taxes or enforcement action. The Town Manager may schedule additional meetings, if necessary. Within five (5) business days after the final meeting with the User or its representative, the Town Manager shall issue a written determination, which shall be final. The application of any rates, fees, charges, penalties, taxes or enforcement action shall be tolled pending the final determination of the Town Manager.

(Ord. No. 510, Enacted, 08/23/01; Ord. No. 815, Amended, 04/28/16)
Article 9-06 STORAGE, TRANSPORTATION AND DISPOSAL OF HAZARDOUS MATERIALS

9-06-010 Intent and Scope.
A. It is the intention of this Article to create a system of procedures and guidelines which will operate to minimize or eliminate the danger of storing, transporting or disposing of hazardous materials within the Town.
B. The scope of this Article shall include any and all hazardous, noxious, radioactive, explosive, poisonous and destructive materials which are stored within or transported within the Town.

(Ord. No. 50, Enacted, 05/14/81; Ord. No. 178, Ren&Amd, 05/26/88, 5-05-010; Ord. No. 268, Renumbered, 12/12/91, 9-05-010)

9-06-020 Definitions.
In this Article, unless the context otherwise requires:
A. "Biological Solid Waste" means waste produced by health care facilities, medical laboratories, veterinary hospitals, sewage disposal and treatment facilities or domestic animals disposed of in a sanitary landfill.
B. "Destructive Materials" means materials capable of destroying property in such a manner as to cause harm or danger.
C. "Disposal" means to permanently store, eliminate, terminate, discard, throw away or abandon.
D. "Explosive Materials" means materials capable of flying into pieces with violence and sudden noise under the influence of suddenly developed internal energy, whether exploding or imploding.
E. "Fuel" means any combustible material which is readily available to the general public.
F. "Hazardous Materials" means materials having a potential for exploding or exposing persons or property to danger or injury.
G. "Noxious Materials" means materials, including gases, having a potential for causing injury or harm to persons or property.

H. "Poisonous Materials" means materials that, when introduced into or absorbed by a living organism, destroy life or injure health.

I. "Radioactive Materials" means materials capable of spontaneously emitting rays consisting of materials or particles traveling at high velocities.

J. "Storage" means the keeping, maintaining, warehousing, storing, using, holding, manufacturing, generating, producing, burning, cooking or dumping of any materials within the scope of this article.

K. "Transportation" means the act of transporting or conveying materials from one location to another.

(Ord. No. 50, Enacted, 05/14/81; Ord. No. 178, Ren&Amd, 05/26/88, 5-05-020; Ord. No. 268, Renumbered, 12/12/91, 9-05-020)

9-06-030 Standards for Storage, Transportation and Disposal.

A. Procedure for storage or transportation of any hazardous material.

1. A permit will be required from the Fire Department and the Planning and Zoning Department of the Town prior to the storing or transporting of any hazardous material or other material within the scope of this Article. Each such permit shall list the restrictions and requirements necessary in relation to the storage or transportation of such materials. Any application for the storage or transportation of such materials must be made in writing to the Planning and Zoning Department of the Town at least three (3) days prior to the issuance of any such permit and shall require an application fee as may be set from time to time by resolution.

2. Any permit issued for the transportation of hazardous or other materials within the scope of this Article shall expire within ten (10) days of its issuance unless otherwise indicated on the permit specifically and in writing.

3. Any permit for the storage of any hazardous or other materials falling within the scope of this Article shall terminate within one (1) year of such permit's issuance, and shall be renewable at the option of the Planning and Zoning Department for a similar period of time upon the tendering of a renewal fee as may be set from time to time by resolution.

4. The requirements and restrictions necessary in relation to the issuance of a permit for the storage or transportation of such materials shall be set from time to time by the Planning and Zoning Department unless a
specific instruction of the Town Council shall specify specific requirements and restrictions herein.

B. Appeals. Whenever the Building Department or Planning and Zoning Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Building Department or Planning and Zoning Department within thirty (30) days from the date of the decision appealed. Such appeal shall be directed to the Planning and Zoning Commission.

C. New materials, processes or occupancies which may require permits. The Zoning Inspector, the Town Manager (or his designee), and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in this Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 50, Enacted, 05/14/81; Ord. No. 178, Ren&Amd, 05/26/88, 5-02-050,,5-05-030; Ord. No. 268, Renumbered, 12/12/91, 9-05-030)

9-06-040 Exemptions.

The following substances and materials shall be exempt from the operation and prohibition of this Article:

A. Biological solid waste.

B. Combustible fuels necessary for the operation of vehicles and the heating of residential and commercial structures.

C. All consumer products customarily available in a supermarket, paint store, hardware store or similar retail outlet for sale to the general public without restriction (including legal ammunition for firearms).

(Ord. No. 50, Enacted, 05/14/81; Ord. No. 178, Renumbered, 05/26/88, 5-05-040; Ord. No. 268, Renumbered, 12/12/91, 9-05-040)

9-06-050 Violations.

A. Any violation of this Article will subject the violator and any co-conspirator to a fine of up to three hundred dollars ($300) and imprisonment up to six (6) months, or both; in addition, each day in which the violation shall continue to occur after notice has been given to the violator by the Town of the violation will constitute a new and separate offense punishable as stated above.

B. At the owner's expense, the Town through its authorized officials, shall confiscate
and/or safeguard or otherwise dispose of any and all hazardous or other materials within the scope of this Article as soon as possible after the discovery of the same in an appropriate manner so as to protect persons and property within the Town from the threat of harm.

(Ord. No. 50, Enacted, 05/14/81; Ord. No. 178, Renumbered, 05/26/88, 5-05-050; Ord. No. 268, Renumbered, 12/12/91, 9-05-050)
Article 9-07 SEXUALLY-ORIENTED BUSINESS STANDARDS

9-07-005 Purpose and Findings.

Based on information, studies and court decisions from other jurisdictions, the Prescott Valley Town Council makes the following legislative findings and statement of purpose:

The Council recognizes that some activities which occur in connection with sexually-oriented businesses are protected as expression under the First Amendment to the United States Constitution. The Council further recognizes that First Amendment rights are among the most precious and highly protected rights, and wishes to act consistently with full protection of those rights. The Council is aware, however, that sexually-oriented businesses may and do generate secondary effects which are detrimental to the public health, safety, and welfare. Among these secondary effects are (a) prostitution and other sex related offenses (b) drug use and dealing (c) health risks through the spread of AIDS and other sexually-transmitted diseases and (d) infiltration by organized crime for the purpose of drug and sex related business activities, laundering of money, and other illicit conduct. This Article is not intended to interfere with legitimate expression but to avoid and mitigate the secondary effects enumerated above. Specifically, the Council finds that licensing of persons who operate and manage sexually-oriented businesses and persons who provide adult services will further the goals of this Article by enabling the Town to ascertain if an applicant is underage or has engaged in criminal or other behavior of the sort that this Article is design to limit. This information will enable the Town to allocate law enforcement resources effectively and otherwise protect the community. The Council finds that limiting proximity and contact between adult service providers and patrons promotes the goal of reducing prostitution and other casual sexual conduct and the attendant risk of sexually-transmitted diseases. The Council finds the foregoing to be true with respect to places where alcohol is served and where it is not. The Council finds that individual and interactive sexual activities in adult video facilities pose a risk of sexually-transmitted disease, especially AIDS, and that the booth configuration options of this Article will reduce that risk. The Council finds that the harmful secondary effects of sexually-oriented businesses are more pronounced when conducted continuously or during late night hours. The fees established for licenses and permits in this
Health and Sanitation

Article are based on the estimated cost of implementation, administration, and enforcement of the licensing program.

(Ord. No. 552, Enacted, 03/13/03)

9-07-007 Definitions.

In this Article unless the context otherwise requires:

A. Adult Services: Dancing, service of food or beverages, modeling, posing, wrestling, singing, reading, talking or listening, or other performances or activities conducted for any consideration in a sexually-oriented business by a person who is nude or semi-nude during all or part of the time that the person is providing the service.

B. Employee: A person who performs any service on the premises of a sexually-oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of the business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

C. Licensee: A person in whose name a license to operate a sexually-oriented business has been issued, as well as each individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually-oriented business.

D. Specified Criminal Activity: Any of the following offenses:

1. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; racketeering, extortion, money laundering; gambling; distribution of a controlled substance; facilitation, attempt, conspiracy or solicitation to commit any of the foregoing offenses; or any similar offenses to those described above under the criminal or penal code of other states or countries;

   For which:

   a. Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

   b. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
c. Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.

2. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

E. Sexual Encounter Center (or Sex Club): A non-medical business, commercial enterprise, person or entity which:

1. offers (for consideration) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a “state of nudity” or seminude;

2. offers (for consideration) matching and/or exchanging of persons for “specified sexual activities”; or

3. charges persons an admission fee or membership fee for the purposes of entry into a building or structure to view or participate in those activities set forth in Subparagraphs 1 and 2 of this Subsection.

(Ord. No. 552, Enacted, 03/13/03; Ord. No. 708, Amended, 01/24/08)

9-07-010 Sexually-Oriented Business Standards.

A. In an effort to prevent sexually transmitted disease, no partitions between booths, stalls, subdivisions of a room, rooms, portions or parts of a building, structures or premises in which a sexually-oriented business is operated or maintained may have an aperture which is designed or otherwise constructed to permit “specified sexual acts” between persons on either side of the partition.

B. In an effort to prevent sexually transmitted disease, no more than one (1) person at a time may enter any booth, stall, subdivision of a room, or individual room used for the purpose of viewing motion pictures or other forms of entertainment. Any such booths, stalls, subdivisions of a room, or individual rooms shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Each booth shall be lighted with at least one (1) artificial light of not less than forty (40) watts, which is not shaded to significantly decrease luminosity. Light in the premises outside the viewing booth shall be at least as bright as the light inside the booth. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station. Furthermore, no patron shall perform any act of sexual intercourse, oral sexual contact, or sexual contact (including masturbation)
as defined in ARS §13-1401, in such booth, stall, subdivision of a room, or individual room. For purposes of this Article, "booths, stalls, subdivisions of a room, or rooms" mean such partial enclosures as are specifically offered to the public for hire or for a fee, including where the entertainment is dispensed for a fee but the fee is not charged for mere access to the enclosure. "Booths, stalls, subdivisions of a room, or rooms" do not include offices of the owners, managers or employees not held out to the public for viewing entertainment for a fee.

C. No person in a sexually-oriented business featuring persons who appear in a “state of nudity” or seminude or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities" may appear in a “state of nudity” or seminude or engage in a live performance which is characterized by the exposure of "specified anatomical areas" or by "specified sexual activities" except upon a stage elevated at least eighteen (18) inches above floor level. All parts of the stage, or a clearly designated area thereof within which the person appears in a “state of nudity” or seminude or performs, shall be a distance of at least three (3) feet from all parts of a clearly designated area in which patrons may be present. The stage or designated area thereof shall be separated from the area in which patrons may be located by a barrier or railing the top of which is at least three (3) feet above floor level. No person appearing in a “state of nudity” or seminude or engaging in such live performances or patron may extend any part of his or her body over or beyond the barrier or railing.

D. No employee of a sexually-oriented business featuring persons who appear in a “state of nudity” or seminude or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities" may touch the anus, buttocks, genitals, pubic region, or female breast, whether clothed or unclothed, of a patron, and no patron may touch the anus, buttocks, genitals, pubic region, or female breast, whether clothed or unclothed, of an employee.

E. No patron of a sexually-oriented business featuring (1) persons who appear in a “state of nudity” or seminude, or (2) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", may place money or any other object on the person or in or on the costume of an employee while said employee is in such a “state of nudity” or seminude or is so performing.

F. No patron of a sexually-oriented business featuring (1) persons who appear in a “state of nudity” or seminude, or (2) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", may be under the age of eighteen (18) years, nor may an employee under the age of eighteen (18) years appear in such a “state of nudity” or seminude or participate in such live performances.

G. No sexually-oriented business shall be operated or maintained in Prescott Valley without fully complying with the business license requirements of Town Code Article 8-02 and the sexually-oriented business license requirements pursuant to this Article.

H. A sign, summarizing the provisions of Subsections (C), (D), (E), (F) of this Section
shall be posted near the entrance of a sexually-oriented business in such a manner as to be clearly visible to patrons upon entry.

I. A sexually-oriented business shall maintain a daily log of all persons providing Adult Services on the premises. The log shall cover the proceeding twelve (12) month period and shall be available for inspection upon request of a law enforcement officer or other authorized Town official.

J. All sexually-oriented businesses shall comply with all requirements of Chapter 13 of this Code, including Section 13-17-050 “Performance Standards”.

K. With respect to an Adult Cabaret, the requirements of this Section shall apply to the extent that they are not in conflict with specific statutory or valid regulatory requirements applicable to persons licensed to dispense alcoholic beverages.

L. Nothing herein shall be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

M. Unless otherwise specified herein, for the purposes of this Article the definition provided in Subsection 13-17-020(A) of this Code shall apply.

(Ord. No. 341, Enacted, 11/03/94; Ord. No. 375, Amended, 12/28/95; Ord. No. 552, Amended, 03/13/03; Ord. No. 708, Amended, 01/24/08)

9-07-020  Classification.

A. Sexually-oriented businesses are classified as follows:

1. Adult Arcades;
2. Adult bookstores;
3. Adult cabarets;
4. Adult motels;
5. Adult motion picture theaters;
6. Adult novelty stores;
7. Adult theaters;
8. Adult video stores;
9. Escort agencies;
10. Nude model studios;
11. Sexual encounter centers/sex clubs.

B. Sexually-oriented businesses shall also include any business not specifically described
in this Section, which provides Adult Services or features male or female dancers, entertainers or contestants which emphasize and seek to arouse or excite the patrons’ sexual desires.

(Ord. No. 552, Enacted, 03/13/03; Ord. No. 708, Amended, 01/24/08)

9-07-030 Licenses Required.

A. It shall be unlawful for any person to operate a sexually-oriented business without first obtaining and maintaining a business license pursuant to Article 8-02 of the Town Code and otherwise complying with the requirements of this Article.

B. It shall be unlawful for any person to operate a sexually-oriented business without first obtaining a valid sexually-oriented business license issued by the Town Clerk pursuant to this Article.

C. It shall be unlawful for any person who operates a sexually-oriented business to employ a person to work for the sexually-oriented business who is not licensed as a sexually-oriented business employee by the Town Clerk pursuant to this Article.

D. It shall be unlawful for any person to obtain employment with a sexually-oriented business without having secured a sexually-oriented business employee license pursuant to this Article.

E. It shall be unlawful for any person, association, firm or corporation licensed as provided in this Article to operate under any name or conduct business under any designation not specified in such license. Each additional premises sought to be operated as a sexually-oriented business shall require a separate license.

F. All licenses issued pursuant to this Article shall be nontransferable.

G. The license required by this Section shall be in addition to any other licenses or permits required in order to engage in the business or occupation, as applicable, by either the Town, Yavapai County or the State of Arizona, and persons engaging in activities described by this Article shall comply with all other ordinances and laws.

(Ord. No. 552, Enacted, 03/13/03; Ord. No. 708, Amended, 01/24/08)

9-07-040 License Application.

A. An application for a license must be made on a form provided by the Town Clerk.

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 A.R.S. §41-1750 and 42 U.S.C. 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 A.R.S. §41-1750 and/or 42 U.S.C. 40311 et seq.

2. Information required and provided pursuant to Subparagraphs (E) (8) and (10), and (F) (4), (6), and (7) of this Section.

D. Sexually-Oriented Business License: If a person who wishes to operate a sexually-oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate a sexually-oriented business is other than an individual, each individual who has a twenty percent (20%) or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under Section 9-07-050 of this Article and each applicant shall be considered a licensee if a license is granted.

E. The completed application for a sexually-oriented business license shall contain the following information and shall be accompanied by the following documents:

1. If the applicant is:
   
   a. An individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is eighteen (18) years of age or more.
   
   b. A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any.
   
   c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.

2. If the applicant intends to operate the sexually-oriented business under a name other than that of the applicant, he or she must state the sexually-oriented business’s fictitious name and submit the required registration documents.

3. Whether the applicant, or a person residing with the applicant, has been convicted of or plead guilty or no contest to, a "specified criminal activity" as defined in this Article, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.

4. Whether the applicant, or a person residing with the applicant, has had a
previous license under this Article or other similar sexually-oriented business ordinances from another city, county, or state, denied, suspended or revoked, including the name and location of the sexually-oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this Article whose license has previously been denied, suspended or revoked, including the name and location of the sexually-oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

5. Whether the applicant or a person residing with the applicant currently holds any other license under this Article or other similar sexually-oriented business ordinances from another city, county, or state, and, if so, the names and locations of such other licensed businesses.

6. The single classification of license for which the applicant is filing.

7. The location of the proposed sexually-oriented business, including a legal description of the property, street address, and telephone number(s), if any.

8. The applicant's phone number, mailing address and residential address. This information shall be supplemented in writing no later than ten (10) days after any change.

9. A recent photograph of the applicant(s).

10. The applicant's driver's license number, social security number, and/or his/her state or federally issued tax identification number.

11. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (±6”).

12. A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any of the existing uses delineated in Section 13-17-050(B) within one thousand feet (1000') of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is legally in existence at the time an application is submitted.

13. If an applicant wishes to operate a sexually-oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, videocassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in Section 9-07-010(B).
14. The name(s) of the sexually-oriented business manager(s) who will have actual supervisory authority over the operation of the business. This information shall be supplemented in writing no later than ten (10) days after any change in this information.

15. Any additional information or documentation as may be requested to process the application.

F. Sexually-Oriented Business Employee License: Before any applicant may be issued a sexually-oriented business employee license, the applicant shall submit on a form to be provided by the Town Clerk the following information:

1. The applicant's name or any other name (including "stage" names) or aliases used by the individual;

2. Age, date, and place of birth;

3. Height, weight, hair and eye color;

4. Present residence address and telephone number;

5. Present business address and telephone number;

6. Date, issuing state and number of driver's permit or other identification card information;

7. Social security number; and

8. Proof that the individual is at least eighteen (18) years of age.

G. Attached to the application form for a sexually-oriented business employee license as provided above, shall be the following:

1. A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the Police Department. Any fees for the photographs and fingerprints shall be paid by the applicant.

2. A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, city, state, or country has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

3. A statement of all criminal charges, complaints, or indictments in which the applicant has been convicted, pled guilty or no contest to a "specified criminal
9-07-050 License Issuance.

A. Upon the filing of an application for a sexually-oriented business or an employee license, the Town Clerk shall issue a temporary license to said applicant. The application shall then be referred to the appropriate Town departments for an investigation to be made on such information as is contained on the application. The Health Department, Fire Department, and the Building Official shall complete their certification that the proposed sexually-oriented business premises is in compliance or not in compliance within twenty (20) days of receipt of the application by the Town Clerk. The application process shall be completed within thirty (30) days from the date the completed application is filed. After the investigation, the Town Clerk shall issue a license if all requirements for the application have been completed, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

1. Sexually-Oriented Business Employee License:
   a. The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
   b. The applicant is under the age of eighteen (18) years;
   c. The applicant has been convicted of a "specified criminal activity" as defined in Subsection 9-07-007(D) of this Article;
   d. The sexually-oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this Article; or
   e. The applicant has had a sexually-oriented business employee license denied or revoked by the Town Clerk within two (2) years of the date of the current application.

2. Sexually-Oriented Business License:
   a. An applicant is under eighteen (18) years of age.
   b. An applicant or a person with whom applicant is residing is overdue in payment to the Town of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business.
   c. An applicant has failed to provide information reasonably necessary for issuance of the license, has failed to provide all information required by
this Article, or has falsely answered a question or request for information on the application form.

d. An applicant or a person with whom the applicant is residing has had a sexually-oriented business license denied or revoked by the Town Clerk within the preceding twelve (12) months.

e. An applicant or a person with whom the applicant is residing has been convicted, pled guilty or no contest to an act in violation of 18 U.S.C. 2257 within the last two (2) years; or of a "specified criminal activity" as defined in Subsection 9-07-007(D) of this Article.

f. The premises to be used for the sexually-oriented business has not been approved by the Health Department, Fire Department, and the Building Official as being in compliance with applicable laws and ordinances.

g. The license fee required by this Article has not been paid.

h. The applicant is a corporation which is not qualified to transact business in this state.

i. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this Article.

B. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually-oriented business and the classification for which the license is issued pursuant to Section 9-07-020. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually-oriented business so that they may be easily read at any time.

C. A sexually-oriented business license shall issue for only one classification as found in Section 9-07-020.

D. If the sexually-oriented business or employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in Subsection 9-07-090(D) of this Article.

E. A license granted pursuant to this Section shall be subject to annual renewal upon the written application of the applicant and a finding by the Town Clerk that the applicant has not been convicted of any "specified criminal activity" as defined in this Article or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in Section 9-07-060 of this Article.

F. Licenses issued under this Article are not transferable. A licensee shall not conduct a different classification of a sexually-oriented business other than that designated on the license nor conduct a sexually-oriented business at any place other than the address designated on the licenses. No sexually-oriented business or employee shall act under any other name, designation or classification not specified on the license.
9-07-060 Fees.

A. Every application for a sexually-oriented business license or for a sexually-oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by a five hundred dollar ($500.00) nonrefundable application and investigation fee.

B. In addition to the application and investigation fee required above, every sexually-oriented business and every employee of a sexually-oriented business that is granted a license (new or renewal) shall pay to the Town Clerk an annual nonrefundable license fee of five hundred dollars ($500.00) within thirty (30) days of license issuance or renewal.

C. All license applications and fees shall be submitted to the Town Clerk.

9-07-070 Inspection; Police Powers.

A. An applicant or licensee shall permit representatives of the Prescott Valley Police Department, County Health Department, Fire Department, Community Development Department, or other Town departments or agencies to inspect the premises of a sexually-oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

B. A person who operates a sexually-oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is open for business.

C. The police powers set forth in Section 8-02-080 shall apply to this Article.

9-07-080 Expiration of License.

A. Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 9-07-040. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.

B. When the Town Clerk denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the Town Clerk finds that the basis for denial of the renewal license has been corrected or abated, the
applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final.

(Ord. No. 552, Enacted, 03/13/03)

9-07-090 Suspension; Revocation.

A. Suspension. The Town Clerk shall suspend a license for a period not to exceed thirty (30) days if it determines that a licensee or an employee of a licensee has:

1. Violated or is not in compliance with any section of this Article;

2. Refused to allow an inspection of the sexually-oriented business premises as authorized by this Article.

B. Revocation. The Town Clerk shall revoke a license if a finding is made of any of the following:

1. The license has been suspended within the preceding twelve (12) months and the Town Clerk finds that the basis for suspension of license has not been corrected or abated;

2. A licensee gave false or misleading information in the material submitted during the application process;

3. A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;

4. A licensee has knowingly allowed prostitution on the premises;

5. A licensee knowingly operated the sexually-oriented business, or acted as an employee of a sexually-oriented business, during a period of time when the licensee’s license was suspended;

6. A licensee is convicted of any crime or crimes on the basis of which a license may be denied under this Article;

7. Except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises; or

8. A licensee is delinquent in payment to the Town, County, or State for any taxes or fees past due.


C. When the Town Clerk revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually-oriented business license for one year from the date the revocation became effective. If, subsequent to revocation, the
Town Clerk finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.

D. When the decision to deny, suspend or revoke a license or permit becomes final, the applicant or licensee shall have the right to seek judicial review of the decision by way of special action or other available procedure in the Superior Court. The Town Clerk shall consent to an expedited hearing to be held no later than twenty (20) days after the filing of the action, and to an expedited disposition. The decision to suspend, revoke or refuse to renew a license or permit shall be stayed until a decision on the merits by the Superior Court, provided that the applicant or licensee files the action within thirty (30) calendar days after final administrative action by the Town Clerk.

(Ord. No. 552, Enacted, 03/13/03; Ord. No. 708, Amended, 01/24/08)

9-07-100 Hours of Operation.

No sexually-oriented business, except for an adult motel, may remain open at any time between the hours of one o'clock (1:00) A.M. and eight o'clock (8:00) A.M. on weekdays and Saturdays, and one o'clock (1:00) A.M. and twelve o'clock (12:00) noon on Sundays.

(Ord. No. 552, Enacted, 03/13/03)

9-07-110 Sexually-Oriented Business; Loitering and Exterior Lighting and Monitoring Requirements.

A. It shall be the duty of the licensee of a sexually-oriented business to:

1. Initiate and enforce a no loitering policy within the external boundaries of real property upon with the sexually oriented business is located;

2. Post conspicuous signs stating that no loitering is permitted on the property;

3. Designate one or more employees to monitor the activities of persons on property by visually inspecting such property at least once every thirty (30) minutes or inspecting such property and each room capable of being occupied by one or more persons therein by the use of video cameras and monitors; and

4. Provide adequate lighting of the exterior premises to provide for video inspection or video monitoring to prohibit loitering. The video cameras and monitors shall operate continuously at all times that the premises is open for business. All such video camera recordings shall be preserved for a period of not less than ninety (90) days and shall be made available for inspection upon request of a law enforcement officer or other authorized Town official. The monitors shall be installed within a manager’s station.

B. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.
9-07-120 Sexual Encounter Center (or Sex Club) Prohibition.

A. The operation of a Sexual Encounter Center (or Sex Club) is prohibited within the boundaries of the Town of Prescott Valley.

B. Operation of a Sexual Encounter Center (or Sex Club) is a public nuisance per se which may be abated by all means authorized by law.

C. Maintenance of Private Property. Any person owning, leasing, occupying or having charge of any premises or property that maintains or keeps a Sexual Encounter Center (or Sex Club) thereon is guilty of a class 1 misdemeanor (or a civil violation as set forth in this Code).
ARTICLE 9-08 SALE OF PSEUDOEPHEDRINE

9-08-010 Definitions.

9-08-020 Duty to Keep Pseudoephedrine Products Inaccessible.

9-08-030 Duty to Require Identification From Purchasers.

9-08-040 Duty to Make Information Available to Police.

9-08-050 Penalty.

9-08-010 Definitions.

In this Article, unless the context otherwise requires:

A. “Pseudoephedrine Product” means any product containing Ephedrine or Pseudoephedrine and includes any compound, mixture or preparation that contains any detectable quantity of Ephedrine, Pseudoephedrine, Norpseudoephedrine, or Phenylpropanolamine or their salts, optical isomers or salts of optical isomers. Product packaging that lists Ephedrine, Pseudoephedrine, Norpseudoephedrine, or Phenylpropanolamine as an active ingredient shall constitute prima facie evidence that the product is a Pseudoephedrine Product.

B. “Retail Establishment” means any place of business that offers any Pseudoephedrine Product for sale at retail.

(Ord. No. 642, Enacted, 12/15/05)

9-08-020 Duty to Keep Pseudoephedrine Products Inaccessible.

The operator of a Retail Establishment shall keep all Pseudoephedrine Products behind a counter or otherwise in a manner that is inaccessible to customers without the assistance of the operator or an employee of the Retail Establishment.

(Ord. No. 642, Enacted, 12/15/05)

9-08-030 Duty to Require Identification From Purchasers.

A person making a Retail Sale of a Pseudoephedrine Product shall require a government-issued, photo identification from any purchaser and shall record the purchaser’s name, date of birth, quantity of Pseudoephedrine Product purchased, transaction date, and the initials of the seller.

(Ord. No. 642, Enacted, 12/15/05)

9-08-040 Duty to Make Information Available to Police.

The information required to be obtained by Section 9-08-030 above shall be retained by the
Retail Establishment for a period of ninety (90) days, and will be considered a confidential document that will only be made available upon request to the operator of the Retail Establishment, authorized personnel of the Prescott Valley Police Department, Arizona Department of Public Safety Officers, Yavapai County Sheriff’s Department Officers, and other law enforcement officers.

(Ord. No. 642, Enacted, 12/15/05)

9-08-050 Penalty.

A violation of this Article shall be a Class 1 Misdemeanor.

(Ord. No. 642, Enacted, 12/15/05)
CHAPTER 10. OFFENSES

Article 10-01 OFFENSES
Article 10-02 TOWN PROPERTY
Article 10-03 UNDERAGE DRINKING, NUISANCE PARTIES
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OFFENSES

Article 10-01  OFFENSES

10-01-010  Dangerous Structures.

It is unlawful for any person to maintain or allow any signs, billboards, awnings and 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 11-01-010)

10-01-020  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 lighted barricade 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 (2) feet in depth on any unenclosed lot, without providing substantial curbing, covering or protection of such excavation.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 11-01-040)

10-01-030  Fireworks.

A. Definitions. In this Section, unless the context otherwise requires:
1. **Consumer firework** means those fireworks defined by A.R.S. §36-1601, as amended.

2. **Display firework** means those fireworks defined by A.R.S. §36-1601, as amended.

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 or display firework. “Fireworks” do not include those devices listed in A.R.S. §36-1601(4)(b)(i)-(iv).

4. **NFPA 1124** means the national fire protection association code for the manufacture, transportation, storage and retail sales of fireworks and pyrotechnic articles, 2013 edition as published in August 2012.

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 A.R.S. §36-1601(4)(b)(i)-(ii).

6. **Permissible consumer fireworks** means those fireworks as defined by A.R.S. §36-1601.

7. **Supervised public display** means a monitored performance of display fireworks open to the public and authorized by the Fire Marshal after appropriate inspection(s) to confirm that all safety precautions deemed necessary and prudent by the Fire Marshal for safe deployment of the display are in place.

B. Possession of Fireworks Prohibited; Exceptions.

No person shall possess fireworks within the Town except as follows:

1. Persons of suitable age and discretion may possess novelty items.

2. Persons at least sixteen (16) years of age or older may possess permissible consumer fireworks.

C. Use of Fireworks Prohibited; Exceptions.

The use, discharge or ignition of fireworks within the Town is prohibited except as follows:

1. Novelty items may be used within the Town with appropriate caution and supervision by a responsible adult.

2. Supervised public displays by licensed fireworks contractors and shooters may be permitted within the Town after proper inspection and authorization by the Fire Marshal or designee. Such displays shall be of a character and so located, discharged or fired, as to not endanger persons, animals, or property. The Fire Marshal or designee has authority to impose conditions on any such display and to decline to authorize, or revoke authorization, of any public display of
fireworks during time periods when High Fire Danger Warnings are in effect. Failure to comply with the requirements issued by the Fire Marshal for a public display of fireworks is punishable as provided in this Section and the applicable rules and regulations of the State Fire Marshal.

3. Persons at least sixteen (16) years of age or older may use permissible consumer fireworks only on June 24 through July 6 and December 24 through January 3 of each year. Use of permissible consumer fireworks on days other than June 24 through July 6 and December 24 through January 3 of each year is strictly prohibited.

   (a) If a federal or state agency implements a stage one or higher fire restriction at any time during the periods of June 24 through July 6 and December 24 through January 3, use of permissible consumer fireworks is strictly prohibited each and every day that the stage one or higher fire restriction is in place.

D. Sale of Fireworks Prohibited; Exceptions.

Sale of fireworks within the Town is prohibited except as follows:

1. Novelty items may be sold.

2. Permissible consumer fireworks may be sold only on May 20 through July 6 and December 10 through January 3 of each year and only to persons at least sixteen (16) years of age or older. The sale of permissible consumer fireworks on days other than May 20 through July 6 and December 10 through January 3 of each year is strictly prohibited.

   (a) If a federal or state agency implements a stage one or higher fire restriction at any time during the periods of May 20 through July 6 and December 10 through January 3, the sale of permissible consumer fireworks is strictly prohibited each and every day that the stage one or higher fire restriction is in place.

3. Sale of permissible consumer fireworks and novelty items shall conform to the requirements of the Town Code, including the provisions of Chapter 13 and Articles 8-02 and 8-07, as applicable.

4. All sales of permissible consumer fireworks shall conform to the requirements of state law and to the rules and regulations adopted by the State Fire Marshal pursuant to A.R.S. §36-1609.

5. Pursuant to A.R.S. §36-1609, all sales of permissible consumer fireworks shall also conform to NFPA 1124. Those rules require, among other things, that:

   (a) All persons desiring to sell permissible consumer fireworks must obtain a permit from the Central Yavapai Fire District Fire Marshall for the construction, erection or operation of any permanent building or structure or any temporary structure such as a stand, tent or canopy to
be used for the purpose of the retail display, sales or storage of permissible consumer fireworks to the public, in addition to any other permit required by law.

(b) No smoking shall be permitted within fifty (50) feet of the permissible consumer fireworks retail sales area.

(c) Only those permissible consumer fireworks that have been successfully tested in accordance with PYR 1129, *Standard Method of Fire Test for Covered Fuse on Consumer Fireworks*, to determine compliance with the covered fuse requirements of NFPA 1124 shall be permitted for sale to the public. The individual permissible consumer fireworks device or the packaging in which the permissible consumer fireworks device(s) is contained for retail sale shall be labeled to indicate compliance with PYR 1129.

(d) All personnel handling permissible consumer fireworks shall receive safety training related to the performance of their duties. Such training may include any training required by OSHA for employment in the operation of a permissible consumer fireworks retail sales or storage facility.

(e) Any person selling permissible consumer fireworks shall not knowingly sell permissible consumer fireworks to any person who is, or is suspected to be, under the influence of alcohol or controlled substances.

(f) No motor vehicle, trailer or storage container used for the storage of consumer fireworks shall be parked/placed within ten (10) feet of a permissible consumer fireworks retail sales facility except when delivering, loading or unloading permissible consumer fireworks or other merchandise and materials used, stored or displayed for sale in the facility.

6. Failure to comply with the requirements of this Subsection is a criminal offense punishable as a class 3 misdemeanor.

E. Labeling/Packaging of Fireworks for Sale.


2. All multi-assortment packages for sale within the Town shall contain only permissible consumer fireworks and/or novelty items. Labeling for multi-assortment packages shall conform to the requirements of 16 Code of Federal Regulations, part 1500.83.
F. Signage Required for Sale of Fireworks.

1. Prior to the sale of permissible consumer fireworks, seller shall prominently display signs stating the following:

   (a) Fireworks - No Smoking

   (b) No Fireworks Discharge Within 300 Feet

   (c) State of Arizona Consumer Fireworks Regulations

2. The sign required in paragraph (a) above shall contain letters that are at least two (2) inches in height on a contrasting background and shall be conspicuously posted at each entrance of a permissible consumer fireworks retail sales facility or within ten (10) feet of every aisle directly serving the permissible consumer fireworks retail sales area in a store pursuant to NFPA 1124, Subsection 7.3.10.2.

3. The sign required in paragraph (b) above shall contain letters that are at least four (4) inches in height on a contrasting background and shall be conspicuously posted on the exterior of each side of a permissible consumer fireworks retail sales facility.

4. The sign required in paragraph (c) above shall be eight and one-half inches by eleven inches (8 ½” x 11”) cardstock paper in landscape orientation. The lettering shall be on a contrasting background. The sign must be posted by the retail display of permissible consumer fireworks. The required verbiage and sign specifications will be posted on the Town’s website and will be available at the Town Clerk’s office.

5. Failure to comply with this Subsection is a criminal offense punishable as a class 3 misdemeanor.

G. Enforcement.

The Fire Marshal or designee, a Town Code Enforcement Officer or the Town Attorney may issue civil complaints to enforce civil violations of this Section and may also issue a notice of violation specifying actions to be taken and the time in which they must be taken to avoid issuance of a civil complaint. Persons found responsible for civil violations of this Section shall be subject to fines, an administrative fee then in effect, restitution (if applicable) and any other remedies available under applicable law. Unless otherwise stated, a violation of this Section shall be considered a civil violation. A Town police officer or the Town Prosecutor may issue criminal complaints to enforce violations of this Section designated as class 3 misdemeanors.

H. Emergency Response; Liability.

1. A person who uses, discharges or ignites permissible consumer 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 Subsection.

2. The expenses of an emergency response include all reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to the incident. Such expenses constitute a debt against the person liable for those expenses pursuant to paragraph 1 of this Subsection and may be collected proportionately by the responding agencies/entities that incurred the expenses. A person’s liability for the expense of an emergency response shall not exceed $10,000 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 11-01-050; Ord. No. 752, Amended, 10/28/10; Ord. No. 806, Amended, 6/25/15)

10-01-040 Reserved.

(Ord. No. 73, Enacted, 08/26/82; Ord. No. 178, Ren&Amd, 05/26/88, 11-01-220; Ord. No. 779, Rep&ReEn, 11/21/13)

10-01-050 Fences - Barbed Wire and Electric.

A. It is unlawful for any person to erect or maintain any electric fence or any fence constructed in whole or in part of barbed wire on a lot in a residential area within the Town. Any such fence is a public nuisance and subject to abatement by order of the Town Magistrate Court.

B. Barbed wire fences enclosing more than two and one half (2½) acres and used to restrain livestock shall be exempt from this Section.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 46A, Amended, 11/25/80; Ord. No. 178, Ren&Amd, 05/26/88, 11-01-070)

10-01-060 Minors.

A. Curfew Hours for Minors.

1. Definitions. In this Section, unless the context otherwise requires:

   a. “Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action.

   b. “Guardian” means a person who, under court order, is the guardian of the person of a minor, or a public or private agency with whom a minor
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has been placed by an authorized agency or court; or a person at least twenty-one (21) years of age and authorized by a parent or guardian to have the care and custody of a minor.

c. "Insufficient control" means failure to exercise reasonable care and diligence in the supervision of the minor.

d. "Minor" means any person under eighteen (18) years of age.

e. "Parent" means a person who is a natural parent, adoptive parent or step-parent of another person.

2. Offenses.

a. It is unlawful for any minor under the age of sixteen (16) years to be in, about, or upon any place in the Town away from the property where the minor resides, between the hours of 10:00 p.m. and 5:00 a.m. of the following day.

b. It is unlawful for any minor sixteen (16) years of age or older and under the age of eighteen (18) years, to be in, about, or upon any place in the Town away from the property where the minor resides, between the hours of 12:00 a.m. and 5:00 a.m.

c. It is unlawful for a parent, guardian, or other person having supervisory custody of a minor to knowingly permit or, by insufficient control, allow the minor to violate the provisions of Subparagraphs 10-01-060(A)(2)(a) or 10-01-060(A)(2)(b), except as expressly provided herein. It shall not constitute a defense hereto that such parent, guardian, or other person having supervisory custody of the minor did not have actual knowledge of the minor's violation of Subparagraphs 10-01-060(A)(2)(a) or 10-01-060(A)(2)(b), if such parent, guardian, or other person having responsibility for the minor, in the exercise of reasonable care and diligence, should have known of the aforementioned unlawful acts of the minor.

d. It is unlawful for a parent, guardian, or other person having the care, custody, or supervision of a minor to fail or refuse to take custody of the minor after such demand is made upon him or her by a law enforcement officer who arrests the minor for violation of Subparagraphs 10-01-060(A)(2)(a) or 10-01-060(A)(2)(b).

3. Defenses/Exceptions. It is a defense to prosecution under Subparagraphs 10-01-060(A)(2)(a), 10-01-060(A)(2)(b) or 10-01-060(A)(2)[c] that the minor was:

a. Accompanied by the minor's parent or guardian or an adult having supervisory custody of the minor.

b. With prior permission of the parent or guardian or an adult having supervisory custody, in a motor vehicle involved in interstate travel.
c. With prior permission of the parent or guardian or an adult having supervisorial custody, in an employment activity or going to or returning home from an employment activity without a detour or stop by the most direct route.

d. On an emergency errand.

e. Specifically directed to the location by the parent or guardian or an adult having supervisorial custody, on reasonable, legitimate business or some other activity, or going to or returning home from such business or activity.

f. With prior permission of the parent or guardian or an adult having supervisorial custody, engaged in a reasonable and legitimate exercise of First Amendment rights protected by the United States Constitution.

g. Married and sixteen (16) years of age or over, or in the military.

h. On the sidewalk abutting their residence or on the next door neighbor's property with the consent of the neighbor.

4. Enforcement.

a. Before taking any enforcement action under this Section, a police officer shall attempt to ascertain the apparent offender's age and reason for being in the place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based upon the circumstances, the minor's responses and the minor's conduct, no defense as provided in Subparagraph 10-01-060(A)(3) is probably present.

b. In addition to any other powers he or she may have, any law enforcement officer who arrests a minor for violating any of the provisions of Subparagraphs 10-01-060(A)(2)(a) or 10-01-060(A)(2)(b) is also hereby empowered to demand of the parent, guardian, or adult having supervisorial custody that such parent, guardian, or other adult come and take the minor into custody. The law enforcement officer is also empowered to take the minor to a designated location where arrangements can be made for a parent, guardian, an adult having supervisorial custody or other appropriate party to take the minor into custody. Should there be a failure of the parent, guardian or other person to take custody of such minor, the officer is then empowered to take the minor home.

B. Separate Offenses. Each violation of any provisions of Subparagraph 10-01-060(A)(2) shall constitute a separate offense.

C. Penalties.
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1. Any person who violates Subparagraphs 10-01-060(A)(2)(a), 10-01-060(A)(2)(b) or 10-01-060(A)(2)(d) is guilty of a Class 1 misdemeanor. This offense is designated as an incorrigible offense for minors under the jurisdiction of the Juvenile Court.


(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 11-01-100; Ord. No. 421, Rep&ReEn, 06/26/97)

10-01-070 Noise.

A. Policy. It is hereby declared to be the policy of the Town of Prescott Valley to prohibit excessive, unnecessary and annoying noises from all sources subject to its police power. At and above certain levels, noises are detrimental to the health and welfare of the citizens of the Town and it is in the best interest that such noises be systematically eliminated.

B. Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

“Person” means any 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.

“Plainly Audible” means any sound that can be detected by a person using his or her unaided hearing faculties.

“Sound Amplification System” is any device, instrument or system, whether electrical or mechanical or otherwise for amplifying sound or for producing or reproducing sound, including (but not limited to) any radio, stereo, musical instrument, compact disc, or sound or musical recorder or player.

C. Public Nuisance; Music/Musical Instruments. It is hereby declared to be a public nuisance, and it is unlawful for any person owning or operating or in control of any residence, business, restaurant, hotel, dance hall, show, store or any place of public amusement, entertainment or accommodation, to play or permit to be played any music or musical instrument or instruments whether played by individuals, orchestra, radio, phonograph, music box or sound amplification system in such a loud or unusual manner as to be offensive to the senses, or so as to disturb the slumber, peace and quiet, or otherwise interfere with or annoy the comfortable enjoyment of life or property of any person, and is no less a nuisance because the extent of the annoyance inflicted is unequal.

D. Sound Amplification Systems.
1. It shall be unlawful for any person to operate personal or commercial sound amplification systems within the Town at any time in such a manner or with such volume that it is plainly audible at a distance of fifty (50) feet in any direction from the operator, or which causes a person to be aware of vibration accompanying the sound at a distance of fifty (50) feet or more.

2. Between the hours of eight o’clock (8:00) a.m. and ten o’clock (10:00) p.m., self contained, portable, hand-held music or sound amplification systems shall not be operated on public property or public right-of-way in such a manner as to be plainly audible at a distance of fifty (50) feet in any direction from the operator, or which causes a person to be aware of vibration accompanying the sound at a distance of fifty (50) feet or more. Between the hours of ten o’clock (10:00) p.m. and eight o’clock (8:00) a.m., sound and/or vibration from such equipment shall not be plainly audible or detected by any person other than the operator.

E. Motor Vehicles. It is unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise. It further is unlawful for any person operating any motor vehicle to use a cut-out, by-pass or similar muffler elimination appliance.

F. Construction. It is unlawful to construct (including excavation), erect, install, place, demolish, alter or repair any building, structure, facility, street or improvement in any residential district prior to 7:00 a.m. and after 7:00 p.m., subject to the following exceptions:

1. Cases of emergency (in the interest of public health, safety and welfare) with the permission of the Town Manager, which permission may be granted for a period not to exceed thirty (30) days or the period of the emergency;

2. Cases where the Town Manager determines that the public health, safety and welfare will not be impaired and that loss or inconvenience will not result to any party-in-interest, which permission may be granted upon application either at the time the building permit or other permit is issued by the Building Department, or during the progress of the work; or

3. Cases of public works construction of all kinds, repair or alteration of public streets, utilities, or other facilities, snow plowing, emergency responses of every kind, or other public business or activities by any public agency (including its employees, officers, contractors, and agents).

G. Exemptions. The terms or prohibitions of Subsection 10-01-070(B) shall not be applicable to or enforced against authorized emergency or public safety vehicles, vehicles operated by a gas, electric, communications or water utility, or government entity, or a vehicle used in an authorized public activity for which a permit has been granted by the Chief of Police.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 11-01-110; Ord. No. 345, Amended, 11/17/94; Ord. No. 574, Amended, 01/08/04)
10-01-080  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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 11-01-130)

10-01-090  Offensive Business.

It is unlawful for any person to establish or maintain any slaughterhouse 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 11-01-140)

10-01-100  Offensive Premises.

It is unlawful for any person to suffer, or permit any premises belonging to or occupied by him, or any cellar, pool, sewer or private drain therein to become nauseous, foul or offensive to the senses or prejudicial to the public health or comfort.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 11-01-150)

10-01-110  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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 11-01-160)

10-01-120  Nuisance Lighting.

Any lighting fixtures which violate the provisions of Article 13-26a of this Code constitute a public nuisance, and are subject to abatement, injunction, and criminal prosecution as provided by law.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 11-01-170; Ord. No. 276, Amended, 06/11/92; Ord. No. 521, Amended, 05/09/02)

10-01-130  Signs and Banners.
It is unlawful for any person to place any banner or sign on, in or over any public right-of-way, street light pole, traffic signal pole or utility pole within the Town except as provided in Section 13-23-030 (A)(7) of the Town Code.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 11-01-180; Ord. No. 816, Amended, 05/26/16)

10-01-140  Spitting and Public Urination or Defecation.

A. It is unlawful for any person to spit upon any public sidewalks or crosswalks in the Town or upon any public path, by-way or highway, or upon the floor or interior of any public building in the Town.

B. It is unlawful for any person to urinate or defecate in or upon any open public place or place where the public is invited, not designed or designated for urination or defecation, which is easily visible or readily accessible from a public thoroughfare or public conveyance.

C. A violation of Subsection A or B herein is a class 3 misdemeanor, and the violator shall be subject to a fine of not more than five hundred dollars ($500.00).

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 11-01-190; Ord. No. 266, Amended, 10/17/91)

10-01-150  Water - Flow Upon Streets.

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, or 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 11-01-200)

10-01-160  Penalties for Misuse of Library Property.

A. It is unlawful for any person to injure the public library, including real and personal library property (to include, but expressly not limited to, removing or damaging books and other materials circulated for public use).

B. It is unlawful for any person to fail to return books or any other library property
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circulated for public use, in violation of rules and regulations adopted from time to time by the library trustees.

C. A violation of Subsection A herein is a class 1 misdemeanor, subject to fines and/or imprisonment as set forth from time to time by state law. A violation of Subsection B herein is a class 3 misdemeanor, subject to fines and/or imprisonment as set forth from time to time by state law.

(Ord. No. 379, Enacted, 02/22/96)
Article 10-02  TOWN PROPERTY

10-02-010  Trespass on Town Property.
A. It is unlawful for any person to willfully commit any trespass upon Town-owned or leased lands by either cutting down, destroying or injuring any kind of wood or timber growing upon the lands, or digging, taking or carrying away any earth or soil lying or being upon the lands, or under the surface thereof, or to remove any other materials or objects from the Town-owned or leased land or property, except as follows:

1. Gold panning and metal detecting may continue within the boundaries of Fain Park, so long as such activity is limited to -
   a. use of gold pans, metal detectors, and hand tools such as picks and shovels [use of motorized or mechanical equipment or mining aids (e.g. sluice boxes, dry washers, gold screws, gold bugs, rocker boxes, wheel barrows or other devices designed to increase production above that level obtained with gold pans and hand tools) is prohibited];
   b. excavations made below the high water mark of the stream channel that do not damage or disturb root systems of live vegetation and are filled in before the area is left;
   c. day use [no fires, washing of utensils, or camping is permitted as part of the activity, all trash is to be disposed of in marked receptacles, and Park restrooms are to be used instead of depositing or burying human waste in the Park]; and
   d. use of metal detectors to locate mineral deposits such as gold and silver [it is not permitted to use metal detectors in Fain Park to search for treasure trove, to locate historical and prehistorical artifacts and features, or to search for recent coins and lost metal objects].

2. Historical presentations related to mining activity in the area may continue within the boundaries of Fain Park, so long as such presentations are limited to
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a. those made by bonafide historical organizations during Town-sponsored or approved activities in the Park.

B. It is unlawful for any person to willfully commit a trespass upon Town-owned or leased garbage or trash landfills for the purpose of milling upon, junking or removing any items of trash, garbage or debris in said landfill or garbage dump, without the written permission of a Town official.

C. It is unlawful for any person to willfully commit any trespass by entering onto or storing, parking, placing or dumping any object, item or vehicle upon Town-owned or leased land or property.

D. It is unlawful for any person to willfully commit any trespass by entering onto or being within any Town playground or recreational area at any time other than the times established for hours of operation of such premises.

(Ord. No. 71, Enacted, 06/10/82; Ord. No. 178, Ren&Amd, 05/26/88, 11-03-010; Ord. No. 509, Amended, 07/26/01)

10-02-020 Town Parks - Hours of Operation.

A. The hours of operation during which Town parks, playgrounds or outdoor recreational areas shall be open to public access are hereby established as:

Daily, 7:00 a.m. to 10:00 p.m.  
October 1 through March 31

Daily, 5:00 a.m. to 10:00 p.m.  
April 1 through September 30

The hours of operation may be extended only upon the express permission or consent of authorized Town officials. In no event shall an extension of park operating hours be construed to extend curfew limits. All park operating hours shall be posted at the established entrances thereto.

B. The provisions of Subsection A shall not apply when a person has express permission or consent from Town officials to be engaged in any action otherwise prohibited in Section 10-02-010(D).

(Ord. No. 71, Enacted, 06/10/82; Ord. No. 178, Ren&Amd, 05/26/88, 11-03-020; Ord. No. 271, Amended, 01/09/92; Ord. No. 429, Amended, 11/20/97; Ord. No. 573, Amended, 11/13/03)

10-02-030 Town Parks - Emergency Closure.

A. The Mayor or Town Manager shall be authorized to direct that any Town park, playground or recreational area be closed to all persons not properly authorized to be therein when, in his opinion, an emergency situation exists therein that demands for
the protection of the public health, safety or welfare that the premises be closed. Such closure shall be for a period not to exceed seven (7) days.

B. It is unlawful for any person to, without proper authorization, willfully commit any trespass by entering onto or failing to vacate any Town park, playground or recreational area after adequate notice of emergency closure has been given.

(Ord. No. 71, Enacted, 06/10/82; Ord. No. 178, Ren&Amd, 05/26/88, 11-03-030)

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, as amended;

2. The allowing of any dog to be at-large, as defined by Section 6-01-010(D), by any owner or responsible party, subject to the exceptions set forth in Section 6-01-110(B)(6);

3. The operation of motorized vehicles in violation of Section 11-02-130, as amended;

4. The leading or riding of horses, including any animal of the equine species, other than service animals, as defined in A.R.S. §11-1024, except in an undeveloped park or outdoor recreational areas;

5. Golfing or golfing practice;

6. The allowing of any forage-consuming domestic livestock to graze or roam at-large within the boundaries of any Town park or recreation area;

7. Fishing in Town ponds and lakes where signs are posted prohibiting such activity, and fishing in any and all Town ponds and lakes without obtaining a state-issued fishing license;

8. Wading or swimming in Town ponds and lakes;

9. Participating in paintball games, contests, tournaments or similar activities;

10. Glass containers of any kind; and

B. The following activities are prohibited at all times within any Town parks, playgrounds and outdoor recreational areas in which synthetic athletic turf has been installed, unless otherwise expressly permitted by authorized Town officials:

1. Organized use of the turf area without an approved permit.
2. Kicking or bouncing balls against any perimeter fence or related standing structure.

3. Picking or pulling grass fibers, or redistributing or removing infill material.

4. Marking (including, but not limited to, painting) any part of the turf area or related surfaces.

5. Use of footwear other than turf shoes, sneakers, or rubber cleats (including, but not limited to, metal cleats and high-heeled shoes).

6. Consumption of any beverages or liquids other than water carried in clear plastic containers (including, but not limited to, soda, sports drinks, and coffee).

7. Use of glass containers (including, but not limited to, bottles).

8. Consumption of any food (including, but not limited to, snacks, candy, chewing gum, nuts, and sunflower seeds).


10. Allowing any animals, other than service animals, as defined in A.R.S. §11-1024, thereon (including, but not limited to, pets), with or without a leash.

11. Operating any vehicle thereon (motorized or non-motorized), (including, but not limited to, bicycles and strollers).

12. Using any open flames (including, but not limited to, lighters and grills) within twenty (20) feet of the turf area.

(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)

10-02-045 Mountain Valley Skate/Bike Park Rules and Regulations.

All persons entering the Skate/Bike Park at Mountain Valley Park shall strictly adhere to the following rules and regulations:

A. All persons entering the Skate/Bike Park are deemed to have acknowledged that the Skate/Bike Park is a non-supervised activity site designed for skateboarding, in-line skating, and BMX biking only, and that all use of the Skate/Bike Park is at the risk of the user.

B. All persons entering the Skate/Bike Park are deemed to have agreed to indemnify, defend, and save harmless the Town of Prescott Valley, its officers, employees, agents and volunteers for, from and against any accident, injury, including death, and/or loss.
of property or damage thereto sustained as a result of using the Skate/Bike Park.

C. All persons entering the Skate/Bike Park are deemed to have acknowledged the recommendation that personal protective equipment (helmet, elbow and knee pads) be used by them at all times during their use of the Skate/Bike Park.

D. Use of any and all motorized and non-motorized vehicles within the Skate/Bike Park, including (without limitation) tricycles, unicycles and scooters, is strictly prohibited. Use of the Skate/Bike Park is limited to non-motorized skateboards, in-line skates, and BMX bikes.

E. No food, beverages or glass containers are permitted within the Skate/Bike Park (with the sole exception of water contained in plastic water bottles).

F. No alcoholic beverages, tobacco in any form, or illegal drugs are permitted within the Skate/Bike Park.

G. All trash must be deposited in the provided trash containers.

H. No spectators and/or pets are permitted within the Skate/Bike Park.

I. No one may enter or use the Skate/Bike Park during the time that it is closed due to rain, snow or lightning.

J. No one may enter the Skate/Bike Park during the time that it is closed for routine maintenance or in any other circumstance deemed necessary by authorized Town staff.

K. The hours of operation during which the Skate/Bike Park shall be open to public access are:

   Daily, 7:00 a.m. to 10:00 p.m.
   October 1 through March 31

   Daily, 5:00 a.m. to 10:00 p.m.
   April 1 through September 30

L. No additional obstacles (including, without limitation, benches and tables) may be taken into or used within the Skate/Bike Park.

M. Amplified music is not permitted within the Skate/Bike Park without the express approval of the Parks and Recreation Director (“Director”).

N. Express approval of the Director is required for any and all competitive and demonstration events at the Skate/Bike Park.

O. All users of the Skate/Bike Park shall demonstrate common courtesy to all other users of the Skate/Bike Park and be respectful of their different levels of ability.

P. Foul language and gestures are strictly prohibited within and surrounding the
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Skate/Bike Park.

Q. All persons entering the Skate/Bike Park are deemed to have acknowledged that the Town of Prescott Valley is not responsible for lost or stolen property.

R. Users are encouraged to travel with the “flow” of the park and not across it. Users shall not proceed down a ramp until clear of other skaters and/or bikers. Users must know their ability and skate/bike accordingly.

S. Bike pegs are not permitted for use in the Skate/Bike Park.

T. The Town of Prescott Valley reserves the right to change or modify user groups, use hours, or days of use.

U. All persons using the Skate/Bike Park shall adhere to all other rules and regulations governing Town parks/property as set forth in the Town Code.

(Ord. No. 528, Enacted, 6/27/02; Ord. No. 573, Amended, 11/13/03; Ord. No. 703, Amended, 11/08/07)

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, 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)

10-02-055 Off-Leash Area Park(s) Rules and Regulations.

All persons entering the Town's off-leash area park(s) shall strictly adhere to the following rules and regulations:

A. For purposes of this Section, “leash” means a chain, rope, strap, cord or similar restraint attached to a collar or harness or otherwise secured around an animal’s neck. “Leash” does not include electronic leashes or other similar electronic devices.

B. All persons entering the Town's off-leash area park(s) are deemed to have acknowledged that the off-leash area park(s) are not supervised by the Town and that all use of the off-leash area park(s) is at the risk of the user.

C. All persons entering the Town’s off-leash area park(s) are deemed to have agreed to indemnify, defend, and save harmless the Town of Prescott Valley, its officers, employees, agents and volunteers for, from and against any accident, injury, including
death, and/or loss of property or damage thereto sustained as a result of using the off-leash area park(s).

D. Dogs must be kept on a leash (no longer than six (6) feet) until inside the fenced off-leash area, subject to the exception set forth in A.R.S. §11-1024(L)(6) for service animals.

E. Dog handlers must carry a leash for each dog in their custody while using the off-leash area, subject to the exception set forth in A.R.S. §11-1024(L)(6) for service animals.

F. Dogs must be supervised and maintained under voice control at all times.

G. Owners and/or handlers of dogs using the off-leash area are responsible and legally liable for the acts and conduct of the dog at all times when the dog is in a Town park.

H. Aggressive dogs, as defined in Subsection 6-01-010(A) of the Town Code, shall be prohibited from entering the off-leash area at any time.

I. Any dog exhibiting vicious, fierce, aggressive, or dangerous behavior shall be immediately removed from the off-leash area.

J. No child or youth under the age of sixteen (16) shall be allowed in the off-leash area unless accompanied by an adult. Infants, toddlers and small children must remain within arm’s reach of a supervising adult at all times and shall, in no instance, be permitted to run or chase dogs in the off-leash area.

K. All dogs must be currently licensed and vaccinated against rabies, bordetella, distemper, and parvo.

L. Puppies under the age of four (4) months shall not be permitted in the off-leash area until they have been vaccinated and licensed.

M. All dogs must bear permanent ID (collar tag or microchip) and a current license.

N. Dog owners and/or handlers shall be responsible for cleaning up after the dog(s) in their custody by removing and disposing of the dog’s waste, using the canisters provided by the Town. This subsection shall not apply to an individual who has a disability and who uses a service animal as defined in A.R.S. §11-1024, or police officers or other law enforcement officers accompanied by police dogs while responding to an emergency.

O. Female dogs in heat are not permitted within the facility.

P. It is recommended that only spayed or neutered animals be permitted to use the off-leash area park(s).

Q. Food bowls, long-lasting chews and/or dog food are not allowed within the facility. This subparagraph shall not be construed as prohibiting dog treats used for training/rewarding purposes.
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R. Smoking and eating within the off-leash facility are strictly prohibited.

S. Glass containers of any kind are not permitted in the off-leash area.

T. No more than three (3) dogs per person shall be permitted at any time.

U. Dog owners and/or handlers shall be responsible for providing water to their dogs before and after exercise.

V. Incessant barking is prohibited. Dog owners and/or handlers shall immediately remove from the off-leash area any dog in their custody that ignores commands to stop barking.

W. Dog agility equipment is for dog use only. Users of the off-leash area, including children, are prohibited from sitting on or playing with dog agility equipment.

X. The off-leash area park(s) shall be open from 7:00 a.m. to dusk, seven (7) days per week. Use of the off-leash areas after the posted times is prohibited.

Y. No one may enter the off-leash area park(s) during the time that it is closed for maintenance and repairs.

Z. Any dog attack, dog/owner behavior issue and park maintenance concerns shall be reported to the Town of Prescott Valley Parks and Recreation Department immediately.

AA. Any person violating or failing to comply with any of the provisions of this Section shall be guilty of a class 1 misdemeanor subject to fines and/or imprisonment as set forth in Section 1-08-010 of this Code.

(Ord. No. 632, Enacted, 07/14/05; Ord. No. 759, Amended, 05/12/11; Ord. No. 759, Amended, 05/12/11; Ord. No. 824, Amended, 02/23/17)

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 (as amended) in, on or within Town parks, playgrounds, outdoor recreational areas, or other property owned or operated by the Town.

B. Such permits shall, among other things, specify the names of the applicants, the persons in charge of the authorized group or function (if different from the applicants), the nature of the authorized group or function and the types of invitees expected to be part of the group or function, the specific locations where possession and/or consumption of spirituous liquor is authorized by the permit, and the times and dates when such possession and/or consumption is authorized.

C. Applicants for such permits shall remit to the Town Clerk at the time of application a
fee of seventy-five dollars ($75.00) for a single-event permit, or a fee of one hundred dollars ($100.00) for a multiple-event permit [good for a period of thirty (30) days after approval by the Council]. Said fee shall be refunded in the event the permit is not issued by the Council. In the event the permit is issued but it is not used for any function, refunds may be issued in accordance with policies established by the Parks & Recreation Department.

D. Nothing herein shall excuse compliance by any applicants with the requirements of Title 4 of the Arizona Revised Statutes (as amended) with regard to the sale of spirituous liquor.

(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)

10-02-070 Penalty.

Any violation of this Article shall be a misdemeanor, pursuant to Subsection 1-08-010(A).

(Ord. No. 271, Enacted, 01/09/92; Ord. No. 344, Renumbered, 11/17/94, 10-02-050)

10-02-080 Town Facilities Use and Regulations.

A. There shall be adopted Town Facilities Usage Policies and Procedures to provide sufficient guidance to Town staff for the lawful, timely, effective, equitable, and consistent administration of the various types of real and personal property in which the Town has an interest. The policies and procedures shall apply to all of the various types of real and personal property in which the Town has an interest as a municipal corporation (including, but not limited to, lands and appurtenances inside and outside the Town limits) and to any and all persons, firms, associations, organizations, partnerships, companies or corporations that desire to occupy or use any of said real and personal property.

B. The Council shall adopt the Town Facilities Usage Policies and Procedures by resolution and may modify or change the same by resolution from time to time. Any term or condition of usage of Town Facilities set out in said policies and procedures affected by such modification shall be changed or abolished upon the effectiveness of the resolution. The Town Manager, or his/her designee, shall be responsible for administering the Town Facilities Usage Policies and Procedures, and is authorized to promulgate such rules and regulations as may be appropriate to carry out the provisions of same.

(Ord. No. 533, Enacted, 11/07/02)

10-02-090 Maintenance of Trees.

A. Authority. The Town Manager (or his/her designee) shall have the authority to
promulgate the rules and regulations of the Arboricultural Specifications and Standards of Practice governing the planting, maintenance, removal, fertilization, pruning, and bracing of trees on the streets or other public sites in the Town, and shall direct, regulate and control the planting, maintenance and removal of all trees growing now or hereafter in any public area of the Town. The Town Manager shall cause the provisions of this Section to be enforced.

B. Abuse or Mutilation of Public Trees. No person shall intentionally damage, cut, carve, transplant, or remove any Public Tree; allow any gas, liquid, solid or other harmful substance to come in contact with any Public Tree; set fire or permit any fire to burn when such fire or heat thereof will injure any portion of any Public Tree; attach any electrical installation to any Public Tree; or attach any wire, advertising posters or signs, nails, or other contrivance to any Public Tree. No person, except when authorized by the Public Works Director, shall undertake any construction or development activity, including, but not limited to, the excavation of ditches, tunnels, or trenches or the laying of pavement within the dripline of any Public Tree. For purposes of this Section, “Public Tree” means any tree in public parks, or areas to which the public has free access as a park, and all other areas owned by the Town and shall include those trees on public lands lying within the rights-of-way of all streets, avenues, boulevards, roads or ways within the Town.

C. Violation and Penalty. Any person, tenant or property owner violating or failing to comply with any of the provisions of this Section shall be guilty of a class 1 misdemeanor subject to fines and/or imprisonment as set forth in Section 1-08-010 of this Code.

(Ord. No. 621, Enacted, 04/28/05)
off-leash area park(s).

D. Dogs must be kept on a leash (no longer than six (6) feet) until inside the fenced off-leash area, subject to the exception set forth in A.R.S. §11-1024(L)(6) for service animals.

E. Dog handlers must carry a leash for each dog in their custody while using the off-leash area, subject to the exception set forth in A.R.S. §11-1024(L)(6) for service animals.

F. Dogs must be supervised and maintained under voice control at all times.

G. Owners and/or handlers of dogs using the off-leash area are responsible and legally liable for the acts and conduct of the dog at all times when the dog is in a Town park.

H. Aggressive dogs, as defined in Subsection 6-01-010(A) of the Town Code, shall be prohibited from entering the off-leash area at any time.

I. Any dog exhibiting vicious, fierce, aggressive, or dangerous behavior shall be immediately removed from the off-leash area.

J. No child or youth under the age of sixteen (16) shall be allowed in the off-leash area unless accompanied by an adult. Infants, toddlers and small children must remain within arm's reach of a supervising adult at all times and shall, in no instance, be permitted to run or chase dogs in the off-leash area.

K. All dogs must be currently licensed and vaccinated against rabies, bordetella, distemper, and parvo.

L. Puppies under the age of four (4) months shall not be permitted in the off-leash area until they have been vaccinated and licensed.

M. All dogs must bear permanent ID (collar tag or microchip) and a current license.

N. Dog owners and/or handlers shall be responsible for cleaning up after the dog(s) in their custody by removing and disposing of the dog's waste, using the canisters provided by the Town. This subsection shall not apply to an individual who has a disability and who uses a service animal as defined in A.R.S. §11-1024, or police officers or other law enforcement officers accompanied by police dogs while responding to an emergency.

O. Female dogs in heat are not permitted within the facility.

P. It is recommended that only spayed or neutered animals be permitted to use the off-leash area park(s).

Q. Food bowls, long-lasting chews and/or dog food are not allowed within the facility. This subparagraph shall not be construed as prohibiting dog treats used for training/rewarding purposes.

R. Smoking and eating within the off-leash facility are strictly prohibited.
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S. Glass containers of any kind are not permitted in the off-leash area.

T. No more than three (3) dogs per person shall be permitted at any time.

U. Dog owners and/or handlers shall be responsible for providing water to their dogs before and after exercise.

V. Incessant barking is prohibited. Dog owners and/or handlers shall immediately remove from the off-leash area any dog in their custody that ignores commands to stop barking.

W. Dog agility equipment is for dog use only. Users of the off-leash area, including children, are prohibited from sitting on or playing with dog agility equipment.

X. The off-leash area park(s) shall be open from 7:00 a.m. to dusk, seven (7) days per week. Use of the off-leash areas after the posted times is prohibited.

Y. No one may enter the off-leash area park(s) during the time that it is closed for maintenance and repairs.

Z. Any dog attack, dog/owner behavior issue and park maintenance concerns shall be reported to the Town of Prescott Valley Parks and Recreation Department immediately.

AA. Any person violating or failing to comply with any of the provisions of this Section shall be guilty of a class 1 misdemeanor subject to fines and/or imprisonment as set forth in Section 1-08-010 of this Code.

(Ord. No. 632, Enacted, 07/14/05; Ord. No. 759, Amended, 05/12/11; Ord. No. 759, Amended, 05/12/11; Ord. No. 824, Amended, 02/23/17)

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.

B. Such permits shall, among other things, specify the names of the applicants, the persons in charge of the authorized group or function (if different from the applicants), the nature of the authorized group or function and the types of invitees expected to be part of the group or function, the specific locations where possession and/or consumption of spirituous liquor is authorized by the permit, and the times and dates when such possession and/or consumption is authorized.

C. Applicants for such permits shall remit to the Town Clerk at the time of application a fee of seventy-five dollars ($75.00) for a single-event permit, or a fee of one hundred
Prescott Valley, Arizona

dollars ($100.00) for a multiple-event permit [good for a period of thirty (30) days after approval by the Council]. Said fee shall be refunded in the event the permit is not issued by the Council. In the event the permit is issued but it is not used for any function, refunds may be issued in accordance with policies established by the Parks & Recreation Department.

D. Nothing herein shall excuse compliance by any applicants with the requirements of Title 4 of the Arizona Revised Statutes (as amended) with regard to the sale of spirituous liquor.

(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)

10-02-070 Penalty.
Any violation of this Article shall be a misdemeanor, pursuant to Subsection 1-08-010(A).

(Ord. No. 271, Enacted, 01/09/92; Ord. No. 344, Renumbered, 11/17/94, 10-02-050)

10-02-080 Town Facilities Use and Regulations.

A. There shall be adopted Town Facilities Usage Policies and Procedures to provide sufficient guidance to Town staff for the lawful, timely, effective, equitable, and consistent administration of the various types of real and personal property in which the Town has an interest. The policies and procedures shall apply to all of the various types of real and personal property in which the Town has an interest as a municipal corporation (including, but not limited to, lands and appurtenances inside and outside the Town limits) and to any and all persons, firms, associations, organizations, partnerships, companies or corporations that desire to occupy or use any of said real and personal property.

B. The Council shall adopt the Town Facilities Usage Policies and Procedures by resolution and may modify or change the same by resolution from time to time. Any term or condition of usage of Town Facilities set out in said policies and procedures affected by such modification shall be changed or abolished upon the effectiveness of the resolution. The Town Manager, or his/her designee, shall be responsible for administering the Town Facilities Usage Policies and Procedures, and is authorized to promulgate such rules and regulations as may be appropriate to carry out the provisions of same.

(Ord. No. 533, Enacted, 11/07/02)

10-02-090 Maintenance of Trees.

A. Authority. The Town Manager (or his/her designee) shall have the authority to promulgate the rules and regulations of the Arboricultural Specifications and Standards
of Practice governing the planting, maintenance, removal, fertilization, pruning, and bracing of trees on the streets or other public sites in the Town, and shall direct, regulate and control the planting, maintenance and removal of all trees growing now or hereafter in any public area of the Town. The Town Manager shall cause the provisions of this Section to be enforced.

B. Abuse or Mutilation of Public Trees. No person shall intentionally damage, cut, carve, transplant, or remove any Public Tree; allow any gas, liquid, solid or other harmful substance to come in contact with any Public Tree; set fire or permit any fire to burn when such fire or heat thereof will injure any portion of any Public Tree; attach any electrical installation to any Public Tree; or attach any wire, advertising posters or signs, nails, or other contrivance to any Public Tree. No person, except when authorized by the Public Works Director, shall undertake any construction or development activity, including, but not limited to, the excavation of ditches, tunnels, or trenches or the laying of pavement within the dripline of any Public Tree. For purposes of this Section, "Public Tree" means any tree in public parks, or areas to which the public has free access as a park, and all other areas owned by the Town and shall include those trees on public lands lying within the rights-of-way of all streets, avenues, boulevards, roads or ways within the Town.

C. Violation and Penalty. Any person, tenant or property owner violating or failing to comply with any of the provisions of this Section shall be guilty of a class 1 misdemeanor subject to fines and/or imprisonment as set forth in Section 1-08-010 of this Code.

(Ord. No. 621, Enacted, 04/28/05)
**Article 10-03 UNDERAGE DRINKING; NUISANCE PARTIES**

10-03-010 Purpose.

The Town of Prescott Valley recognizes the threat to the public health, safety, peace and welfare of its citizens caused by inadequately supervised loud or unruly parties where alcohol and/or illegal drugs are served to, consumed by, or in the possession of underage persons. Youth who drink alcohol may experience among other things, trouble at school, alcohol-related car crashes, high risk sexual activity and alcohol poisoning. The service to and consumption of alcohol by minors at such parties may also significantly disrupt citizens quiet enjoyment of their households, especially in residential neighborhoods. The purpose of this Article is to deter nuisance parties by targeting the persons responsible for repeatedly hosting nuisance parties and allowing underage persons to consume alcohol or drugs on their premises.

(Ord. No. 156, Enacted, 08/27/87; Ord. No. 157, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 9-07-020, 9-08-020; Ord. No. 295, Amended, 07/22/93; Ord. No. 559, Rep&ReEn, 07/10/03; Ord. No. 762, Rep&Amd, 09/08/2011)

10-03-020 Definitions.

For the purposes of this section, unless the context otherwise requires, the following terms or phrases are defined as:

A. “Responsible Person” means the property owner, agent, occupant, tenant, or any person otherwise having any possessory control, individually or jointly of any premises who either sponsors, conducts, hosts, invites, suffers, permits, or continues to allow a gathering to continue which is or becomes a nuisance party as described in
this Article. If the person responsible for the event is a juvenile, then the juvenile and the parents or guardians of that juvenile will be jointly and severally liable for the fines incurred under this Chapter.

B. “Premises” means the property that is the site of a nuisance party. For residential rental properties, premises mean the dwelling unit or units where the nuisance party occurs.

C. “Nuisance Party” means a gathering of five (5) or more persons on any private property, where alcohol is served to, consumed by, or in the possession of underage persons which by reason of the conduct of those persons in attendance causes a substantial disturbance of the comfortable enjoyment of a neighborhood as a result of conduct constituting a violation of the law. Such violations include, but are not limited to:

1. Excessive, unnecessary or unusually loud noise or music that disturbs the comfort, quiet or repose of the neighborhood.

2. Unlawful conduct causing injury to a person or persons.

3. The unlawful sale, furnishing or service of alcohol to minors or consumption of alcohol by persons under the legal drinking age.

4. The unlawful sale, furnishing, manufacture, use, or possession of a controlled substance as defined by federal or state law.

5. Fighting, disturbing the peace, and disorderly conduct, or the destruction of property.

(Ord. No. 156, Enacted, 08/27/87; Ord. No. 157, Enacted, 08/27/87; Ord. No. 158, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 9-07-040,9-08-050; Ord. No. 295, Amended, 07/22/93; Ord. No. 559, Rep&ReEn, 07/10/03; Ord. No. 762, Rep&Amd, 09/08/2011)

10-03-030 Enforcement.

The police department is authorized to enforce the provisions of this Article provided that enforcement is initiated by a complaint from a member of the public. The complaining member of the public shall not necessarily be required to appear in court before a violator may be found responsible.

(Ord. No. 156, Enacted, 08/27/87; Ord. No. 157, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 9-07-040,9-08-050; Ord. No. 295, Amended, 07/22/93; Ord. No. 559, Rep&ReEn, 07/10/03; Ord. No. 762, Rep&Amd, 09/08/2011)

10-03-040 Summary Abatement of Nuisance Parties.

A peace officer may abate a nuisance party by reasonable means, including but not limited to the dispersal of the persons attending the gathering and citation and/or arrest of violators under the applicable ordinances or state statutes.
10-03-050 Nuisance Parties a Civil Violation, Responsible Persons.

A. It shall be a civil violation for a responsible person to knowingly conduct or allow a nuisance party as defined herein. The following persons, if found responsible for such a violation, are liable for the civil penalties provided in Section 10-03-120 (A):

1. The person or person who organized or sponsored the event constituting the nuisance party, including any owner or occupant in attendance.

2. Any person in attendance at the nuisance party who engaged in any unlawful conduct causing the gathering to be a nuisance party as defined herein.

10-03-060 Second Law Enforcement Response to Nuisance Party Complaint, Warning Notice to Responsible Persons.

A. In addition to the citation and/or arrest of violators under all applicable ordinances or state statutes, officers responding to a site in which a nuisance party has been abated in the previous ninety (90) days, shall warn the responsible persons on site that a third response by law enforcement to nuisance party complaint at that site, shall result in the premises being posted as a nuisance property.

B. Once a responsible person at the property has been verbally warned and the conduct causing the party to become a nuisance has ceased, a resumption of the nuisance party resulting in additional law enforcement response shall constitute a new and separate nuisance party for the purposes of this Article.

C. Within ten (10) days of the nuisance party a written warning shall be mailed to the property owner, if not residing therein, in addition to responsible persons residing in the premises. The written warning notification shall state the date, place and nature of the second nuisance party and urge the responsible persons to take action to prevent such parties in the future. It shall further state that law enforcement response to nuisance parties occurring at the property within the next (ninety) 90 days may result in, (i) the property being deemed a nuisance; (ii) being posted as such, and; (iii) fines imposed pursuant to this Article.

10-03-070 Notice of Nuisance Party, Posting, Removal of Notice Prohibited, Right to Contest Posting.

A. When law enforcement officers respond to the site of a nuisance party for a third time
in ninety (90) days, in addition to issuing citations for violations of Section 10-03-050 and any other violation of law, the premises shall be posted with a notice as provided in this Article for a period of one hundred and eighty days (180). The notice shall state:

1. That a nuisance party has occurred at the premises.

2. The date of the nuisance party.

3. Notice that subsequent nuisance parties occurring on the premises within one hundred and eighty (180) days shall result in liability for the penalties provided in Section 10-03-120 (B). Persons liable include any responsible person as defined in Section 10-03-020 (A) of this Article.

4. The right to contest the posting as provided in Section 10-03-100 of this Article.

B. Posting Requirements. The owner, occupant or tenant of the premises or sponsor of the event constituting the nuisance party, if present, shall be consulted as to the location in which such notice is posted in order to achieve both the security of the notice and its prominent display.

1. In the event that a premise is already posted at the time of a subsequent nuisance party, the one hundred and eighty (180) period from the date of the existing posting shall be extended ninety (90) days from the expiration date of the subsequent posting and the notice shall remain posted on the property until the expiration of the additional time period.

2. Once a premise is initially posted as a result of a nuisance party and the conduct causing the party to become a nuisance has ceased, a resumption of the nuisance party resulting in additional law enforcement response shall constitute a new and separate nuisance party for the purposes of this Article.

(Ord. No. 156, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 9-07-070; Ord. No. 559, Rep&ReEn, 07/10/03; Ord. No. 762, Rep&Amd, 09/08/2011)

10-03-080 Removal of Notice Prohibited.

The owner, occupant, or tenant of the posted premises shall be responsible for ensuring the notice is not removed, defaced or concealed. The removal, defacement, or concealment of a posted notice is a civil violation carrying a minimum, mandatory one hundred dollar ($100.00) fine, in addition to any other penalties that may be imposed under this Article.

(Ord. No. 156, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 9-07-080; Ord. No. 295, Amended, 07/22/93; Ord. No. 559, Rep&ReEn, 07/10/03; Ord. No. 762, Rep&Amd, 09/08/2011)

10-03-090 Notification of Property Owner.

A. Notification of the posting of the notice of nuisance parties shall be mailed to any property owner at the address shown on the Yavapai County Property Tax Assessment
Records. The notification shall advise the property owner that any subsequent nuisance party within one hundred and eighty (180) days on the same premises shall result in liability of the property owner for all applicable penalties as provided in this Article. Notification shall be made by certified mail and the return receipt shall be prima facie evidence of service. Additionally, notice shall be provided to an agent of the owner who controls or regulates the use of the premises, if known. Notice to the owner’s agent may be provided by hand delivery or by certified or regular mail to the agent’s last known address.

B. The failure to serve notice to any person described in this subsection shall not invalidate any citation or other proceedings as to any other person duly served, or relieve any such person from any duty imposed by this Article/Section.

(Ord. No. 156, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 9-07-090; Ord. No. 295, Amended, 07/22/93; Ord. No. 559, Rep&ReEn, 07/10/03; Ord. No. 762, Rep&Amd, 09/08/2011)

10-03-100 Right to Contest Posting.

A. The owner, occupant, or tenant of the posted premises may contest the posting of the notice by filing a written petition for review with the Prescott Valley Magistrate Court requesting that the Court determine whether justification existed for posting the notice under the provisions of this Article. The petition must be filed within ten (10) days after the posting of the notice or, if the notice is given by mail, within fifteen (15) days after receipt of the written petition and not thereafter. The court shall set a time and date for a hearing to be held no later than fifteen (15) days after receipt of the written petition and shall notify both the petitioner and the town prosecutor of the hearing date. The Arizona Rules of Procedure in Civil Traffic and Civil Boating Violation Cases shall apply. In order to avoid the possibility of conflicting rulings, if more than one (1) petition is filed under this subsection relating to a single posting, for example by multiple lawful occupants of the posted premises, the court shall set only one (1) hearing and shall consolidate the petitions and notify all petitioners of the hearing date and time. At the hearing, the Town has the burden of proving by a preponderance of the evidence that the posting of the notice was justified pursuant to the provisions of this Article.

B. An owner of a posted premises, at any time after the posting or the mailing of the notice, may petition the court for an order directing the removal of the notice on the grounds that the owner has taken responsible and necessary actions, such as evicting a tenant responsible for the violation, to prevent the occurrence of a subsequent nuisance party at the posted location. The court shall set a time and date for a hearing to be held no later than fifteen days after receipt of the petition and shall notify both the petitioner and the town prosecutor of the hearing date. At the hearing, the petitioner has the burden of proving by a preponderance of the evidence that he or she has taken reasonable and necessary actions to prevent the occurrence of a subsequent nuisance party. This petition process is not available to an owner who was present at the nuisance party and engaged in conduct causing the gathering to be a nuisance as defined herein.

(Ord. No. 156, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 9-07-100; Ord. No. 295, Amended, 07/22/93; Ord. No. 559, Rep&ReEn, 07/10/03; Ord. No. 762, Rep&Amd, 09/08/2011)
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 10-03-070, 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.

B. Nothing in this section shall be construed to impose liability on the owner, occupant, or tenant of the premises or sponsor of the event constituting the nuisance party, for the conduct of persons who are in attendance without the express or implied consent of the owner, occupant, tenant, or sponsor, as long as the owner, occupant, tenant or sponsor has taken steps reasonably necessary to prevent a subsequent nuisance party or to exclude the uninvited persons from the premises, including owners who are actively attempting to evict a tenant from the premises.

C. Where an invited person engages in unlawful conduct which the owner, occupant, tenant or sponsor could not reasonably foresee and could not reasonably control without the intervention of the police, the unlawful conduct of the person shall not be attributable to the owner, occupant, tenant or sponsor for the purposes of determining liability under this section.

(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)

10-03-120 Penalties.

A. Nuisance Party. The penalty for persons found responsible for a nuisance party violation as provided in Section 10-03-150, shall be a minimum mandatory fine of one hundred dollars ($100.00).
B. Nuisance parties on posted properties. The penalty for persons found responsible for the occurrence of a nuisance party at a posted property, as provided in Section 10-03-070, shall be:

1. A minimum mandatory civil fine of five hundred dollars ($500.00) for a first violation,

2. A minimum mandatory civil fine of one thousand dollars ($1,000.00) for a second violation, and

3. Minimum mandatory civil fines of one thousand five hundred dollars ($1,500.00) for each third or subsequent violation.

C. The civil fines provided herein shall be in addition to any other penalties imposed by law for particular violations of law committed during the course of a nuisance party.

(Ord. No. 295, Enacted, 07/22/93; Ord. No. 559, Rep&ReEn, 07/10/03; Ord. No. 762, Rep&Amd, 09/08/2011)

10-03-130 Reserved.

(Ord. No. 295, Enacted, 07/22/93; Ord. No. 559, Rep&ReEn, 07/10/03)

10-03-140 Reserved.

(Ord. No. 156, Enacted, 08/27/87; Ord. No. 157, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 9-07-120; Ord. No. 295, Ren&Amd, 07/22/93, 10-03-120; Ord. No. 559, Rep&ReEn, 07/10/03)

10-03-150 Reserved.

(Ord. No. 156, Enacted, 08/27/87; Ord. No. 157, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 9-07-130,9-08-070; Ord. No. 295, Renumbered, 07/22/93, 10-03-130; Ord. No. 559, Rep&ReEn, 07/10/03)

10-03-160 Reserved.

(Ord. No. 156, Enacted, 08/27/87; Ord. No. 157, Enacted, 08/27/87; Ord. No. 178, Ren&Amd, 05/26/88, 9-07-130,9-08-070; Ord. No. 295, Renumbered, 07/22/93, 10-03-130; Ord. No. 539, Amended, 02/27/03; Ord. No. 559, Rep&ReEn, 07/10/03)
Article 10-04  WEAPONS (DISCHARGE)

10-04-010  Purpose.
The purpose of this Article is to regulate, as allowed by State law, the discharge of weapons within the Town of Prescott Valley in order to protect the health, safety and welfare of visitors and residents of the Town.

(Ord. No. 189, Enacted, 11/10/88; Ord. No. 307, Amended, 10/14/93; Ord. No. 786, Amended, 01/23/14)

10-04-020  Definitions.
A. “Deadly Weapon” means anything designed for lethal use (including a firearm).

B. “Discharge” means to expel a projectile from a weapon.

C. “Firearm” means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon which will expel, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive. Firearm does not include a firearm in permanently inoperable condition.

D. “Peace Officers” means any person vested by law with a duty to maintain public order and make arrests.

(Ord. No. 189, Enacted, 11/10/88; Ord. No. 759, Amended, 05/12/11; Ord. No. 759, Amended, 05/12/11; Ord. No. 786, Amended, 01/23/14)

10-04-030  Discharge of Weapons.
A. Except as provided in paragraph B of this section, it is unlawful for any person other than a peace officer on duty to discharge a firearm within one mile of an occupied structure, as defined in A.R.S. §13-3101, within the limits of the Town of Prescott Valley.

B. During an open season established by the Arizona Game and Fish Commission for the
lawful taking of wildlife a person may discharge a firearm within one-fourth mile of an occupied structure without the consent of the owner or occupant of the structure. For the purposes of this paragraph B:

1. “Occupied Structure” means any building in which, at the time of the firearm’s discharge a reasonable person from the location where a firearm is discharge would expect a person to be present.

C. It is unlawful for any person other than a peace officer on duty to discharge a firearm in Town parks and preserves except as follows:

1. On a properly supervised range as defined in A.R.S. §13-3107.

2. In an area approved as a hunting area by the Arizona game and fish department. Any such area may be closed when deemed unsafe by the director of the Arizona game and fish department.

3. To control nuisance wildlife by permit from the Arizona game and fish department or the United States fish and wildlife service.

4. By special permit of the Prescott Valley Chief of Police.

D. It is unlawful to discharge deadly weapons (other than firearms) within the Town limits in an unreasonable or unsafe manner. However, nothing in this Article shall be construed as prohibiting private property owners, or their invitees, from engaging in bow and arrow or crossbow target practice on the owners’ private property under adult supervision in a reasonable and safe manner.

E. Nothing in this Article shall be construed as prohibiting a person from discharging a weapon:

1. As allowed pursuant to A.R.S. §13-401 et seq.

2. As required by an animal control officer in performing duties specified in A.R.S. §9-499.04.

3. In self-defense or defense of another person against an animal attack if a reasonable person would believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person.

F. Any violation of this Section 10-04-030 shall be punished as a class 2 misdemeanor.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Repealed, 05/26/88, 11-01-210; Ord. No. 189, Enacted, 11/10/88; Ord. No. 252, Amended, 03/14/91; Ord. No. 273, Amended, 04/09/92; Ord. No. 759, Amended, 05/12/11; Ord. No. 765, Amended, 09/22/11; Ord. No. 786, Amended, 01/23/14: Ord. No. 795, Amended, 08/28/14)

10-04-040 Reserved.
OFFENSES

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Repealed, 05/26/88, 11-01-210; Ord. No. 189, Enacted, 11/10/88; Ord. No. 759, Amended 05/12/11; Ord. No. 786, Rep&ReEn, 01/23/14)

10-04-045 Reserved.

(Ord. No. 533, Enacted, 11/07/02; Ord. No. 759, Rep&ReEn, 05/12/11)

10-04-050 Reserved.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Repealed, 05/26/88, 11-01-210; Ord. No. 189, Enacted, 11/10/88; Ord. No. 759, Amended 05/12/11; Ord. No. 786, Rep&ReEn, 01/23/14)

10-04-060 Reserved.

(Ord. No. 189, Enacted, 11/10/88; Ord. No. 307, Rep&ReEn, 10/14/93; Ord. No. 393, Amended, 07/11/96; Ord. No. 614, Amended, 02/10/05; Ord. No. 759, Amended 05/12/11; ; Ord. No. 786, Rep&ReEn, 01/23/14)
Article 10-05  ALARM SYSTEMS

10-05-010  Purpose.
This Article is intended to regulate the activities and responsibilities of those persons who purchase, own, lease or rent alarm systems and those persons who own or operate businesses that monitor or service alarms or alarm systems. It is further intended to encourage the improvement in reliability of these systems and to insure that public safety personnel will not be unduly endangered or diverted from responding to actual criminal activity or other required duties as a result of responding to false alarms. This ordinance specifically encompasses all alarm systems monitoring a structure, including but not limited to burglar alarms and robbery and panic alarms, both audible and inaudible. By adopting the provisions as set forth in this Article, the Town of Prescott Valley, its officers, employees and agents shall not assume any greater duty or obligation to an alarm user than that which is owed to the public in general by the Town, its officers, employees and agents.

(Ord. No. 180, Enacted, 08/25/88; Ord. No. 700, Repealed 10/25/08; Ord. No. 779, Enacted, 11/21/13)

10-05-020  Definitions.

For the purposes of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein.

A.  “Act of Nature”. An unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, which cannot be prevented by reasonable human care, skill or foresight.

B.  “Alarm” or “Alarm System”. Any mechanical, electrical or other device or system used for the purpose of protecting buildings, places or premises from criminal acts or
unauthorized entries by warning of an illegal entry or other criminal activity through
the emission or transmission of an alarm signal.

C. “Alarm Company Operator”. Any person, individual, partnership, corporation, or
other form of association that engages in business or accepts employment to install,
maintain, alter, sell on premises, monitor, or service Burglar, Robbery or Panic Alarms
or other Alarm Systems located in the Town of Prescott Valley. This includes Alarm
Company Operators located outside the town limits of Prescott Valley which monitor
alarms installed within the town limits. Neither the Town nor its police department is
an Alarm Company Operator.

D. “Alarm Administrator”. Any person, persons, company or independent contractor
hired by the Town to administer, control and review False Alarm reduction efforts and
administer the provisions of this Article. The Alarm Administrator may also be a Police
Department employee, as designated by the Chief of Police

E. “Alarm Coordinator”. Any police department employee designated by the Chief of
Police to represent the Town in the administration of this Article (to act as liaison to
the Alarm Administrator).

F. “Alarm System User”. Any person who leases, rents, purchases, uses or is otherwise
responsible for an Alarm or Alarm System, device or service at the premises where an
Alarm System is located.

G. “Audible Alarm”. An Alarm or Alarm System designed for detection of an unauthorized
entry or other criminal act in a building, place, or premises which, when activated,
generates an audible sound on or in the premises.

H. “Burglar Alarm”. Any Alarm or Alarm System designed for detection of a burglary,
unauthorized entry (or attempted entry), or property damage which, when activated,
automatically or intentionally, generates an inaudible signal to a central monitoring
station designed to alert or cause to be alerted police department personnel to an
emergency situation occurring to or against an individual or premises. A Burglary
Alarm may also generate an audible sound on the premises.

I. “Cancellation”. The process where police response is terminated when the alarm
business or other responsible person (as designated by the Alarm System User) notifies
police dispatch that there is not an existing situation at the alarm site requiring police
response after an alarm dispatch request. If Cancellation occurs prior to police arrival
at the scene, this shall not be considered a False Alarm for the purpose of this Article
and no assessment shall be charged.

J. “Common Cause”. A common technical difficulty or malfunction which causes an
Alarm System to generate a series of False Alarms, all of which occur within a twenty-
four (24) hour period. The series of False Alarms shall be counted as one False Alarm
only if the cause is repaired within seventy-two (72) hours and/or before it generates
additional False Alarms, documentation of the repair is provided to the Alarm
Administrator and, during the thirty (30)-day period following the repair, the Alarm
System generates no additional False Alarms from the documented cause.
K. “False Alarm”. Any activation of an Alarm or Alarm System through mechanical or electronic failure, malfunction, improper installation, or the negligence of the Alarm System User, his/her employees or agents, that signals to summon law enforcement personnel, unless a Cancellation occurs prior to arrival of law enforcement at the alarm location. An Alarm is false within the meaning of the Article when, upon inspection by the police department, evidence indicates that no unauthorized entry, robbery, or other crime was committed (or attempted) in or on the premises, which would have activated a properly functioning Alarm or Alarm System. Notwithstanding the foregoing, a False Alarm shall not include the following:

1. An activation caused by law enforcement;

2. An activation for testing purposes when the police department has been given advance notice of such testing;

3. An activation which can reasonably be determined to have been caused by an Act of Nature; or

4. Other extraordinary circumstances not reasonably subject to control by the Alarm System User.

L. “Person”. Any individual, corporation, partnership, incorporated association or other legal entity.

M. “Proprietary Alarm System”. An Alarm System exclusively owned by an individual or corporation that is (1) not rented, leased, installed, maintained, monitored or serviced by an alarm business; (2) does not emit an Audible Alarm; and (3) to which response is provided solely by the user or his or her own security force.

N. “Responder”. A private guard, alarm company guard, private entity, or person who verifies that there is evidence of intrusion, commission of an unlawful act, or emergency on the premises that would warrant a call for police assistance or investigations for a Burglar Alarm. Responders for Alarm Company Operators requesting police response will notify the police dispatch which Alarm Company Operator requested them to respond. Responders will meet police at the premises (unless the Responder verified the Burglar Alarm by other than on-site verification).

O. “Robbery Alarm” or “Panic Alarm”. Any system, device, or mechanism, manually activated by an individual to alert others that a robbery or any other crime is in progress, or that the user is in need of immediate assistance or aid in order to avoid injury or serious bodily harm, which meets the following criteria:

1. It is installed on real property;

2. It is designed to be manually activated by an individual for the purpose of summoning assistance,

3. It transmits a telephonic, wireless, electronic, video or other form of message (or emits an audible, visible, or electronic signal that can be heard, seen, or received by persons outside the real property).
P. “Verified Alarm” means an Alarm which a Responder has verified indicates that a crime, attempted crime, or other emergency is occurring or is about to occur at real property protected by the Alarm. Verifications may be by:

1. on-site verification;
2. through the use of a remote audio and/or video system.

(Ord. No. 180, Enacted, 08/25/88; Ord. No. 700, Repealed 10/25/08; Ord. No. 779, Enacted, 11/21/13; Ord 833, Amended 10/12/17)

10-05-030 Exemptions.

The provisions of this Chapter are not applicable to:

A. Fire alarm systems.

B. Audible alarms affixed to a motor vehicle, watercraft, or aircraft.

C. Proprietary alarm systems, as defined herein.

D. Independent, stand-alone alarm systems installed or placed by or at the direction of the Prescott Valley Police Department for law enforcement purposes.

E. Alarm or alarm signals caused by the testing, repair or malfunction of telephone equipment lines or electrical utility equipment or lines that are not reasonably subjected to control by the alarm user.

F. Personal emergency response alarms or medical alert alarms worn or carried on a person’s body for the purpose of summoning assistance in a panic situation or medical emergency.

(Ord. No. 180, Enacted, 08/25/88; Ord. No. 700, Repealed 10/25/08; Ord. No. 779, Enacted, 11/21/13)

10-05-035 Verified Alarm Response.

A. The police department will not respond to Burglar Alarms unless they are Verified Alarms as defined in this Article. In reporting such an Alarm to the police department Alarm Company Operators must confirm that the Alarm is a Verified Alarm as defined in this Article.

B. An Alarm Company Operator who reports that a Burglar Alarm is a Verified Alarm to the police department is required to maintain the evidence it used to verify the Burglar Alarm for not less than sixty (60) days. The Alarm Company Operator will make the evidence available to the police department within ten (10) business days upon written request for purposes of auditing the evidence used should the police department have reasonable concern that the Alarm Company Operator had not, in fact, verified the Burglar Alarm.
C. Any Alarm Company Operator that knowingly or intentionally reports an unverified Burglar Alarm as a Verified Alarm shall be subject to a civil sanction of $500.00.

(Ord. No. 833, Enacted, 10/12/17)

10-05-040 Alarm Registration Requirement; False Alarm Warning Notice; Annual Renewal Requirement.

A. When any unregistered alarm or alarm system generates a false alarm as defined herein, the alarm administrator shall provide written notification, by mail, to the alarm user that he or she is now required to apply for and obtain an alarm registration permit and pay an alarm registration permit fee of fifteen dollars ($15).

B. The alarm registration application shall be available through the Alarm Administrator and must be submitted within ten (10) business days of receipt of the notification. A $15 late fee shall be added to any registration application not received within the 10-day period.

C. The Alarm Administrator shall, at the same time, inform the alarm user that the next false alarm occurring at the alarm location within a consecutive three hundred and sixty-five (365) calendar day period shall result in a false alarm assessment in the amount of fifty-two dollars ($52). The notification shall also include the following:

1. A copy of this alarm ordinance, and

2. False alarm education material including, but not limited to, information regarding the availability of online false alarm educational classes.

D. Any law enforcement response to a false alarm occurring at a location in which a prior false alarm has occurred and resulted in the registration requirement noted above in Subsection (A) and the alarm user has failed to obtain the required alarm registration, shall result in an additional thirty dollar ($30) fee for failure to comply with the registration requirements.

E. Once an alarm or alarm system has been registered pursuant to Subsection A, above, the alarm user shall submit an alarm registration permit renewal application annually and pay an alarm permit renewal fee of $15.

(Ord. No. 180, Enacted, 08/25/88; Ord. No. 700, Repealed 10/25/08; Ord. No. 779, Enacted, 11/21/13)

10-05-050 Alarm User Responsibilities and Duties.

The responsibilities and duties of all alarm users operating alarm systems in the Town of Prescott Valley are as follows:

A. Instruct all persons authorized to place the alarm or alarm system into operation in the appropriate method of operation for the system and for locking and securing all points of entry.
B. Maintain the alarm or alarm system in good working order and take reasonable measures to prevent false alarms.

C. Provide the name and contact information (including, but not limited to, a current telephone number) to the alarm business monitoring the alarm or other person authorized to place the alarm system into operation, of the primary person responsible for responding to the premises in the event of a false alarm. In addition, the alarm owner shall provide the name and contact information of at least one alternate person responsible for responding to the premises if the primary person cannot be reached when the alarm is activated and shall keep all information as required above up-to-date.

D. Respond to the scene within thirty (30) minutes after notification by the Police Department or the subscribers alarm business of the alarm’s or alarm system’s activation.

E. In the event that an alarm user or other responsible party cannot be reached by the Police Department or an alarm monitoring company or does not arrive at the scene of an alarm within 30 minutes, the Police Department shall have no further obligation to remain on scene or to otherwise secure the premises at which the alarm is activated.

(Ord. No. 180, Enacted, 08/25/88; Ord. No. 700, Repealed 10/25/08; Ord. No. 779, Enacted, 11/21/13)

10-05-060 Alarm Business Responsibilities and Duties.

The responsibilities and duties of all alarm businesses doing business within the Town of Prescott Valley shall be as follows:

A. Instruct each of its alarm or alarm system purchasers and subscribers in the proper use and operation of the alarm or alarm system. Such instruction shall include all necessary instructions in turning the alarm or alarm system on and off and in avoiding false alarms.

B. To provide each purchaser and subscriber a copy of this Article. This copy shall include the following statement: “The Town of Prescott Valley Police Department responds to all Robbery, Panic and other manually-initiated Alarms. However, the department will not respond to Burglar Alarms unless a Responder at the scene (or Responder away from the scene with video or audio capabilities) verifies that a crime, attempted crime, or other emergency at real property protected by the Alarm is occurring or about to occur”.

C. Upon installing, maintaining or servicing an Alarm or Alarm System:

1. Ensure that the Alarm or Alarm System is installed, maintained or serviced in good working order, as applicable.

2. Take reasonable measures to prevent the occurrence of False Alarms.
D. Upon renting or leasing an audible alarm:

1. Conspicuously place on the premises a tag identifying the telephone number to call when the alarm has been activated.

2. Maintain records of the location of all such alarms and the name and telephone number of the primary contact person and alternate to be notified whenever the alarm is activated and readily report such information to the police department upon request.

3. Inactivate or cause to be inactivated an audible alarm within fifteen (15) minutes of the notification of its activation in the event the primary and/or alternate contact persons cannot be contacted, or after being informed by law enforcement that the responsible persons did not respond within thirty (30) minutes.

E. In addition to the certificate and registration requirements provided under ARS §32-121 et seq., an alarm business shall apply for and maintain a valid Prescott Valley Business License.

(Ord. No. 180, Enacted, 08/25/88; Ord. No. 700, Repealed 10/25/08; Ord. No. 779, Enacted, 11/21/13; Ord. No. 833, Amended, 10/12/17)

10-05-070 False Alarms; Assessments.

A. When any registered alarm or alarm system generates a false alarm within any consecutive three hundred sixty-five (365) calendar day period, the alarm administrator shall provide written notification of the false alarm by mail to the alarm user or their authorized designee and/or the alarm business, as applicable, at the address registered with the Alarm Administrator. The written notification shall:

1. State the details regarding the false alarm,

2. State the amount of the penalty to be assessed,

3. Set forth the process by which the alarm user may appeal the false alarm assessment.

B. In order to reimburse the Town of Prescott Valley for law enforcement response to a false alarm as described above, the party responsible for the false alarm shall be assessed fifty-two dollars ($52) for each and every false alarm occurring within the 365 calendar day period.

1. The alarm assessment shall be waived for a false alarm happening at a location in which no false alarms have occurred within a consecutive 365 calendar day period.

2. The assessment for a second false alarm occurring within a consecutive 365 calendar day period shall be waived by the Alarm Administrator upon proof of completion of an alarm education class authorized by the Alarm Coordinator. An
alarm user may only complete an alarm education class once in a consecutive 365-day period.

(Ord. No. 180, Enacted, 08/25/88; Ord. No. 700, Repealed 10/25/08; Ord. No. 779, Enacted, 11/21/13)

**10-05-080 False Alarm Review Procedure.**

A. Any party aggrieved by a decision of the Alarm Administrator may appeal the determination of false alarms by submitting a report to the Alarm Coordinator within twenty (20) days of the date of mailing of the written false alarm notification. The report shall contain:

1. A description of the action taken to discover and eliminate the cause of the false alarm(s).

2. The specific reasons(s), if any, why the false alarm(s) should not be subject to an assessment. Evidence that an alarm was caused by an act of nature, common cause or action of the telephone company shall constitute valid reasons why an assessment should not be imposed. With respect to subscribers only, evidence that the false alarm was due to defective equipment or other fault of the alarm business shall relieve the subscriber from liability and shall shift the responsibility to the alarm business monitoring the alarm or alarm system.

3. If the report required in Subsection (A) is not submitted within the specified time-period any further review or appeal of the assessment shall be considered to have been waived by the aggrieved party and they shall be held liable for the false alarm assessment.

4. After submission of the report required above, the Alarm Coordinator shall review the information provided and may make a determination regarding the cause of the false alarm and the specific reason(s), if any, for the false alarm(s). The alarm coordinator may:

   a. Overrule the Assessment, finding that the corrective action taken will substantially reduce the likelihood of false alarms, or that a valid reason for the false alarm(s) has been shown, and the aggrieved party is not liable for the assessment as imposed by the Alarm Administrator, or

   b. Uphold the Assessment, finding that the corrective action taken or to be taken will not substantially reduce the likelihood of false alarms or that a valid reason for the false alarm(s) has not been shown and the aggrieved party is liable for the assessment as imposed by the Alarm Administrator.

5. Written notice shall be sent to the aggrieved party indicating the decision of the Alarm Coordinator and shall set forth the findings and conclusions with respect to the review of the report submitted.

(Ord. No. 180, Enacted, 08/25/88; Ord. No. 700, Repealed 10/25/08; Ord. No. 779, Enacted, 11/21/13)
10-05-090  Payment of Fees and Assessments.

A. Except as otherwise provided for in this Article, any and all fees and assessments shall be paid to and received by the Alarm Administrator within thirty (30) days from the date a notice of false alarm assessment is deposited in the regular first class U.S. Mail with postage fully paid and addressed to the responsible party.

B. Failure to pay such false alarm assessment within 30 days from the date of the notice may result in legal action by the Town or its authorized designee, to collect all unpaid fees and assessments. The 30-day period may be tolled during the pendency of (1) a false alarm review, and (2) an appeal to the Town Manager as set forth below.

B. After the false alarm assessment has been mailed as required above, and if there has been no contact from the responsible party for sixty (60) days a “Final Notice” shall be mailed. This Final Notice will require the immediate payment of the false alarm assessment.

C. If there is no additional response from the responsible party within 30 days after the Final Notice was mailed, the Alarm Administrator may send the unpaid assessment to a collection agency and shall notify the responsible party that such action has been taken.

D. Any unpaid balance of an assessment as listed herein shall be subject to interest in the maximum amount allowable under Arizona law.

(Ord. No. 779, Enacted, 11/21/13)


A. Any party aggrieved by a decision of the Alarm Coordinator, made pursuant to a false alarm review and a subsequent assessment determination may appeal such decision to the Town Manager. The appeal shall be requested within twenty (20) days from the date of the mailing of the Alarm Coordinator’s written notice pursuant to Subsection 10-05-080(A)(5). The appeal shall be in writing and shall set forth specifically the grounds for such an appeal.

B. Within five (5) business days of the appeal, the Town Manager shall contact the aggrieved party and may, in his/her discretion, stay any enforcement of the assessment pending a final determination of the appeal and set a time and place to meet with the aggrieved party as soon as practicable.

C. At that meeting, the aggrieved party shall have the opportunity to present and discuss their position or concerns regarding the Alarm Coordinator’s review of the false alarm assessment. The Town Manager shall hear and consider such evidence as is relevant to the determination of such issues. The Town Manager shall not be bound by technical rules of evidence or procedure in conducting the meeting.

D. The Town Manager shall render a written decision within ten (10) business days after
the meeting has been conducted based on the evidence presented by the Alarm Coordinator and the appellant. The decision of the Town Manager shall be final.

(Ord. No. 779, Enacted, 11/21/13)

10-05-120  Grace Period.

All newly installed or reinstalled alarms and alarm systems shall not be subject to the provisions of this Article relating to the counting and assessment of false alarms for a period of thirty (30) days from the date the alarm or alarm system becomes operational. For the purposes of this Section, “reinstalled” means the installation of a new control panel.

(Ord. No. 779, Enacted, 11/21/13)

10-05-130  Prohibition of Automatic or Prerecorded Messages; Exception.

No person shall use or cause to be used any telephone device or attachment that automatically selects or dials a published emergency telephone number or any Town telephone number and then reproduces a prerecorded message or signal. This Section shall not apply to a life safety alert system utilizing residential transmitting equipment designated for direct telephone access to dedicated control receiving equipment located in a local fire department.

(Ord. No. 779, Enacted, 11/21/13)

10-05-140  Police Department Delegation of Duties.

Except as otherwise provided in this section, the Chief of Police is authorized to delegate an Alarm Administrator, or to any other authorized designee, all duties of the Police Department as set forth in this Article. Except as specifically set forth herein, the Chief of Police may not delegate any duty specifically reserved to law enforcement.

(Ord. No. 779, Enacted, 11/21/13)
OFFENSES

Article 10-06  ADMINISTRATIVE HEARING OFFICER

10-06-010  Office of Administrative Hearing Officer.

There is hereby established in the Town the office of Administrative Hearing Officer to assist with enforcement of the Town Code by hearing, deciding and resolving non-traffic violations designated as civil violations.

(Ord. No. 431, Enacted, 11/20/97; Ord. No. 539, Amended, 02/27/03)

10-06-020  Appointment of Hearing Officers.

A. One or more Hearing Officers shall be appointed from time to time by the Town Council for two-year terms. The compensation for such officers shall be set from time to time in the Classification Plan of the Personnel Manual, and such officers shall be part of the Personnel System as set forth in Article 3-03 of this Code (as amended).

B. Hearing Officers may be current employees of the Town of Prescott Valley. However, no Hearing Officer may be a current employee of the Prescott Valley Community Development Office (or its successor), and no Hearing Officer shall continue in office if he or she has a conflict-of-interest as defined in Article 8, Chapter 3, Title 38 of the Arizona Revised Statutes (as amended).

C. It is expressly understood that such Hearing Officers are administrative officers of the Town and are not officers of the judicial branch of government. Therefore, they shall be subject to removal with or without cause prior to completion of their terms as set forth hereafter in this Article.

(Ord. No. 431, Enacted, 11/20/97)

10-06-030  Scope of Authority.

A. The office of Administrative Hearing Officer is hereby granted authority to hear, decide and resolve all civil complaints filed by authorized Town officers, officials or agents against violations of the Town Code and to enter judgment and impose civil
sanctions against defendants found responsible for such violations. Such authority is separate and apart from the jurisdiction of the Magistrate Court.

B. The discretion to either file civil complaints with the office of the Administrative Hearing Officer or to arrange to file criminal complaints in the Magistrate Court or seek other remedies in other forums shall rest solely with authorized Town officers, officials or agents.

C. At any time prior to satisfaction of a judgment and order issued by a Hearing Officer with regard to a particular civil complaint filed with the office of the Administrative Hearing Officer, the authorized Town officers, officials or agents may dismiss that complaint and, at his or her discretion, arrange for a criminal complaint to be filed with the Magistrate Court or seek other available remedies in other forums. However, in the event any judgment and order issued by a Hearing Officer is satisfied by a defendant in the opinion of the Hearing Officer, no Town officers, officials or agents shall arrange for a criminal complaint to be filed in the Magistrate Court or seek other available remedies in other forums with regard to the subject matter of the civil complaint filed with the office of the Administrative Hearing Officer.

(Ord. No. 431, Enacted, 11/20/97; Ord. No. 539, Amended, 2/27/03)

10-06-040 Hearing Officer Powers and Duties.

Each Hearing Officer appointed by the Town Council shall exercise the following powers and duties:

A. Hear, decide and enter judgments and orders to resolve complaints filed by authorized Town officers, officials or agents regarding violations of the Town Code;

B. Issue subpoenas and summonses ordering appearance of defendants and witnesses before the Hearing Officer;

C. Administer oaths;

D. Conduct and continue hearings;

E. Receive and rule upon evidence presented;

F. Assess against defendants and waive (where appropriate) such civil sanctions as have been set from time to time by Council resolution; and

G. Take such other actions, make such other rulings, and issue such other orders as may be necessary to hear, decide and resolve complaints of Town Code violations.

(Ord. No. 431, Enacted, 11/20/97; Ord. No. 539, Amended, 2/27/03)

10-06-050 Standard of Review.
The standard of review to be applied to the judgments of Hearing Officers as to whether a defendant has violated a provision of the Town Code is a preponderance of the evidence presented.

(Ord. No. 431, Enacted, 11/20/97)

10-06-060 Proceedings.

A. Proceedings within the office of the Administrative Hearing Officer shall be commenced pursuant to Article 1-08.

B. No Hearing Officer shall collect the civil sanctions assessed against defendants, but shall direct defendants to pay such sanctions directly to the office of Management Services (or its successor).

(Ord. No. 431, Enacted, 11/20/97; Ord. No. 539, Amended, 02/27/03)

10-06-070 Removal of Hearing Officers.

Hearing Officers serve at the pleasure of the Town Council and may be removed at any time, with or without cause, by vote of the Council. In the event a Hearing Officer is removed prior to the completion of his or her term, the successor shall be appointed for a new two-year term beginning as of the date of appointment, without regard to the term of the prior Hearing Officer.

(Ord. No. 431, Enacted, 11/20/97)
CHAPTER 11. TRAFFIC

Article 11-01 ADMINISTRATION
Article 11-02 TRAFFIC CONTROL
Article 11-03 PARKING
Article 11-04 VEHICLES ABANDONED ON PUBLIC PROPERTY
Article 11-05 GROSS WEIGHT RESTRICTION ON THROUGH TRAFFIC
Article 11-06 BICYCLE IDENTIFICATION AND REGULATION
Article 11-01  ADMINISTRATION

11-01-010  Duty of Chief of Police.

A. The Chief of Police shall:
   1. Enforce the street traffic regulations of the Town and all of the State vehicle laws applicable to street traffic in the Town.
   2. Make arrests for criminal traffic violations.
   3. Investigate accidents.
   4. Assist in developing ways and means to improve traffic conditions.
   5. Carry out all duties specially imposed upon the Chief of Police by this Chapter.

B. Any duty imposed on the Chief of Police may be performed by any certified Peace Officer of the Town.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-01-010)

11-01-020  Records of Traffic Violations.

A. The Chief of Police 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 (5) year period and from that time the record shall be maintained complete for at least the most recent five (5) 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.

C. All records and reports shall be public records.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-01-020)
11-01-030 Chief of Police to Investigate Accidents.

It shall be the duty of the Chief of Police 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-01-030)

11-01-040 Traffic Accident Studies.

Whenever the accidents at any particular location become numerous, the Chief of Police is hereby authorized to recommend to the Town Engineer traffic studies of such locations in order to determine remedial measures.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 9-01-040: Ord. No. 757, Amended, 04/28/11)

11-01-050 Traffic Accident Reports.

The Chief of Police shall receive and properly file all accident reports made to him under State law or under any law of the Town.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-01-050)

11-01-060 Authority to Detain Persons to Serve Traffic Complaints.

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 this Chapter and to serve a copy of the traffic complaint for any alleged civil or criminal violation of this Chapter.

(Ord. No. 178, Enacted, 05/26/88)
Article 11-02 TRAFFIC CONTROL

11-02-010 Authority of Police and Fire Officials to Direct Traffic.

A. Officers of the Police Department, or other such Town Officers as assigned by the Chief of Police, are hereby authorized to direct all traffic by voice, hand or signal in conformance with the traffic laws. Provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, such officer may direct traffic as conditions may require notwithstanding the provisions of the traffic regulations.

B. Officers of the Fire Department, when at the scene of a fire, may direct or assist the Chief of Police in directing traffic thereat or in the immediate vicinity.

C. The Chief of Police, Town Engineer, Public Works Director or their designees may authorize temporary signs to control traffic during special events or emergency situations.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-010; Ord. No. 757, Rep&ReEn, 04/28/11)

11-02-020 Obedience to Traffic Regulations.

A. 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 a Peace Officer or of any Fire Department official.
B. A person who violates this section is guilty of a Class 2 Misdemeanor.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-020; Ord. No. 757, Rep&ReEn, 04/28/11)

11-02-030 Traffic Control Devices.

A. The Town 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, and may place and maintain such additional traffic control devices as deemed necessary to regulate traffic under the traffic laws of the Town or under State law or to guide or warn traffic.

B. All traffic control devices erected within the Town shall conform to the Manual on Uniform Traffic Control Devices as adopted by the Arizona Highway Commission as prescribed in A.R.S. § 28-641 (as amended).

C. The driver of any vehicle shall obey the instructions of any official traffic control device placed in accordance with the traffic regulations of the Town subject to the exceptions granted in this Chapter or by State law.

D. When approval of the Town Council is required by this Chapter, the Town Council shall indicate approval by resolution unless otherwise required by this Chapter.

E. It shall be the duty of the Public Works Department, under the direction of the Town Engineer or his designee, to install, inspect and ascertain, and maintain the condition of traffic control devices of every description within the jurisdiction of the Town.

F. The installation and location of all official traffic control devices, signs and signals, as of April 28, 2011, is hereby confirmed and ratified. The Town shall maintain current records of the locations of all official traffic control signs, signals and markings.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-040; Ord. No. 224, Amended, 01/25/90; Ord. No. 757, Rep&ReEn, 04/28/11)

11-02-040 Speed Limits, Generally.

A. The State traffic laws regulating the speed of vehicles shall be applicable upon all roadways within the Town, except when altered by resolution of the Town Council. Any speed in excess of the speed so declared, when signs are in place giving notice thereof, is prima facie evidence that the speed is too great and therefore unreasonable.

B. The Town Council may alter by resolution speed limits within the Town upon the recommendation of the Town Engineer or his designee, and as based upon an engineering and traffic study as authorized by A.R.S. § 28-703 (as amended) and this Chapter.

(Ord. No. 757, Enacted, 04/28/11)
11-02-050 Installation of Traffic Signals.

A. The Town may install and maintain official traffic signals at those intersections and other places where traffic conditions are such that the flow of traffic must be alternately interrupted and released in order to prevent or relieve traffic congestion.

B. The Town hereby authorizes the Town Engineer or his designee to ascertain and determine the locations where such signals are required through field investigation, traffic counts, traffic signal warrant studies, and other traffic information as may be pertinent. The determination shall be made in accordance with Town-wide traffic operational concerns and those traffic engineering and safety standards and instructions as are set forth in the Manual of Uniform Traffic Control Devices.

(Ord. No. 757, Enacted, 04/28/11)

11-02-060 Authority to Designate Crosswalks, Establish Safety Zones, and Mark Traffic Lanes.

The Town Engineer or his designee is hereby authorized:

A. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as deemed necessary.

B. To establish safety zones of such kind and character and at such places as deemed necessary for the protection of pedestrians.

C. To mark lanes for traffic on street pavement at such places as deemed advisable, consistent with the traffic laws of the Town.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 9-02-050; Ord. No. 757, Rep&ReEn, 04/28/11)

11-02-070 Authority to Place and Obedience to Turning Markers.

A. The Town Engineer or his designee is hereby 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, no driver of a vehicle shall disobey the directions of such indications.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 9-02-060; Ord. No. 757, Rep&ReEn, 04/28/11)

11-02-080 Authority to Place and Obedience to Restricted Turn Signs.
A. The Town Engineer or his designee 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, no driver of a vehicle shall disobey the directions of any such sign.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 9-02-070; Ord. No. 757, Rep&ReEn, 04/28/11)

11-02-090 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 9-02-080; Ord. No. 757, Rep&ReEn, 04/28/11)

11-02-100 One-Way Streets and Alleys.

A. The Town Council shall by ordinance designate any streets or alleys which are to be limited to one-way traffic.

B. When any ordinance of the Council designates any one-way street or alley, the Public Works Department 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.

C. It shall be unlawful for any person to operate a motor vehicle through an alley or any part thereof at a speed greater than fifteen (15) miles per hour.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-090; Ord. No. 757, Rep&ReEn, 04/28/11)

11-02-110 Regulation of Traffic at Intersections.

A. The Town Council hereby authorizes the Town Engineer or his designee, to designate through streets, intersections where stops are required, and intersections where vehicles shall yield the right-of-way.

B. When the Town Engineer has designated any through street or intersection where vehicles are to stop or yield the right-of-way, the Town Engineer or his designee shall designate the placement and maintenance of appropriate signs at every location.
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where a vehicle must stop or yield the right-of-way.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-100; Ord. No. 224, Amended, 01/25/90; Ord. No. 757, Rep&ReEn, 04/28/11)

11-02-120 Drivers to Obey Signs.

Whenever traffic signs are erected as provided for in this Chapter, every driver of a vehicle shall obey such signs unless otherwise directed to proceed by a Peace Officer.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-110; Ord. No. 757, Rep&ReEn, 04/28/11)

11-02-130 Operation of Any Vehicle.

A. All vehicles which are motorized in any way must be operated on the designated roadways, streets, highways and rights-of-way of the Town.

B. No person shall operate or drive any motor vehicle, motorcycle, minibike, dune buggy, all-terrain vehicle, motor scooter, or other form of transportation propelled by an internal-combustion engine, upon the private property of another, or upon public property which is not held open for public use, except as to those areas which are owned or leased by the vehicle operator, or with the written permission of the property owner or his authorized agent. Whenever any such person is stopped by a Peace Officer of the Town for violations of this section, the person shall, upon request of the Peace Officer, provide proof of the property owner’s permission.

C. No driver shall drive upon or through private property, such as a vehicle service station, vacant lot or similar property to avoid obedience to traffic regulations or traffic control device.

D. No parent or legal guardian may allow, or by reason of the failure to adequately supervise, permit a minor to violate the terms of Subsections A and B of this Section.

E. The following vehicles are exempt from this Section when operated for the purposes indicated below:

1. Law enforcement vehicles such as animal control vehicle or police patrol cars.

2. Emergency vehicles such as fire trucks and ambulances.

3. Utility service vehicles such as telephone, gas, electric or cable television repair or installation trucks.

4. Vehicles of the U. S. Postal Service operated for the delivery or pickup of mail.

(Ord. No. 60, Enacted, 10/08/81; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-110; Ord. No. 757, Rep&ReEn, 04/28/11)
11-02-140  Stop Signs.

The installation and location of all stop signs as of April 28, 2011 are hereby ratified and confirmed. The Town shall maintain current records of the locations of all traffic control signs, signals, devices and marking.

(Ord. No. 101, Enacted, 06/21/84; Ord. No. 111, Amended, 04/25/85; Ord. No. 113, Amended, 05/02/85; Ord. No. 118, Amended, 09/26/85; Ord. No. 122, Amended, 12/05/85; Ord. No. 169, Amended, 01/14/88; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 184, Amended, 09/29/88; Ord. No. 188, Amended, 10/13/88; Ord. No. 190, Amended, 10/27/88; Ord. No. 201, Amended, 02/23/89; Ord. No. 202, Amended, 03/23/89; Ord. No. 218, Amended, 11/09/89; Ord. No. 222, Amended, 01/11/90; Ord. No. 757, Rep&ReEn, 04/28/11)

11-02-150  Yield Signs.

The installation and location of all yield signs as of April 28, 2011 of this Code are hereby ratified and confirmed. The Town shall maintain current records of the locations of all official traffic control signs, devices and markings.

(Ord. No. 202, Enacted, 03/23/89; Ord. No. 757, Rep&ReEn, 04/28/11)

11-02-160  Use of Coasters, Roller Skates, Motorized Play Vehicles and Similar Devices Restricted.

No person upon roller skates or riding any coaster, skateboard, motorized skateboard, play vehicle, motorized play 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. For the purpose of this Chapter, Motorized Play Vehicle is defined as a coaster, scooter, or any other alternatively fueled device or other motorized vehicle that is self-propelled by a motor or engine and is not otherwise defined in Arizona Revised Statutes, Title 28 (as amended) as a “motor vehicle,” “motor-driven cycle” or “motorized wheelchair.”

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-030; Ord. No. 757, Rep&ReEn, 04/28/11)

11-02-170  Street Closures and Processions.

A. Definitions.

1. “Parade” means any organized march or procession consisting of people, animals or vehicles, or any combination thereof, except funeral processions, upon any public street, sidewalk or alley, which requires the closure of streets or the regulation of vehicular traffic to prevent a conflict with the regular flow of vehicular traffic.

2. “Motorcade” means any organized procession, except funeral processions, containing ten (10) or more vehicles, upon any public street, sidewalk or alley.
B. Permit Required.

1. It is unlawful for any person to conduct a parade or motorcade or other event (other than lawful maintenance or construction) which closes a public street to normal vehicular travel in the Town, or knowingly participate in any such parade or motorcade or other event without first having obtained a permit from the Chief of Police.

2. The Permit Requirement does not apply to the following:
   a. Funeral Processions;
   b. Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;
   c. A governmental agency acting within the scope of its functions; and
   d. Spontaneous events occasioned by news or affairs activities that are an exercise of rights protected by the First and Fourteenth Amendment to the United States Constitution, or the Arizona Constitution, coming into public knowledge within two (2) days of such public assembly; provided that the organizer thereof gives written notice to the Town at least twenty-four (24) hours prior to such event.

C. Prohibitions.

1. It shall be unlawful for any person to stage, present or conduct any parade without first having obtained a permit unless otherwise exempted under this Chapter.

2. It shall be unlawful for any person in charge of, or responsible for the conduct of a duly licensed parade to knowingly fail to comply with any condition of the permit.

3. No person shall knowingly join or participate in any parade, motorcade or other event closing a public street as permitted herein, in violation of any of the terms of the permit, nor knowingly join or participate in any permitted parade or motorcade without the consent of the permittee or over his objections, nor in any manner interfere with its progress or orderly conduct as prohibited by ARS §13-2904(A)(4) (as amended).

D. Application for Permit.

1. Any person who wishes to conduct a parade, motorcade, or other event (other than lawful maintenance or construction) which closes a public street to normal vehicular travel, shall complete an application for a permit to the Chief of Police at least thirty (30) days in advance. The Chief of Police may waive the minimum thirty (30) day filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place and nature
of the parade, the anticipated number of participants, and the Town services required in connection with the event, the Chief of Police determines that the waiver will not present a hazard to public safety.

2. The application shall set forth the following:

   a. The name, address and telephone number of the parade or motorcade organizer.

   b. A certification that the organizer shall be financially responsible for any Town fees, departmental services or costs that may lawfully be imposed for the event.

   c. If the parade or motorcade is designed to be held by, on behalf of, or for any organization other than the event organizer, the names, addresses and telephone numbers of the headquarters of the organization for which the parade or motorcade is to be conducted, and the authorized and responsible heads of the organization.

   d. Written authorization from the organization stating that the event organizer may apply for the permit on behalf of the organization and certification that the organization accepts responsibility for any Town fees, departmental services or costs that may lawfully be imposed for the event.

   e. The proposed date and times that the parade or motorcade will begin and end.

   f. The proposed route of the parade, including the starting point and the termination point.

   g. The approximate number of participants, animals, and or vehicles which will make up the parade or motorcade. The kinds of animals and, types of vehicles anticipated to be part of the parade or motorcade.

   h. The number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise.

E. Issuance of Permit.

   1. The Chief of Police shall issue a permit conditioned on the applicant's payment of any fee established from time to time by resolution of the Town Council, and on the applicant's written agreement to comply with the terms of such permit, unless he finds reasons for denial as set forth in this Chapter.

   2. Except as otherwise prohibited by law or an exemption is obtained as provided by this Chapter, the permittee shall procure and maintain in full force and effect during the term of the permit a policy of insurance which includes the Town, its boards, officers, agents, employees, and volunteers as named
insured’s or additional named insured and which provides the coverage that the Town’s Risk Manager determines to be necessary and adequate under the circumstances. Proof of insurance shall be submitted to the Chief of Police prior to the issuance of the permit and maintenance of this insurance shall be a condition of the permit.

3. If the Chief of Police determines, after consultation with the Risk Manager and the Town Attorney, that a particular use, event or activity does not present a substantial or significant public liability or property damage exposure for the Town or its officers, agents and employees, the Chief of Police may give a written waiver of the insurance requirements of this section.

4. When a parade or motorcade will include activities that are an exercise of rights protected by the First and Fourteenth Amendment to the United States Constitution, or the Arizona Constitution, the application shall be processed promptly, without charging a fee or requiring insurance for the constitutionally protected activities or imposing terms or conditions that impermissibly infringe on constitutional freedoms.

5. The Chief of Police shall issue a permit if, after considering factors relating to pedestrian and vehicular safety (including, but not limited to the following) he finds that the parade or motorcade will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location.

   a. The width of streets, traffic lanes and sidewalks along the proposed route;

   b. The vehicular speed limits and the known customary vehicle speeds along the route;

   c. Known traffic hazards or dangerous conditions along the route, including previously scheduled or ongoing construction or maintenance work in the immediate vicinity;

   d. Normal anticipated vehicular and pedestrian traffic volume at the date, time and place of the proposed parade;

   e. The number and direction of traffic lanes;

   f. The number and location of traffic control devices along the route;

   g. Whether access to or for emergency vehicles will be obstructed;

   h. The number of qualified police personnel necessary to control traffic in the surrounding area in order to prevent accidents or injury because of congestion caused by the closure of the street, and whether such qualified police personnel are available without unduly hindering the ability of the Department to provide other necessary police services.
i. No parade or motorcade permit application for the same date, time and location is already granted or has been received and will be granted.

j. The availability of alternate parade routes, date or times.

F. Denial and modification of specific requests within an application.

1. The Chief of Police shall act promptly upon a timely submitted parade application, and may deny or modify specific requests contained therein, relating to time, place and manner restrictions, including the date of a parade, if it is determined that the proposed parade or motorcade will cause substantial disruption to pedestrian and vehicular traffic and unreasonably hinder the resources and operations of emergency services to the public such as ambulance, fire or police.

2. If the Chief of Police modifies the application he shall issue a permit with alternative terms or conditions that are consistent with this Chapter. The Chief shall state in writing the reasons for denying or modifying the requested terms.

3. If the Chief of Police denies or modifies the application in part or in its entirety, the applicant shall be notified either by personal delivery or certified mail at least forty-eight (48) hours prior to the proposed event and state the reasons for the denial.

4. No permit shall be denied, revoked or modified, and no permit restrictions imposed, due in whole or in part, to the contents of statements or viewpoints expressed by the parade participants.

G. Appeal Procedure.

Any applicant shall have the right to appeal the denial or modification of a permit to the Town Manager. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the Chief of Police.

H. Modification of a previously issued permit.

The Chief of Police may modify a parade or motorcade permit already issued if:

1. Conditions that could not have been anticipated at the time the permit was issued require the modification of the event in order to avoid an unreasonable traffic hazard or would unduly compromise the safety of persons, property and vehicular and pedestrian traffic;

2. An unreasonable traffic hazard exists or the safety of persons, property and vehicular and pedestrian traffic is unduly compromised because the applicant unreasonably fails to comply with the terms of the permit;

3. Seasonal weather conditions create unforeseen hazardous roadway or traffic conditions.
I. Nothing herein shall authorize the Chief of Police to permit closure of any part of State or Federal highways or rights-of-way within the Town limits.

J. Funeral Processions.

In addition to the rules and regulations related to funeral processions found in ARS §28-776 (as amended), each driver in a funeral procession shall drive as near to the right hand edge of the roadway as is practical, and shall follow the vehicle ahead as close as is practical and safe.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-120; Ord. No. 275, Amended, 05/28/92; Ord. No. 757, Rep&ReEn, 04/28/11)

11-02-180 Use of Handheld Mobile Communication Devices While Operating a Motor Vehicle.

A. In this Section, unless the context otherwise requires:

1. “Hands-free use” means the use of a mobile communication device without the use of either hand.

2. “Mobile communication device” means a wireless communication device or portable electronic device that is designed to engage in calls, and/or receive and transmit text, images and/or data and includes (without limitation) mobile telephones, personal digital assistants, laptops, tablets, computers, pagers, electronic games, and computing devices.

3. “Operating a motor vehicle” means (as defined in Title 28, Arizona Revised Statutes) being in actual physical control of a motor vehicle on a highway or street (including being temporarily stopped because of traffic or an official traffic control device, but excluding being stopped at the side or off of the highway or street at a location where the vehicle can safely remain stationary).

B. No person shall, except as otherwise provided in this Section, use a mobile communication device while operating a motor vehicle upon a highway or street unless that device is specifically designed or configured to allow hands-free use and is used in that manner while operating the motor vehicle. A law enforcement officer may stop a motor vehicle if the officer has reasonable suspicion to believe a violation of this Section is occurring.

C. Exemptions. This Section shall not apply to:

1. Use of a mobile communication device for the sole purpose of communicating with public safety, law enforcement, fire, rescue, or medical personnel
regarding immediate criminal activity, safety hazards, or other emergency situations.

2. Use of a mobile communication device by public safety, law enforcement, fire, rescue, or medical personnel operating authorized emergency vehicles for the purpose of communicating regarding their official duties.

3. Initiation, activation or deactivation of hands-free use of a mobile communication device.

D. It is an affirmative defense to a prosecution under this Section that the driver was not operating the motor vehicle in a careless manner and:

1. possessed a commercial vehicle license or was operating fleet vehicles and was using a two-way radio or a private Land Mobile Radio System within the meaning of Title 47 Code of Federal Regulations Part 90 while in the performance and scope of their work-related duties; or

2. held a valid amateur radio operator license issued by the federal communications commission and was using a half-duplex two-way radio under that license.

E. Penalty. In accordance with Town Code §1-08-010(C), a person who violates this Section commits a civil traffic violation and is subject to a civil penalty of one hundred dollars ($100) for a first offense and up to two thousand five hundred dollars ($2,500) for any subsequent violations occurring within twelve (12) months of a prior offense.

(Ord. No. 853, Enacted, 12/20/18)
Article 11-03 PARKING

11-03-010 Method of Parking.

Except as otherwise provided by this Chapter, 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 vehicles parallel to and within eighteen (18) inches of the right hand curb.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 9-03-010; Ord. No. 224, Amended, 01/25/90)

11-03-020 Blocking Traffic.

A. No person may stop, stand or park any motor vehicle, or other vehicle, upon a street in the Town in such a manner or under such conditions as to inhibit 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 a Police Officer.

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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 9-03-020)

11-03-030 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 (1) hour before school opens until one (1) hour after school closes on any school day.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 9-03-030)

11-03-040 Authority to Erect Signs Restricting Parking.
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The Town Engineer or his designee, upon approval by the Town 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, and restricting parking in any way that may be necessary. No parking restrictions shall become effective until such restricted parking area is specifically designated by resolution of the Town Council, and signs have been erected as authorized by this Section. No person may stop or stand a vehicle in disobedience to such parking restrictions.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-03-040)

11-03-050 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-03-050)

11-03-060 Restricted Parking Areas for the Handicapped.

A. No person may stop, stand or park a vehicle within any handicapped accessible parking space set aside and identified pursuant to Subsection 13-24-020(H) of this Code, unless the vehicle is transporting a person who has been issued a valid placard or number plates bearing the international symbol of access, and either:

1. The vehicle displays the valid permanently disabled or temporarily disabled removable windshield placard; or

2. The vehicle displays number plates bearing the international symbol of access which are currently registered to the vehicle.

B. Any person who is chauffeuring a physically disabled person may, without a placard or number plates bearing the international symbol of access, stop, stand or park a vehicle momentarily in such handicapped accessible parking spaces for the sole purpose of loading or unloading the disabled person.

C. Either a law enforcement officer or a parking enforcement specialist appointed by the Chief of Police pursuant to ARS §28-886 may issue a civil traffic complaint for a violation of this Section to the operator of the vehicle, another person in charge of the vehicle, or, if an operator or person in charge is not present, to the registered owner of the vehicle. The civil sanction and penalties for such violation shall be those set forth in ARS §28-885(A).

(Ord. No. 75, Enacted, 12/09/82; Ord. No. 178, Ren&Amd, 05/26/88, 9-03-070; Ord. No. 285, Amended, 10/22/92; Ord. No. 614, Amended, 02/10/05)

11-03-070 Repealed.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-03-060; Ord. No. 295, Repealed, 07/22/93)
**Article 11-04  VEHICLES ABANDONED ON PUBLIC PROPERTY**

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**11-04-010 Definitions.**

In this Article, unless the context otherwise requires:

"Abandoned Motor Vehicle" means any vehicle, trailer, semi-trailer, machine, truck, tractor, motorcycle, automobile or any other type of motor vehicle defined as such by the Arizona Revised Statutes, Title 28, Chapter 1, Article 1, whether lost, stolen, abandoned, or otherwise unclaimed, which has been abandoned on a public highway, public street, or other public property. Evidence that a vehicle has been left unattended for a period of seventy-two (72) hours within the public right-of-way or within the boundaries of public property is prima facie evidence of abandonment.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93)

**11-04-020 Removal of Abandoned Vehicles.**

Any abandoned vehicle may be removed from the public rights-of-way or other public property of the Town by the authorized Town officials at the expense of the owner of such vehicle or, where appropriate, at the expense of the owner or occupant of the adjacent real property.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Rep&ReEn, 07/22/93)

**11-04-030 Reserved.**

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Repealed, 07/22/93)
11-04-040 Article is Non-Exclusive.

This Article shall not be the exclusive regulation governing abandoned vehicles within the Town. It shall be supplemental and in addition to any other regulatory codes, statutes and ordinances enacted by the Town, the State, or any other legal entity or agency having jurisdiction.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93)

11-04-050 Administration and Enforcement.

Except as otherwise provided herein, the provisions of this Article shall be administered and enforced by any authorized Town official. In the enforcement of this Article, such persons may examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle and remove or cause the removal of an abandoned vehicle declared to be a nuisance pursuant to this Article.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93)

11-04-060 Reserved.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Repealed, 07/22/93)

11-04-070 Administrative Costs.

In determining the costs for the removal of an abandoned motor vehicle determined to be a nuisance pursuant to this Article, ten percent (10%) shall be added to removal or storage costs to cover administrative costs. When collected, these shall be placed in the Town’s general fund.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93)

11-04-080 Reserved.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Repealed, 07/22/93)

11-04-090 Notice of Intention.

Upon detection of an abandoned motor vehicle, the authorized Town official shall issue a notice of his intention to abate the nuisance and remove the vehicle. He shall serve or shall cause notice to be served upon the owner of the vehicle, his legal representative or, in the case of a corporation, the statutory agent if ownership can be determined, or the owner or person in lawful control of the adjacent real property where appropriate. Notice shall be made pursuant to Rules 4, 4.1 and 4.2 of the Arizona Rules of Civil Procedure, or mailed via
certified mail. If the vehicle is in such a condition that identification numbers are not available to determine ownership, notice to the vehicle owner is considered waived. The notice shall advise the recipient of the right to appeal in writing to the Town Manager for a hearing before the Board of Adjustment, within ten (10) calendar days.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93)

11-04-100 Request for Public Hearing.

A. Upon a written request being filed with the Town Manager by the owner of the vehicle or the owner or the lawful controller of the adjacent real property, within ten (10) calendar days after the mailing or service of the notice of intention to abate and remove the nuisance, a public hearing shall be held on said notice by the Board of Adjustment. The Board shall determine whether a nuisance exists, and the manner of abatement, if any.

B. Notice of the hearing shall be mailed via certified mail according to the requirements of Section 13-29-060 to the owner of the vehicle and/or the owner or lawful controller of the adjacent real property, unless the vehicle is in such condition that identification numbers are not available to determine ownership, in which case notice to the vehicle owner is considered waived.

C. If such a request for a public hearing is not received within ten (10) calendar days after serving the notice of intention to abate the nuisance and remove the vehicle, the Town shall have authority to abate the nuisance by removing the vehicle giving rise to the public nuisance without such a hearing being held, pursuant to Section 11-04-130 herein.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93)

11-04-110 Hearing Procedures.

A. All hearings under this Article shall be held before the Board of Adjustment. In addition to the procedures set forth in §13-29-060, the Board shall hear all facts and testimony it deems pertinent. Facts and testimony may include testimony on the condition of the vehicle, and the circumstances surrounding its present location. The Board shall not be limited by the technical rules of evidence. The owner of the vehicle and/or the owner or lawful occupant of the adjacent real property may appear in person at the time of the hearing and present relevant evidence or testimony as to these issues. Other interested third parties may also present relevant evidence or testimony, at the discretion of the Board.

B. The Board may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this Article. It may delay the time for removal of the vehicle if, in its opinion, circumstances so justify. At the conclusion of the public hearing, the Board may find that the vehicle is abandoned, and is a public nuisance. The Board may then order the vehicle removed from the public right-of-way or other public property and disposed of as provided in
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this Article. The order requiring removal shall include a description of the vehicle and the correct identification number and license number of the vehicle, if available at the site.

C. The owner of the vehicle and/or the owner or lawful occupant of the adjacent real property, if known, or any other interested party who makes a presentation to the Board, shall be notified in writing of the Board's decision.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93)

11-04-120 Reserved.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Repealed, 07/22/93)

11-04-130 Removal.

In the event of a request for a public hearing before the Board of Adjustment, ten (10) calendar days from the date of mailing of the notice of the decision of the Board, the vehicle may be removed and disposed of pursuant to Article 2, Chapter 11, Title 28 of the Arizona Revised Statutes.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93; Ord. No. 614, Amended, 02/10/05)

11-04-140 Reserved.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Repealed, 07/22/93)

11-04-150 Assessment of Costs.

A. In addition to the disposal procedures set forth in Article 2, Chapter 11, Title 28 of the Arizona Revised Statutes, following the removal of the abandoned motor vehicle, the Town Manager, or his authorized representative, may prepare a verified statement of account of the actual costs of such removal and abatement (including storage), the date the work was completed, and the street address and the legal description of the immediately adjacent real property [including ten percent (10%) as provided in Section 11-04-070], and serve a duplicate copy of such verified statement upon the owner or occupant of said adjacent real property in the manner prescribed in Section 11-04-090. This procedure may only be used where the owner or occupant of the adjacent real property is also the owner of the abandoned vehicle.

B. The owner or person controlling the adjacent real property shall have thirty (30) calendar days from the date of service upon him to pay the assessment as contained in the verified statement or appeal in writing to the Town Council (through the Town Manager) from the amount of the assessment. If an appeal is not so filed with the Town Council, then the amount of the assessment as determined by the Town Manager
shall become final and binding. If an appeal is taken, the Town Council shall, at its next regular meeting, hear and determine the appeal and may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment shall be made.

C. If the assessment is not paid and no appeal is taken from the amount of the assessment, or if an appeal is taken and the Town Council affirms or modifies the amount of the assessment [and said amount is not paid within five (5) calendar days of the Council decision], the original assessment or the assessment as so modified shall be recorded in the Office of the Yavapai County Recorder, and from the date of its recording it shall become a lien on the lot or tract of adjacent land until paid. Such liens shall be subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. No assessment shall be made and no lien shall be recorded unless it was determined (either at the public hearing before the Board of Adjustment or at a Council hearing on the assessment) that the owner or occupant of the adjacent real property was responsible for the nuisance.

D. A sale of the property to satisfy a lien obtained under the provisions of this Section shall be made upon judgment of foreclosure and order of sale. The Town shall have the right to bring action to enforce the lien in the Superior Court of Yavapai County at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prime facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. Failure to record a lien against the real property does not in any way prohibit the Town from utilizing any and all other remedies it may have against the person adjudged responsible for the nuisance, and the Town may pursue any remedies in law or equity to recover its costs, including administrative costs, involved in abating the nuisance along with reasonable attorney fees and investigative costs incurred.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93; Ord. No. 614, Amended, 02/10/05)
Article 11-05 GROSS WEIGHT RESTRICTION ON THROUGH TRAFFIC

11-05-010 Definitions.
11-05-020 Gross Weight Restriction.
11-05-030 Exemptions.

11-05-010 Definitions.

In this Article, unless the context otherwise requires:

A. "Bus" means a motor vehicle designed for carrying more than fifteen (15) passengers and used for the transportation of persons for compensation.

B. "Gross weight" means the weight of a truck without load plus the weight of any load thereon.

C. "Through traffic" means any traffic traveling within the Town for the primary purpose of reaching a destination not within the Town, but excluding all traffic where no other route to the primary destination is possible.

D. "Traffic" means vehicles and other conveyances using any street, road or highway for purposes of travel.

E. "Truck" means every motor vehicle designed, used or maintained primarily for either the transportation of property or the transportation of more than fifteen passengers. "Truck" includes but is not limited to the examples indicated on the attached Exhibit "A", made a part hereof by reference, entitled "Illustration of Commercial Vehicle Types".
11-05-020 Gross Weight Restriction.

No bus or truck, as defined herein, which exceeds the gross weight of ten thousand (10,000)
pounds shall use any road, street or highway within the Town for through traffic except that State Highway 69, County Highway 48 (a.k.a. Fain Road), U.S. 89A, and Glassford Hill Road will not be affected by this restriction.

(Ord. No. 31, Enacted, 06/26/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 531, Amended, 10/10/02)

11-05-030 Exemptions.

The following motor vehicles shall be exempt from this Article:

A. School buses transporting students to or from school.

B. Garbage and refuse collection vehicles authorized to do and doing business within the Town.

C. All emergency and fire control vehicles.

(Ord. No. 31, Enacted, 06/26/80; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 11-06 Reserved.

11-06-010 Reserved.

11-06-10 Reserved.

(Ord. No. 64A, Enacted, 12/17/81; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Renumnered, 12/28/95, 11-06; Ord. No. 756, Rep&ReEn, 04/28/11)
CHAPTER 12  FLOODPLAIN MANAGEMENT

Article 12-01 PURPOSE
Article 12-02 DEFINITIONS
Article 12-03 GENERAL PROVISIONS
Article 12-04 ADMINISTRATION
Article 12-05 PROVISIONS FOR FLOOD HAZARD REDUCTION
Article 12-06 VARIANCE PROCEDURE
Article 12-01 PURPOSE

12-01-010 Statutory Authorization

In ARS §48-3610 (as amended), the Arizona State Legislature enabled the Town of Prescott Valley to adopt regulations in conformance with ARS §48-3603 (as amended) designed to promote the public health, safety and general welfare of its citizenry.

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-01-010; Ord. No. 614, Amended, 02/10/05; Ord. No. 671, Rep&ReEn, 09/28/06)

12-01-020 Findings of Fact.

A. The Flood hazard areas of the Town of Prescott Valley are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for Flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These Flood losses may be caused by the cumulative effect of obstructions in Areas of Special Flood Hazards which increase Flood heights and velocities and, when inadequately anchored, cause damage in other areas. Uses that are inadequately Floodproofed, elevated or otherwise protected from Flood damage, also contribute to the Flood loss.

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-01-010; Ord. No. 614, Amended, 02/10/05; Ord. No. 671, Rep&ReEn, 09/28/06)

12-01-030 Statement of Purpose.

It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to Flood conditions in specific areas by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly Flood control projects;

C. Minimize the need for rescue and relief efforts associated with Flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;
E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in Areas of Special Flood Hazard;

F. Help maintain a stable tax base by providing for the sound use and development of Areas of Special Flood Hazard so as to minimize blight areas caused by Flooding;

G. Ensure that potential buyers are notified that property is in an Area of Special Flood Hazard;

H. Ensure that those who occupy the Areas of Special Flood Hazard assume responsibility for their actions; and

I. Maintain eligibility for disaster relief.

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-01-030; Ord. No. 671, Rep&ReEn, 09/28/06)

12-01-040 Methods of Reducing Flood Losses.

These regulations take precedence over any less restrictive conflicting local laws, ordinances and codes. In order to accomplish its purposes, this Chapter includes methods and provisions to:

A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or Erosion hazards, or which result in damaging increases in Erosion or Flood heights or velocities;

B. Require that uses vulnerable to Floods, including facilities which serve such uses, be protected against Flood damage at the time of initial construction;

C. Control the alteration of natural Floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

D. Control filling, grading, dredging, and other Development which may increase Flood damage; and

E. Prevent or regulate the construction of Flood barriers which will unnaturally divert floodwaters or which may increase Flood hazards in other areas.

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-01-040; Ord. No. 671, Rep&ReEn, 09/28/06)
Article 12-02 DEFINITIONS

12-02-010 Definitions.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

A. A Zone: See “Special Flood Hazard Area”.

B. Accessory Structure (low-cost and small): A Structure that is:
   1. Solely for the parking of no more than two (2) cars or limited storage (small, low cost sheds); and
   2. No larger than five hundred seventy-six (576) square feet, no more than one (1) story (maximum fifteen (15) feet) tall, costing no more than twenty-five thousand dollars ($25,000.00).

C. Appeal: A request for a review of the Floodplain Administrator’s interpretation of any provision of this Chapter or a request for a Variance.

D. Area of Shallow Flooding: A designated AO or AH Zone on a Community’s Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of Flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of Flooding is unpredictable and where velocity flow may be evident. Such Flooding is characterized by ponding or sheet flow.

E. Area of Special Flood Hazard: The land in the Floodplain within a Community subject to a 1% or greater chance of Flooding in any given year. These areas are designated as Zone A, AE, AO, AH, and A1-30 on the FIRM and other areas determined by the criteria adopted by the Director of the Arizona Department of Water Resources (ADWR). See “Special Flood Hazard Area.”

F. Base Flood: A Flood which has a 1% chance of being equaled or exceeded in any given year. See “100-year Flood.”

G. Base Flood Elevation (BFE): The elevation shown on the FIRM for Zones AE, AH, A1-30, VE and V1-V30 that indicates the Water Surface Elevation resulting from a Flood that has a 1% or greater chance of being equaled or exceeded in any given year.

H. Basement: Any area of the Building having its floor sub-grade (i.e., below ground level) on all sides.

I. Building: See “Structure.”
J. Community: Any state, area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce Floodplain Management Regulations for the areas within its jurisdiction.

K. Development: Any man-made change to improved or unimproved real estate, including (but not limited to) Buildings or other Structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

L. Encroachment: The advance or infringement of uses, plant growth, fill, excavation, Buildings, permanent Structures or Development into a Floodplain, which may impede or alter the flow capacity of a Floodplain.

M. Erosion: The process of the gradual wearing away of landmasses. This peril is not, per se, covered under the National Flood Insurance Program (NFIP).

N. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of floodwaters;
2. the unusual and rapid accumulation or runoff of surface waters from any source; and/or
3. the collapse or subsidence of land along the shore of a lake or other body of water as a result of Erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as flash Flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

O. Flood Boundary and Floodway Map (FBFM): The official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated both the Areas of Special Flood Hazards and the Floodway.

P. Flood Insurance Rate Map (FIRM): The official map on which FEMA or FIA has delineated both the Areas of Special Flood Hazards and the risk premium zones applicable to the Community.

Q. Flood Insurance Study (FIS): The official report provided by FEMA that includes Flood profiles, FIRM, FBFM and the Water Surface Elevation of the Base Flood.

R. Floodplain or Flood-prone Area: Any land area susceptible to being inundated by water from any source. See “Flood or Flooding.”

S. Floodplain Administrator: The Community official designated by title to administer and enforce the Floodplain Management Regulations.
T. Floodplain Board: The Town Council at such times as it is engaged in the enforcement of this Chapter. See Floodplain Board as defined in ARS §48-3601 (as amended).

U. Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing Flood damage and preserving and enhancing, where possible, natural resources in the Floodplain, including (but not limited to) emergency preparedness plans, Flood control works, Floodplain Management Regulations, and open space plans.

V. Floodplain Management Regulations: Ordinances (including zoning ordinances), subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and Erosion control) and other applications of police power which control Development in Flood-prone Areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing Flood loss and damage.

W. Floodproof or Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to Structures which reduce or eliminate Flood damage to real estate or improved real property, water and sanitary facilities, Structures, and their contents.

X. Flood-Related Erosion: The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash Flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in Flooding.

Y. Floodway: The area of a river or other Watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the Water Surface Elevation more than a designated height. See “Regulatory Floodway.”

Z. Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

AA. Governing Body: The local governing unit (i.e. county or municipality) that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

BB. Hardship: As related to Article 12-06 herein (as amended), the exceptional hardship that would result from a failure to grant a requested Variance. The Town Council (as Floodplain Board) requires that any Variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of neighbors likewise cannot, as a rule, qualify as an exceptional
hardship. All of these problems can be resolved through other means without granting a Variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

CC. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a Structure.

DD. Historic Structure: Any Structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the U.S. Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the U.S. Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the U.S. Secretary of Interior; or

4. Individually listed on a local inventory of historic places in Communities with historic preservation programs that have been certified either:
   a. By an approved state program as determined by the U.S. Secretary of the Interior; or
   b. Directly by the U.S. Secretary of the Interior in states without approved programs.

EE. Levee: A man-made Structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary Flooding.

FF. Levee System: A Flood protection system which consists of a Levee, or Levees, and associated Structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

GG. Lowest Floor: The lowest floor of the lowest enclosed area, including the Basement. See “Basement.” An unfinished or Flood resistant enclosure, usable solely for parking of vehicles, Building access or storage in an area other than a Basement area, is not considered a Building’s Lowest Floor (provided that such enclosure is not built so as to render the Structure in violation of the applicable non-elevation design requirements of this Chapter).

HH. Manufactured Home: A Structure, transportable in 1 or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “Manufactured Home”
does not include “Recreational Vehicles”.

II. Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into 2 or more Manufactured Home lots for rent or sale.

JJ. Market Value: See “Substantial Damage” and “Substantial Improvement.”

KK. Mean Sea Level: For purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a Community's FIRM are referenced.

LL. New Construction: For the purposes of determining insurance rates, Structures for which the Start of Construction commenced on or after the effective date of an initial FIRM or after May 29, 1982 (whichever is later), and includes any subsequent improvements to such Structures. For Floodplain Management purposes, New Construction means Structures for which the Start of Construction commenced on or after the effective date of a Floodplain Management Regulation adopted by a Community and includes any subsequent improvements to such Structures.

MM. Obstruction: Including (but not limited to) any dam, wall, wharf, embankment, Levee, Levee System, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, Building, wire, fence, rock, gravel, refuse, fill, Structure, vegetation or other material in, along, across or projecting into any Watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or (due to its location) snare or collect debris carried by the flow of water or itself be carried downstream.

NN. One-Hundred-Year Flood or 100-year Flood: The Flood having a 1% chance of being equaled or exceeded in any given year. See “Base Flood.”

OO. Person: An individual or the individual’s agent, a firm, partnership, association or corporation, or an agent of the aforementioned groups, or the State of Arizona, its agencies or political subdivisions.

PP. Program Deficiency: A defect in a Community’s Floodplain Management Regulations or related administrative procedures that impairs effective implementation of said Regulations.

QQ. Recreational Vehicle: A vehicle which is:

1. Built on a single chassis;

2. four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently-towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
RR. Regulatory Flood Elevation (RFE): An elevation 1 foot above the BFE for a Watercourse for which the BFE has been determined (and determined by the criteria developed by the Director of ADWR for all other Watercourses).

SS. Regulatory Floodway: The channel of a river or other Watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the Water Surface Elevation more than a designated height.

TT. Remedy a Violation: To bring the Structure or other Development into compliance with state or local Floodplain Management Regulations, or (if this is not possible) to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the Structure or other affected Development from Flood damages, implementing the enforcement provisions of this Chapter (or otherwise deterring future similar violations), or reducing state or federal financial exposure with regard to the Structure or other Development.

UU. Riverine: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

VV. Sheet Flow Area: See “Area of Shallow Flooding.”

WW. Special Flood Hazard Area (SFHA): An area in the Floodplain subject to a 1% or greater chance of Flooding in any given year. It is shown on a FBFM or FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

XX. Start of Construction: the date a Building permit is issued (provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days from the date of the permit). The actual start means either the first placement of permanent construction of a Structure on a site (such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation), or the placement of a Manufactured Home on a foundation. Permanent construction does not include land preparation (such as clearing, grading, and filling), nor does it include the installation of streets and/or walkways, excavation for a Basement, footings, piers, or foundations (or the erection of temporary forms), or installation on the property of accessory Buildings (such as garages or sheds not occupied as dwelling units or not part of the main Structure). For a Substantial Improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building.

YY. Structure: A walled and roofed Building that is principally above ground (including a gas or liquid storage tank or Manufactured Home).

ZZ. Substantial Damage: Damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its before-damaged condition would equal or exceed fifty percent (50%) of the Market Value of the Structure before the damage occurred.

AAA. Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a Structure, the cost of which equals or exceeds 50% of the Market
Value of the Structure before the Start of Construction. This term includes Structures which have incurred Substantial Damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a Structure to correct existing Violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a Historic Structure, provided that the alteration will not preclude the Structure’s continued designation as a Historic Structure.

BBB. Variance: A grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

CCC. Violation: The failure of a Structure or other Development to be fully compliant with the Community’s Floodplain Management Regulations. A Structure or other Development without the elevation certificate, other certifications, or other evidence of compliance required in this Chapter is presumed to be a Violation until such time as that documentation is provided.

DDD. Water Surface Elevation: The height, in relation to the NGVD of 1929, NAVD of 1988, or other datum, of Floods of various magnitudes and frequencies in the Floodplains of coastal or Riverine areas.

EEE. Watercourse: A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which Substantial Flood Damage may occur.

(Ord. No. 19, Enacted, 01/24/80; Ord. No. 69, Ren&Amd, 04/29/82, 15-01-010; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-02-010; Ord. No. 375, Renumbered, 12/28/95, 12-02; Ord. No. 671, Rep&ReEn, 09/28/06)
**Article 12-03  GENERAL PROVISIONS**

12-03-010 Application of Chapter.

This Chapter shall apply to all Areas of Special Flood Hazards within the corporate limits of the Town.

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-03-010; Ord. No. 671, Rep&ReEn, 09/28/06)

12-03-020 Basis for Establishing Areas of Special Flood Hazard.

The Areas of Special Flood Hazard identified by FEMA in the “FIS and FIRMs for Yavapai County, AZ and Incorporated Areas” dated June 6, 2001, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Chapter. This FIS and attendant mapping is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the Floodplain Board by the Floodplain Administrator. The Floodplain Board, within its area of jurisdiction, shall delineate (or may, by rule, require developers of land to delineate) areas where Development is ongoing or imminent and, thereafter (as Development becomes imminent) Floodplains consistent with the criteria developed by FEMA and the Director of ADWR. The FIS and FIRM panels are available through the Town’s Department of Public Works, 7501 E. Civic Circle, Prescott Valley, Arizona.

(Ord. No. 19, Enacted, 01/24/80; Ord. No. 69, Ren&Amd, 04/29/82, 15-01-030; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-03-020; Ord. No. 671, Rep&ReEn, 09/28/06)

12-03-030 Compliance.

All Development of land, construction of residential, commercial or industrial Structures, or future Development within delineated Floodplain areas is subject to the terms of this Chapter and other applicable regulations.

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-03-030; Ord. No. 671, Rep&ReEn, 09/28/06)
12-03-040 Abrogation and Greater Restrictions.

This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where this Chapter and other applicable regulations, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-03-040; Ord. No. 671, Rep&ReEn, 09/28/06)

12-03-050 Interpretation.

In the interpretation and application of this Chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the actions of the Governing Body; and

C. Deemed neither to limit nor repeal any other powers granted under applicable state and federal statutes and regulations.

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-03-050; Ord. No. 671, Rep&ReEn, 09/28/06)

12-03-060 Disclaimer of Liability.

The degree of Flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger Floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the Areas of Special Flood Hazards or uses permitted within such areas will be free from Flooding or Flood damages. This Chapter shall not create liability on the part of the Town, any officer or employee thereof, the State of Arizona, or FEMA for any Flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-03-060; Ord. No. 671, Rep&ReEn, 09/28/06)

12-03-070 Statutory Exceptions.

A. In accordance with ARS §48-3609(H) (as amended), unless expressly provided this Chapter and any regulation adopted pursuant to this Chapter do not affect:

1. Existing legal uses of property or the right to continuation of such legal uses. However, if a nonconforming use of land or a Building or Structure is discontinued for twelve (12) months, or destroyed to the extent of fifty percent (50%) of its value (as determined by a competent appraiser), any
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further use shall comply with this Chapter and related Floodplain Management Regulations;

2. Reasonable repair or alteration of property for the purposes for which the property was legally used on May 29, 1982 (or other date any regulations affecting such property take effect), except that any alteration, addition or repair to a nonconforming Building or Structure which would result in increasing its Flood damage potential by 50% or more shall be either Floodproofed or elevated to or above the RFE;

3. Reasonable repair of Structures constructed with the written authorization required by ARS §48-3613 (as amended); and

4. Facilities constructed or installed pursuant to a Certificate of Environmental Compatibility issued pursuant to ARS Title 40, Chapter 2, Article 6.2 (as amended).

B. Before any authorized construction begins for the exceptions listed below, the responsible person must submit plans for the construction to the Floodplain Board for review and comment. In accordance with ARS §48-3613 (as amended), written authorization shall not be required for (nor shall the Floodplain Board prohibit):

1. The construction of bridges, culverts, dikes and other Structures necessary to the construction of public highways, roads and streets intersecting or crossing a Watercourse;

2. The construction of storage dams for watering livestock or wildlife, or Structures on banks of a Watercourse to prevent Erosion of or damage to adjoining land (if the Structure will not divert, retard or obstruct the natural channel of the Watercourse or dams for the conservation of floodwaters as permitted by ARS Title 45, Chapter 6 (as amended));

3. Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations that will divert, retard or obstruct the flow of waters in any Watercourse from complying with and acquiring authorization from the Floodplain Board pursuant to regulations adopted by the Floodplain Board under this Chapter;

4. Other construction upon determination by the Floodplain Board that written authorization is unnecessary;

5. Any flood control district, county, city, town or other political subdivision from exercising powers granted to it under ARS Title 48, Chapter 21, Article 1 (as amended);

6. The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision; and
7. The construction and erection of poles, towers, foundations, support structures, guy wires and other facilities related to power transmission as constructed by any utility (whether a public service corporation or a political subdivision).

C. In addition to other penalties or remedies otherwise provided by law, this state, a political subdivision or a Person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation or Obstruction of a Watercourse has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any Person from violating or continuing to violate this Chapter or regulations adopted pursuant to this Chapter. If a Person is found to be in violation of this Chapter, the court shall require the violator to either comply with this Chapter or remove the Obstruction and restore the Watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the Violation (including reasonable costs and attorney fees).

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Renumbered, 05/26/88, 15-03-070; Ord. No. 671, Rep&ReEn, 09/28/06)

12-03-080 Unlawful Acts.

A. It is unlawful for a person to engage in any Development or to divert, retard or obstruct the flow of waters in a Watercourse if it creates a hazard to life or property without securing the written authorization required by ARS §48-3613 (as amended). Where the Watercourse is a delineated Floodplain, it is unlawful to engage in any Development affecting the flow of waters without securing written authorization required by ARS §48-3613 (as amended).

B. Any person found guilty of violating any provision of this Chapter shall be guilty of a class 1 misdemeanor. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Renumbered, 05/26/88, 15-03-100; Ord. No. 671, Renumbered, 09/28/06, 12-03-100)

12-03-090 Declaration of Public Nuisance.

All Development located or maintained within any Area of Special Flood Hazard after May 29, 1982, in violation of this Chapter, is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Renumbered, 05/26/88, 15-03-080; Ord. No. 671, Renumbered, 09/28/06, 12-03-080)

12-03-100 Abatement of Violations.

Within sixty (60) days of discovery of a Violation of this Chapter, the Floodplain Administrator
shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to said Violation. Within thirty (30) days of receipt of this report, the Floodplain Board shall:

A. Take any necessary action to effect the abatement of or otherwise remedy such Violation; or

B. Issue a Variance to this Chapter in accordance with the provisions of Article 12-06 herein (as amended); or

C. Order the owner of the property upon which the Violation exists to provide whatever additional information may be required for the Board’s determination. Such information must be provided to the Floodplain Administrator within 60 days of such order and the Floodplain Administrator shall submit an amended report to the Floodplain Board within 30 days after the information is provided. At the next regularly-scheduled public meeting that is no sooner than one (1) week after receiving the report, the Floodplain Board shall either order the abatement of said Violation or they shall grant a Variance in accordance with the provisions of Article 12-06 herein (as amended); or

D. Submit to FEMA a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 (as amended).

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-03-090; Ord. No. 671, Renumbered, 09/28/06, 12-03-090)

12-03-110 Severability.

This Chapter and the various parts thereof are hereby declared to be severable. Should any Article, Section or Subsection of this Chapter be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole or any portion thereof other than the Article, Section or Subsection so declared to be unconstitutional or invalid.

(Ord. No. 671, Enacted, 09/28/06)
Article 12-04  ADMINISTRATION

12-04-010  Designation of Floodplain Administrator.

The manager of the Town’s engineering department or division is hereby designated as the Floodplain Administrator to administer, implement and enforce this Chapter by granting or denying Development permits in accordance with its provisions.

(Ord. No. 671, Enacted, 09/28/06)

12-04-020  Duties and Responsibilities of Floodplain Administrator.

Duties of the Floodplain Administrator shall include (but not be limited to):

A. PERMIT REVIEW. Reviewing all Development permits to determine that:

1. The permit requirements of this Chapter have been satisfied;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from Flooding; and
4. The proposed Development does not adversely affect adjoining property or the carrying capacity of the Floodway across the property on which Development is proposed. For purposes of this Chapter, “adversely affect” means that the cumulative effect of the proposed Development (when combined with all other existing and anticipated or potential Development) will not increase the Water Surface Elevation of the Base Flood more than one (1) foot at any point. It further means any -

   a. rise in the Water Surface Elevation of the Base Flood to within two (2) feet or less of the Lowest Floor of any existing Structure on adjoining property (without the written consent of the owner of the adjoining property); or

   b. encroachment of the Base Flood water surface boundary to within twenty (20) feet of any existing Structure on adjoining property (without the written consent of the owner of the adjoining property).

B. SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE PROCEDURES.

1. Developing detailed procedures for identifying and administering requirements for Substantial Improvement and Substantial Damage (to include defining
2. Assuring procedures are coordinated with other Community departments and divisions and implemented by Community staff.

C. USE OF OTHER BASE FLOOD DATA. When BFE data has not been provided in accordance with Section 12-03-020 herein (as amended), obtaining, reviewing and reasonably utilizing any BFE data available from a federal, state or other source in order to administer Article 12-05 herein (as amended). Any such information shall be consistent with the requirements of FEMA and the Director of ADWR, and shall be submitted to the Floodplain Board for adoption.

D. RECORDS FOR PUBLIC INSPECTION. Obtaining and maintaining for public inspection:

1. The certified RFE required in Subsection 12-05-010(C) herein (as amended);
2. The Floodproofing certification required in Subsection 12-05-010(C) herein (as amended);
3. The Flood vent certification required in Subsection 12-05-010(C) herein (as amended);
4. The elevation certification required for additional Development standards, including subdivisions, in Subsection 12-05-040(A) (as amended);
5. The Floodway encroachment certification required in Subsection 12-05-070(A) herein (as amended);
6. A record of all Variance actions, including justification for their issuance (while reporting all such Variances in the biennial report submitted to FEMA); and
7. Improvement calculations.

E. NOTIFICATION OF OTHER ENTITIES.

1. Whenever a Watercourse is to be altered or relocated -
   a. Notifying adjacent Communities and ADWR prior to such alteration or relocation, and submitting evidence of such notification to FEMA through appropriate notification means; and
   b. Assuring that the Flood carrying capacity of the altered or relocated portion of said Watercourse is maintained.

2. Whenever BFEs and rates of flow change due to physical alterations -
   a. As soon as practicable (but not later than six (6) months after the date such information becomes available), notifying FEMA of the changes by submitting technical or scientific data in accordance with 44 CFR Section 65.3 (as amended). Such a submission is necessary so that,
upon confirmation of those physical changes affecting Flooding conditions, risk premium rates and Floodplain Management requirements will be based upon current data; and

b. Within one hundred twenty (120) days after completion of construction of any Flood control protective works which changes the rate of flow during the Flood or the configuration of the Floodplain upstream or downstream from (or adjacent to) the project, ensuring that the person or agency responsible for installation of the project provides to the Governing Bodies of all jurisdictions affected by the project a new delineation of all Floodplains affected by the project. The new delineation shall be done according to criteria adopted by the Director of ADWR.

3. Whenever corporate boundaries change -

a. Notifying FEMA and ADWR of acquisition by means of annexation, incorporation or otherwise of additional areas of jurisdiction.

F. MAP DETERMINATIONS. Making interpretations (where needed) as to the exact location of the boundaries of the Areas of Special Flood Hazards (i.e., where there appears to be a conflict between a mapped boundary and actual field conditions). The Person contesting the location of the boundary shall submit a study completed by a civil engineer registered in the State of Arizona and shall be given a reasonable opportunity to appeal the interpretation as provided in Article 12-06 herein (as amended). In the event said study relocates the boundary of a SFHA and this boundary relocation (or any subsequent proposed Development) impacts any adjoining existing property or Development, special requirements to minimize or eliminate said impacts may be made a condition of any approved Development permit.

G. REMEDIAL ACTIONS. Taking remedial actions on Violations of this Chapter as set forth in Section 12-03-100 herein (as amended).

H. BIENNIAL REPORT. Completing and submitting a biennial report to FEMA.

(Ord. No. 19, Enacted, 01/24/80; Ord. No. 69, Ren&Amd, 04/29/82, 15-01-020, 040 & 090; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-04-020; Ord. No. 671, Rep&ReEn, 09/28/06)

12-04-030 Establishment of Development Permit.

A. A Development permit shall be obtained before construction or Development begins (including placement of Manufactured Homes) within designated Floodplains. Application for a Development permit shall be made on forms furnished by the Floodplain Administrator and may include (but not be limited to) plans drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, applications shall show:

1. Proposed elevation in relation to Mean Sea Level of the Lowest Floor (including
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Basement) of all Structures. In Zone AO, elevation of existing Highest Adjacent Grade and proposed elevation of Lowest Floor of all Structures;

2. Proposed elevation in relation to Mean Sea Level to which any non-residential Structure will be Floodproofed;

3. Certification by a civil engineer registered in the State of Arizona that the Floodproofing methods for any non-residential Structure meet the Floodproofing criteria in Subsection 12-05-010(C) herein (as amended);

4. BFE data for subdivision proposals (or other Development greater than fifty (50) lots or five (5) acres); and

5. Description of the extent to which any Watercourse will be altered or relocated as a result of proposed Development.

B. Notwithstanding Subsection 12-04-030(A) herein (as amended), construction or Development within SFHAs is prohibited and no permit shall be issued therefor. No Structure shall be built and no fill or other material that will alter or relocate the flow of water shall be placed within the boundary of any SFHA.

C. Nothing herein shall preclude persons from obtaining from FEMA Letters of Map Revision (LOMR) or Letters of Map Amendment (LOMA) removing property from an SFHA. Only after the Town receives a copy of the final LOMR or LOMA (as the case may be) may a Development permit for said property be issued.

D. Accessory Buildings as defined in Subsection 13-02-010(B)(3) herein (as amended) may be located on property located within SFHAs which is immediately adjacent to property located entirely outside of the SFHA which is under the same ownership or for which an accessory use is permitted under Section 13-21-080 herein (as amended). Provided, however, that no Structures or Buildings would alter or relocate the Watercourse. In such cases, “breakaway fences” around the perimeter are permitted in the SFHA. A study completed by a civil engineer registered in the State of Arizona certifying to these provisions is required prior to issuing a Development permit under these circumstances.

E. It is understood that land susceptible to being inundated by water from any source which is located inside the boundary delineated by the 1989 ADWR study is a Flood Prone Area equivalent to a Zone A. Therefore, a Development permit must be obtained before construction or Development within said Area. A study completed by a civil engineer registered in the State of Arizona certifying to these provisions will be required prior to the issuance of a Development permit under these circumstances.

(Ord. No. 19, Enacted, 01/24/80; Ord. No. 69, Ren&Amd, 04/29/82, 15-01-050; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Renumbered, 05/26/88, 15-04-010; Ord. No. 671, Renumbered, 09/28/06, 12-04-010)
Article 12-05 PROVISIONS FOR FLOOD HAZARD REDUCTION

12-05-010 Standards of Construction.
12-05-020 Standards for Storage of Materials and Equipment.
12-05-030 Standards for Utilities.
12-05-040 Standards for Subdivisions.
12-05-050 Standards for Manufactured Homes.
12-05-060 Standards for Recreational Vehicles.
12-05-070 Floodways.

12-05-010 Standards of Construction.

In all Floodplain or Flood-prone Areas, the following standards are required:

A. Anchoring.
   1. All New Construction and Substantial Improvements shall be anchored to prevent flotation, collapse or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads (including the effects of buoyancy); and
   2. All Manufactured Homes shall meet the anchoring standards of Subsection 12-05-050(B) herein (as amended).

B. Construction Materials and Methods.
   1. All New Construction and Substantial Improvements shall be constructed with materials and utility equipment resistant to Flood damage;
   2. All New Construction and Substantial Improvements shall be constructed using methods and practices that minimize Flood damage;
   3. All New Construction, Substantial Improvements and other proposed new Development shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of Flooding; and
   4. Within Zones AH or AO, adequate drainage paths shall be constructed around Structures on slopes to guide floodwaters around and away from proposed Structures.

C. Elevation and Floodproofing.
   1. Residential Construction. Residential construction (new or Substantial Improvements), shall have the Lowest Floor (including Basement) -
      a. In an AO Zone, elevated to or above the RFE or elevated at least two (2)
feet above the Highest Adjacent Grade if no depth number is specified;

b. In an A Zone where a BFE has not been determined, elevated to or above the RFE or elevated in accordance with criteria developed by the Director of ADWR; and

c. In Zones AE, AH and A1-30, elevated to or above the RFE.

Upon completion of the Structure, the elevation of the Lowest Floor (including Basement) shall be certified by a civil engineer registered in the State of Arizona and verified by the Community’s building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. **Non-residential Construction.** Non-residential construction (new or Substantial Improvements) shall either be elevated to conform with this Subsection 12-05-010(C) (as amended) or, together with attendant utility and sanitary facilities,

a. Be Floodproofed below the elevation recommended under this Subsection 12-05-010(C) (as amended) so that the Structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a civil engineer registered in the State of Arizona that the standards of this Section 12-05-010 (as amended) are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. **Flood Openings.** All New Construction and Substantial Improvements with fully-enclosed areas below the Lowest Floor (excluding Basement) that are usable solely for parking of vehicles, Building access or storage (and which are subject to Flooding) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following criteria:

a. A minimum of 2 openings on different sides of each enclosed area (having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to Flooding). The bottom of all openings shall be no higher than 1 foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or

b. If not feasible or desirable to meet the openings criteria stated above, openings as designed and certified by a civil engineer registered in the State of Arizona.
4. **Manufactured Homes.** Manufactured Homes shall also meet the standards in Section 12-05-050 herein (as amended).

5. **Garages and Accessory Structures (low cost and small).**
   
a. **Attached Garages.**
   
   1) A garage attached to a residential Structure, constructed with the garage floor slab below the RFE, must be designed to allow for the automatic entry of floodwaters. See Subsection 12-05-010(C) herein (as amended). Areas of the garage below the RFE must be constructed with Flood resistant materials. See Subsection 12-05-010(B) herein (as amended); and
   
   2) A garage attached to a non-residential Structure must meet the above requirements or be dry Floodproofed.

b. **Detached Garages and Accessory Structures (low cost and small).**
   
   1) Detached garages used solely for parking 2 cars or fewer, or Accessory Structures (low cost and small) may be constructed such that their floor is below the RFE (provided the Structure is designed and constructed in accordance with the following requirements):
      
      a) The detached garage must be limited to parking and the Accessory Structures (low cost and small) must be limited to storage;
      
      b) The portions of the detached garages or Accessory Structure (low cost and small) located below the RFE must be built using Flood resistant materials;
      
      c) The detached garage or Accessory Structure (low cost and small) must be adequately anchored to prevent flotation, collapse and lateral movement;
      
      d) Any mechanical and utility equipment in the detached garage or Accessory Structure (low cost and small) must be elevated or Floodproofed to or above the RFE;
      
      e) The detached garage or Accessory Structure (low cost and small) must comply with Floodplain encroachment provisions in Section 12-05-070 herein (as amended); and
      
      f) The detached garage or Accessory Structure (low cost and small) must be designed to allow for the automatic entry of floodwaters in accordance with Subsection 12-05-010(C) herein (as amended).
2) Detached garages and Accessory Structures (low cost and small) not meeting the above standards must be constructed in accordance with all applicable standards in this Section 12-05-010 (as amended).

(Ord. No. 19, Enacted, 01/24/80; Ord. No. 69, Ren&Amd, 04/29/82, 15-01-060; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-05-010; Ord. No. 671, Rep&ReEn, 09/28/06)

12-05-020 Standards for Storage of Materials and Equipment.

A. The storage or processing of materials that could be injurious to human, animal or plant life if released due to damage from Flooding is prohibited in Floodplain or Flood-prone Areas.

B. Storage of other materials or equipment may be allowed in Floodplain or Flood-prone Areas if not subject to damage by Floods and if firmly anchored to prevent flotation (or if readily removable from the area within the time available after Flood warning).

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Renumbered, 05/26/88, 15-05-020; Ord. No. 671, Rep&ReEn, 09/28/06)

12-05-030 Standards for Utilities.

A. All new or replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during Flooding.

C. Waste disposal systems shall not be installed wholly or partially in a Regulatory Floodway.

(Ord. No. 19, Enacted, 01/24/80; Ord. No. 69, Ren&Amd, 04/29/82, 15-01-080; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Renumbered, 05/26/88, 15-05-030; Ord. No. 671, Rep&ReEn, 09/28/06)

12-05-040 Standards for Subdivisions.

A. All new subdivision proposals and other proposed Developments (including proposals for Manufactured Home Parks and Subdivisions) greater than fifty (50) lots or five (5) acres (whichever is the lesser) shall:

1. Identify all areas subject to the Base Flood and the elevation of the Base Flood in those areas; and

2. Provide that no construction or Development occurs within SFHAs except as otherwise provided in this Chapter.
B. All new subdivision proposals and other proposed Developments shall be consistent with the need to minimize Flood damage.

C. All new subdivision proposals and other proposed Developments shall have public utilities and facilities (i.e. sewer, gas, electrical and water) located and constructed to minimize Flood damage.

D. All new subdivision proposals and other proposed Developments shall provide adequate drainage to reduce exposure to Flood hazards.

(Ord. No. 19, Enacted, 01/24/80; Ord. No. 69, Ren&Amd, 04/29/82, 15-01-070; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Renumbered, 05/26/88, 15-05-040; Ord. No. 671, Rep&ReEn, 09/28/06)

12-05-050 Standards for Manufactured Homes.

All Manufactured Homes that are placed on site or receive Substantial Improvement shall:

A. Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances (whichever is lower) is at or above the RFE; and

B. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring may include (but are not limited to) use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Renumbered, 05/26/88, 15-05-050; Ord. No. 671, Rep&ReEn, 09/28/06)

12-05-060 Standards for Recreational Vehicles.

All Recreational Vehicles placed on site shall:

A. Be on site for fewer than one hundred eighty (180) consecutive days; or

B. Be fully-licensed and ready for highway use. A Recreational Vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

C. Meet the permit requirements of Article 12-04 herein (as amended) and the elevation and anchoring requirements for Manufactured Homes in Section 12-05-050 herein (as amended).

(Ord. No. 671, Enacted, 09/28/06)

12-05-070 Floodways.
Located within Areas of Special Flood Hazard established in Section 12-03-020 herein (as amended) are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and Erosion potential, Encroachments (including, but not limited to, fill, New Construction, Substantial Improvements and other Development) are prohibited.

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Ren&Amd, 03/26/87, 15-05-050; Ord. No. 178, Renumbered, 05/26/88, 15-05-060; Ord. No. 671, Renumbered, 09/28/06, 12-05-060)
Article 12-06 VARIANCE PROCEDURE

12-06-010 Nature of Variances.

A. The Variance criteria set forth in this Article 12-06 (as amended) are based on the general principle of zoning law that Variances pertain to a parcel of property and are not personal in nature. A Variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this Chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not shared by adjacent parcels. The unique characteristics must pertain to the land itself, not to Structures, inhabitants or property owners.

B. It is the duty of the Town Council (serving as the Floodplain Board) to avoid Program Deficiencies and thereby help protect the citizens of the Town from Flooding. This need is so compelling (and the implications of the cost of insuring a Structure built below the RFE are so serious) that Variances from the flood elevation or from other requirements in this Chapter are quite rare. The long-term goal of preventing and reducing Flood loss and damage can only be met if Variances are strictly limited. Therefore, the Variance guidelines provided in this Article 12-06 (as amended) are more detailed and contain multiple provisions that must be met before a Variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a Variance are more appropriate.

(Ord. No. 671, Enacted, 09/28/06)

12-06-020 Appeal Board.

A. The Floodplain Board shall hear and decide appeals and requests for Variances from the requirements of this Chapter.

B. The Floodplain Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

C. In passing upon such applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other Articles and Sections of this Chapter, and:

1. The danger that floodwaters or materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to Flooding or Erosion damage;

3. The susceptibility of the proposed facility and its contents to Flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the Community;

5. The necessity to the facility of a waterfront location (where applicable);

6. The availability of alternative locations for the proposed use which are not subject to Flooding or Erosion damage;

7. The compatibility of the proposed use with existing and anticipated Development;

8. The relationship of the proposed use to the comprehensive plan and Floodplain management program for that area;

9. The safety of access to the property in time of Flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and

11. The costs of providing governmental services during and after Flood conditions, including (but not limited to) maintenance and repair of public utilities and facilities (e.g. sewer, gas, electrical, and water), streets and bridges.

D. Upon consideration of the factors of this Subsection 12-06-020(C) (as amended) and the purposes of this Chapter, the Floodplain Board may attach such conditions to the granting of any Variance as it deems necessary to further the purposes of this Chapter.

E. Any applicant to whom a Variance is granted shall be given written notice over the signature of a Community official that:

1. The issuance of a Variance to construct a Structure below the Base Flood level will result in increased premium rates for Flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage;

2. Construction below the Base Flood level increases risks to life and property; and

3. The land upon which the Variance is granted shall be ineligible for exchange of state land pursuant to the Flood relocation and land exchange program provided by ARS Title 26, Chapter 2, Article 2 (as amended).

A copy of the notice shall be recorded in the office of the Yavapai County Recorder and shall be recorded in a manner that it appears in the chain of title of the affected
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parcel of property.

F. The Floodplain Administrator shall maintain a record of all Variance actions, including the justification for their issuance. The Floodplain Administrator shall also report any Variances issued in the Community’s biennial report to FEMA.

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Ren&Amd, 05/26/88, 15-06-010; Ord. No. 671, Renumbered, 09/28/06, 12-06-010)

12-06-030 Conditions for Variances.

A. Generally, variances may be issued for New Construction and Substantial Improvements to be erected on a parcel of one-half acre (or less) in size, contiguous to and surrounded by parcels with existing Structures constructed below the BFE, provided the procedures in Articles 12-04 and 12-05 herein (as amended) have been fully considered. As the parcel size increases beyond one-half acre, the technical justification required for issuing the Variance increases.

B. Variances may be issued for the repair, rehabilitation or restoration of Structures listed in the National Register of Historic Places or a state inventory of historic places, upon a determination that the proposed repair or rehabilitation will not preclude the Structures’ continued designation as a Historic Structure and the Variance is the minimum necessary to preserve the historic character and design of the Structure.

C. Variances shall not be issued for property located primarily within a designated Floodway.

D. Variances shall only be issued upon a determination that the Variance is the minimum necessary (considering the Flood hazard) to afford relief.

E. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;

2. Determination that failure to grant the Variance would result in exceptional Hardship to the applicant;

3. Showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This only includes Functionally Dependent Uses; and

4. Determination that the granting of a Variance will not result in increased Flood heights, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public or conflict with existing local laws or ordinances.

(Ord. No. 69, Enacted, 04/29/82; Ord. No. 124, Rep&ReEn, 12/19/85; Ord. No. 146, Rep&ReEn, 03/26/87; Ord. No. 178, Renumbered, 05/26/88, 15-06-020; Ord. No. 671, Renumbered, 09/28/06, 12-06-020)
CHAPTER 12a  STORMWATER REGULATION

Article 12a-01  GENERAL
Article 12a-02  ENFORCEMENT
Article 12a-03  REGULATORY REFERENCES AND EDUCATION
Article 12a-01  GENERAL

12a-01-010  Findings of Fact
Illicit discharges of stormwater occur to the municipal separate storm sewer system (MS4) from residential, business, industrial or commercial facilities. This often results in contaminated stormwater, wastes or wastewater entering into receiving waters without treatment. This, in turn, may negatively impact public health and welfare, and the environment. Because treatment is difficult to provide, the regulatory focus is on avoiding such discharges in the first place. And, because illicit discharges from facilities may be inadvertent, any program of regulating such discharges by the Town of Prescott Valley to its MS4 must include a strong educational component along with regulation and enforcement.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-020  Purpose and Intent.
A. The purpose of this Chapter is to provide for health, safety, and general welfare within the Town through the regulation of non-stormwater discharges to the MS4 to the maximum extent practicable (MEP) as required by federal and state law. To that end, this Chapter requires that unless expressly authorized or exempted no person shall cause, participate in, or allow discharge to the MS4 of any substance not composed entirely of stormwater. This Chapter establishes authority for designated Town personnel to conduct and require inspection, monitoring, reporting, enforcement and education activities to identify, prevent and remediate illicit discharges to the MS4.

B. It is the intent of this Chapter to comply with Arizona pollutant discharge elimination system (AZPDES) regulations for stormwater discharges, to be consistent with the stormwater quality provisions of the Clean Water Act (33 U.S.C. §1151 et seq.), and to otherwise enable the Town to comply with all applicable stormwater quality provisions of federal, state, and local laws and regulations to ensure the health, safety, and general welfare of the citizens and protect and preserve the local environment.

12a-01-030  Definitions
12a-01-040  Applicability
12a-01-050  Responsibility for Administration
12a-01-060  Severability
12a-01-070  Discharge Prohibitions
12a-01-080  Allowable Non-Stormwater Discharges
12a-01-090  Plan Review, Inspections, Access and Reports
12a-01-100  Temporary Suspension of MS4 Access
12a-01-110  Industrial or Construction Activity Discharges
12a-01-120  Interim Suspension Due to Detection of Illicit Discharge
12a-01-130  Watercourse Protection
12a-01-140  Notification of Spills
C. Because the standards promulgated by this Chapter are minimum standards, it is not intended or implied that compliance with the specific provisions hereof will ensure that there is no actual contamination, pollution, or unauthorized discharge of pollutants.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-030 Definitions.

The following definitions apply to this Chapter.

Arizona Department of Environmental Quality (ADEQ): The Arizona state agency established pursuant to A.R.S. §49-102 (as amended).

Arizona Pollutant Discharge Elimination System (AZPDES): The program established by the State of Arizona by provisions in A.R.S. Title 49, Chapter 1, Article 3.1 (as amended) to control the discharge of pollutants to waters in Arizona.

AZPDES General Permit: A general permit issued by ADEQ under authority delegated by EPA pursuant to 33 U.S.C. §1342(b) (as amended).

Best Management Practices (BMPs): Activities, processes, devices, prohibitions, maintenance procedures, and management practices to prevent or reduce the discharge of pollutants to the MS4. BMPs include treatment requirements, operating procedures, design requirements, and practices to control runoff, spillage, leaks, waste disposal or pollution through stormwater flows.

Combined Sewer: Any enclosed sewer system that conveys both wastewater and stormwater flows.

Construction General Permit: A permit issued by the permitting authority that allows discharges of stormwater from construction activities as defined in C.F.R. §122.26 (as amended).

Construction Site Operator: The primary operator of construction activities at a site within the corporate limits of the Town.

CWA: Clean Water Act or Federal Pollution Control Act (22 U.S.C. 1251 et seq.) (as amended).

Designee: Any person designated for a specific regulatory purpose under the provisions of this Chapter by the person or official otherwise explicitly named in the provision.

Discharge: Any spilling, leaking, pumping, pouring, emitting, emptying, injecting, placing, releasing, leaching, dumping, flowing or disposing of a substance on or in any land (including, without limitation, any natural or constructed features, improvements, or collections of waters on or in the surface or subsurface of land).

EPA: The United States Environmental Protection Agency.
Erosion: The wearing away of land due to the actions of water, other liquid, and/or wind.

Facility: Any land, building, installation, structure, equipment, device, conveyance, area, source, activity or practice from which there is, or with reasonable probability may be, a discharge.

Illicit Connection: Any man-made conveyance that discharges an illicit discharge to the MS4.

Illicit Discharge: Any discharge to the MS4 that is not composed entirely of stormwater (except any such discharges that may be expressly allowed under AZPDES Permit No. AZG2002-002).

Maximum Extent Practicable (MEP): The technology-based discharge standard for MS4s to reduce pollutants in stormwater discharges. A discussion of MEP as it applies to small MS4s is found at 40 C.F.R. 122.34 (as amended). CWA §402(p)(3)(B)(iii) (as amended) requires that any municipal stormwater permit require controls to reduce the discharge of pollutants to the MEP (which includes BMPs, control techniques and system designs, engineering methods and other provisions that the State of Arizona determines appropriate for the control of such pollutants).

Municipal Separate Storm Sewer System (MS4): Any publicly-owned conveyance or system of conveyances (including, but not limited to, a public storm drain system but not a combined sewer or POTW) designed or used for collecting or conveying stormwater.

Municipal Stormwater Permit: The AZPDES Stormwater Permit for discharge from small MS4s to waters of the United States. This permit is issued by ADEQ under authority delegated from EPA pursuant to 33 U.S.C. 1342(b) (as amended).

Non-Stormwater Discharges: Any discharge that does not consist entirely of stormwater.

National Pollutant Discharge Elimination System (NPDES): A permit issued by EPA or by a state under authority delegated pursuant to 33 U.S.C. §1342(b) (as amended).

Notice of Intent (NOI): A document submitted to the permitting authority in order to obtain coverage under a construction general permit.

Permitting Authority: The NPDES-authorized state agency or EPA regional office that administers the NPDES stormwater permit program.

Person: Any individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, partnership, association, state, political subdivision, or commission (including the United States government, any federal facility, interstate body or similar entity).

Pollutant: Anything that causes or contributes to pollution. Pollutants may include, but are expressly not limited to, contaminants, toxic wastes, chemicals, petroleum products, biological materials, wrecked or discarded equipment, rocks, sand, paints, varnishes and solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter, other discarded or abandoned objects, floatables, pesticides,
herbicides, fertilizers, hazardous substances and wastes, heat, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, wastes and residues that result from constructing a building or structure, noxious or offensive matter of any kind, or any other liquid, solid, gaseous or hazardous substance.

Pollution: The alteration of the physical, thermal, chemical, or biological quality of (or the contamination of) any water of the State of Arizona or waters of the United States, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water(s) for any lawful or reasonable purpose.

Publicly-Owned Treatment Works (POTW): Any device or system used in the treatment (including recycling and reclamation) of wastewater (including municipal sewage or industrial wastes of a liquid nature) owned by a state or municipality. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

Public Storm Drain System: All or any part of the publicly-owned and maintained roads, streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, and dry wells located within public easements, rights-of-way, parks, common areas, retention areas, or other publicly-owned or maintained real property designed or used for collecting, holding, treating, or conveying stormwater.

Receiving Waters: Any river, ocean, stream, or other watercourse into which wastewater, stormwater or treated effluent is discharged.

Stormwater: Any surface flow, runoff or drainage consisting entirely of water from any form of natural precipitation (and resulting from such precipitation) which originates from a facility.

Stormwater Management Plan (SWMP): A document which describes the BMPs and other activities to be implemented by the Town to identify and eliminate or reduce illicit connections and discharges to the MS4 to the MEP. This document may also be designated “Stormwater Quality Management Plan”.

Stormwater Pollution Prevention Plan (SWPPP): A document which describes the BMPs and other activities to be implemented by persons to identify and eliminate or reduce illicit connections and discharges from facilities to the MS4 (and/or receiving waters) to the MEP.

Town: Town of Prescott Valley, Arizona.

Wastewater: Any water or other liquid (not including uncontaminated stormwater) discharged from a facility.

Watercourse: Any body or collection of water (including, but not limited to, lakes, ponds, rivers, streams, and washes whether perennial, intermittent or ephemeral).

Waters of the United States: For purposes of the Clean Water Act (as determined by EPA), traditionally navigable waters and their tributaries which have at a minimum continuous seasonal flow or have a significant nexus regarding the chemical, physical or biological integrity of the navigable water. Generally, roadside ditches, small washes and gullies
characterized by low, infrequent, or low duration flows will not be considered waters of the United States.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-040 Applicability.

The provisions of this Chapter are applicable to all stormwater entering the MS4, waters of the United States, water of the State of Arizona, and watercourses originating from facilities within the Town limits (unless explicitly exempted by an AZPDES General Permit).

(Ord. No. 842, Enacted, 06/14/18)

12a-01-050 Responsibility for Administration.

Unless otherwise set forth in the provisions referenced in this Chapter, the Town Engineer shall administer, implement, and enforce the provisions of the Chapter. Designees may also exercise powers and perform duties under the provisions of this Chapter. In the case of overlapping authority regarding wastewater discharge as set forth in Town Code Chapter 13, the Town Utilities Director or designee may act on behalf of the Town Engineer.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-060 Severability.

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter (or the application thereof to any person, establishment, or circumstances) shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-070 Discharge Prohibitions.

A. All illicit connections and discharges to the MS4 are prohibited. These include (but are expressly not limited to):

1. Discharges that are a source of pollutants, including discharges through connections that are a source of pollutants.
2. Discharges of soil, rock, trash, garbage and other waste.
3. Discharges from commercial car washing, mobile car washing, or impervious surface pressure washing operations.
4. Discharges from concrete washing.
5. Discharges of oils, fuels, paints, greases.
6. Discharges of grit and sand from grinding.

7. Discharges from carpet cleaning.

8. Discharges of chlorinated water from spas, swimming pools and similar facilities.

9. Discharges resulting from misrepresentation of the nature of discharge on an application, a plan, permit or certification.

10. Discharges not disclosed on an application, plan, permit or certification.

11. Discharges of wastewater as defined in Town Code Chapter 13 and this Chapter.

12. Continuing discharges that have not been permitted by the Town.

B. The prohibition regarding illicit discharges includes, without limitation, continuing discharges from currently illicit connections that may have originally been permissible under law or practices applicable or prevailing at the time of construction.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-080 Allowable Non-Stormwater Discharges.

A. The following discharges are generally not deemed significant contributors of pollutants to the MS4 and are allowable non-stormwater discharges (unless determined in specific instances to contribute to a violation of the AZPDES General Permit or other permit(s)):

1. Water line flushing.

2. Landscape irrigation.

3. Diverted stream flows.

4. Rising ground waters.

5. Uncontaminated ground water infiltration.

6. Uncontaminated pumped groundwater.

7. Discharges from potable water sources.

8. Foundation drains.


10. Irrigation water.
11. Springs.
12. Water from crawl space pumps.
13. Footing drains.
14. Lawn watering.
15. Individual residential car washing.
16. Discharges from riparian habitats and wetlands.
17. De-chlorinated swimming pool and spa discharges.
18. Street wash water.
19. Discharges of flows from emergency firefighting activities.

B. Though discharges permitted under the AZPDES general permit are regulated by the State of Arizona, the Town may require persons to demonstrate that any particular discharge is subject to that permit. Discharges under separate permits issued by ADEQ are permitted so long as the permit conditions are adhered to.

C. It is the responsibility of persons discharging from any facility connected directly or indirectly to the MS4 to demonstrate through testing, records, plans, and other documents that the discharge is permitted under this Chapter.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-090 Plan Review, Inspections, Access and Reports.

A. Persons required to submit any grading, building, or other improvement plans under the Town Code shall disclose any illicit discharge, stormwater, or permitted non-storm water discharge of any type to the MS4 that may occur as a result of, or in conjunction with, implementation of the plans. To the extent the discharge would be an illicit discharge, the plan shall include BMPs to remove or prevent the illicit discharge during and after construction (and said BMPs shall be subject to approval of the Town Engineer).

B. Persons (including heirs and assigns) shall maintain any approved BMPs during and after construction. Any changes to approved BMPs shall be at least as effective in preventing pollution as the original BMPs and shall be timely disclosed to the Town Engineer. The Town Engineer may require adjustments to the proposed changes as necessary to assure that discharges to the MS4 are of a quantity and quality that will not result in violations of the Town’s stormwater permits.

C. Town representatives shall be granted reasonable access to all facilities discharging to the MS4.
D. Further development of parcels and/or lots, regardless of time elapsed, shall require use of current BMPs that are at least as effective as those identified in the original plans in complying with applicable regulations, laws, and codes. Any new State permits shall also be required.

E. Site-specific stormwater pollution prevention plans are required for all construction projects one acre or greater in size. Such plans shall identify minimum BMPs to be used upon further development of the project area.

1. Smaller areas may develop site-specific plans or provide a notice of intent to abide by the Town’s general stormwater pollution guidelines. The notice of intent shall be of a format approved by the Town Engineer and shall at a minimum contain the following:
   a. The name of the development (as applicable).
   b. The name of the property owner.
   c. The name of the person responsible for compliance with the pollution prevention plan.
   d. The anticipated time frame for constructing the project.
   e. A statement to be signed by the responsible person and the property owner stating:
      “The responsible person and the person owning the property for which this Notice of Intent is submitted agree to require that all construction work and related activity be conducted in accordance with the Prescott Valley Town Code and the requirements of the Town of Prescott Valley General Stormwater Pollution Prevention Guidelines. Such persons further understand that failure to meet the mentioned requirements will be sufficient cause for the Town to restrict or stop work on the property until the requirements are met. Such persons may also be subject to other actions under law.”

F. The Town Engineer shall develop, publish, and update from time to time general stormwater pollution guidelines. These guidelines shall, at a minimum, address pollution caused by soil erosion, motor oil, trash, and landscape debris.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-100 Temporary Suspension of MS4 Access.

A. The Town Engineer may, without prior notice, issue a written order temporarily suspending for up to ten (10) calendar days MS4 discharge access when such suspension is believed by him to be necessary to stop an actual or threatened discharge which presents (or may reasonably present) imminent and substantial danger to the environment or to the health or welfare of persons (or to the MS4).
Failure to comply with such a temporary suspension order shall be a civil offense and may be enforced by issuance of a citation under Town Code §1-08-020 (as amended).

B. In the event the imminent and substantial danger to the environment, or to the health or welfare of persons (or to the MS4) has not been resolved during the temporary suspension, the Town Engineer or designee may issue an order for further interim suspension as set forth in §12a-01-120 hereinafter.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-110 Industrial or Construction Activity Discharges.

A. Persons subject to industrial or construction activity AZPDES/NPDES stormwater discharge permits shall comply with all provisions of such permits and may reasonably be required by authorized Town representatives to show proof of such compliance.

B. Authorized Town representatives may enter and inspect facilities subject to regulation under applicable stormwater permits at reasonable times and as often as may be necessary to determine compliance with this Chapter.

1. If a discharger has security measures in effect which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to authorized Town representatives.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-120 Interim Suspension Due to Detection of Illicit Discharge.

A. As part of any enforcement action in accordance with Article 12a-02 hereinafter, any discharge to the MS4 may be suspended by written order filed as part of the enforcement action for the purpose of abating or reducing an allegedly illicit discharge during the pendency of the enforcement action.

1. Said order shall set forth the evidence for the illicit discharge and the basis for interim suspension and its commencement date.

B. An alleged violator may petition the Town Hearing Officer in writing to quash any interim suspension order issued by the Town Engineer as part of an enforcement action. The Hearing Officer shall hold a hearing to consider such petition within ten (10) working days after receipt thereof (unless the same is considered prior thereto as part of the adjudication of the underlying enforcement action).

C. Failure to comply with an un-quashed interim suspension order shall be a civil offense.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-130 Watercourse Protection.
A. Persons owning or leasing property through which a watercourse passes shall keep and maintain the portion of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.

B. Persons owning or leasing property on which privately-owned structures are found within or adjacent to a watercourse shall maintain those structures so as not to become a hazard to the use, function, or physical integrity of the watercourse.

1. All such maintenance activities must be in compliance with applicable federal, state and local regulations.

(Ord. No. 842, Enacted, 06/14/18)

12a-01-140 Notification of Spills.

Persons in control of facilities where chemical spills or releases may result in discharges not in compliance with this Chapter shall:

A. Ensure that a written stormwater pollution prevention plan or corrective action plan utilizing BMPs is in place for the facility.

B. Post notices to employees containing information about whom to contact and what procedures to follow in the event of an accidental discharge or spill.

C. In the event of a spill, promptly take all reasonable safety precautions including (where appropriate) calling 911 and completing the following steps:

1. Proceed with containment and clean up in accordance with:
   a. orders of an involved health and safety agency.
   b. orders of an authorized representative.
   c. the stormwater pollution prevention plan or approved corrective action plan using BMPs for the facility.

2. Notify the Town Engineer and ADEQ of the release by telephone before noon of the next working day.

3. Provide written notification to the Town Engineer, within five (5) working days, of the type, volume and cause of the discharge, corrective actions taken, and measures to be taken to prevent future occurrences.

(Ord. No. 842, Enacted, 06/14/18)
Article 12a-02  ENFORCEMENT

12a-02-010 Notice of Violation; Civil Citation
12a-02-020 Modification of Notices of Violation
12a-02-030 Abatement of Violations
12a-02-040 Injunctive Relief
12a-02-050 Violations Deemed Public Nuisance
12a-02-060 Remedies Not Exclusive

12a-02-010 Notice of Violation; Civil Citation.

A. Upon discovery of a violation of this Chapter, the Town Engineer or designee may issue to the violator a written notice stating:

1. Nature of the violation.
2. Corrective action required.
3. Time frame for corrective action.

The notice shall inform the owner or occupant that failure to comply with the terms of the notice may result in further enforcement action in accordance with Town Code Article 1-08.

B. The notice shall be served either by personal service or certified mail, upon the owner, the owner’s agent, the occupant or the lessee.

1. The notice may also be delivered by posting upon the facility at location(s) where it is likely to be seen.

C. The notice may also require the violator to:

1. Submit a corrective action plan to the Town Engineer indicating the cause of the violation, corrective actions to prevent recurrence, and a proposed compliance schedule.
2. Pay all costs of sampling and analysis, as well as costs for laboratory sample analysis.
3. Clean up any material that has left the property or has the potential to impact stormwater runoff, ensure that the cleanup has been completed, and make changes in operations to prevent future releases.
4. Obtain and pay for the services of a qualified person to oversee and certify that corrective actions needed to resolve the violation have been completed.
5. Prepare and implement a BMP plan to prevent stormwater pollution (regardless of other AZPDES/NPDES requirements).
6. Stop work on clearing, dredging, grading, excavating, storing, transporting, and/or filling of land, new construction, improvements, alterations, or additions.

7. Stop any activity that is in violation of this Chapter (including suspending any discharges to the MS4 as set forth in §12a-01-120 hereinabove).

8. Abate, within the time specified in the notice, any condition that is in violation of this Chapter.

9. Abate immediately any condition in violation of this Chapter that the Town Engineer determines presents an immediate threat to public health or safety, or to the environment.

D. With regard to any resulting BMP plan, the Town Engineer may approve BMPs submitted by the alleged violator or require an alternative plan utilizing BMPs specified by the Town Engineer.

E. It is a civil offense for any person to violate a written notice issued by the Town Engineer under this Section (or any related plans).

1. In the event the Town Engineer determines (in the Town Engineer’s sole discretion) that an alleged violator has violated a written notice (or any related plans), the Town Engineer or designee may pursue enforcement actions in accordance with Town Code Article 1-08 for the civil offense (including, but expressly not limited to, abatement).

F. If the Town Engineer determines (in the Town Engineer’s sole discretion) that the threat to public health or safety, to the environment, or to the MS4 is such that a prior written notice process will be ineffectual, nothing herein shall preclude the Town Engineer or designee from pursuing enforcement actions in accordance with Town Code Article 1-08 for the civil offense (including, but expressly not limited to, abatement) without a prior written notice process as set forth in this Section.

G. To the extent permitted by law, any penalties imposed against any violator in accordance with Town Code Article 1-08 shall include any damages, costs, fines and penalties incurred by the Town as a result of the violation.

(Ord. No. 842, Enacted, 06/14/18)

12a-02-020 Modification of Notices of Violation.

Nothing in §12a-02-010 hereinabove shall preclude the Town and alleged violators from reaching mutual written agreements with regard to modification of any notice of violation or related plans in order to avoid enforcement actions in accordance with Town Code Article 1-08.

(Ord. No. 842, Enacted, 06/14/18)
12a-02-030  Abatement of Violations.

Any abatement of a violation of this Chapter shall, in accordance with Town Code §1-08-060(B) (as amended), comply with A.R.S. §9-499 and other related Town Code provisions (all as amended).

(Ord. No. 842, Enacted, 06/14/18)

12a-02-040  Injunctive Relief.

If a person has violated or continues to violate any provisions of this Chapter, the Town may petition the Yavapai County Superior Court for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(Ord. No. 842, Enacted, 06/14/18)

12a-02-050  Violations Deemed Public Nuisance.

In addition to the enforcement processes and penalties provided hereinabove, if any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, it is hereby deemed a nuisance in accordance with Town Code Article 9-04 (as amended) and subject to enforcement thereunder.

(Ord. No. 842, Enacted, 06/14/18)

12a-02-060  Remedies Not Exclusive.

The remedies listed in this Article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Town Engineer or designee to seek cumulative remedies. The Town may recover all attorneys’ fees, court costs, and other expenses associated with enforcement of this Chapter (including, but expressly not limited to, sampling and monitoring expenses).

(Ord. No. 842, Enacted, 06/14/18)
12a-03-010 Available Administrative and Legal Enforcement Procedures
12a-03-020 Ongoing Education Program

12a-03-010 Available Administrative and Legal Enforcement Procedures.

The specific administrative and legal enforcement procedures available to the Town Engineer and designees to regulate illicit discharges of stormwater to the Town MS4 (and, thereby, comply with the Town’s APDES permit Phase II MS4 AZG2016-002 or subsequent or related permits) by prohibiting, investigating, and enforcing against violations include (but, are expressly not limited to) the following.

A. Prohibitions.
   1. Pollutant discharges, spills, dumping or disposal into the MS4.
      a. Town Code §7-01-120 “Unlawful Violate Technical Codes” (as amended).
      c. Town Code §7-06-110, IPC 1101.3 “Prohibited Drainage” (as amended).
      d. Town Code §7-07-050, IPMC 507.1 “Drainage Discharge Public Nuisance” (as amended).
      g. Town Code §12-05-030 “Standards Utilities” (as amended).
      h. A.R.S. §13-2908 “Criminal Nuisance” (as amended).
      i. ARS §13-2917 “Public Nuisance Prevention & Abatement” (as amended).
   2. Illicit connections and discharges, dumping or disposal of things besides stormwater.
      a. Town Code §7-01-120 “Unlawful Violate Technical Codes” (as amended).
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d. Town Code §7-06-110, IPC 1101.9 “Storm Drainage System Backwater Valves” (as amended).


g. A.R.S. §13-2908 “Criminal Nuisance” (as amended).

h. A.R.S. §13-2917 “Public Nuisance Prevention & Abatement” (as amended).

B. Investigations.

1. Suspected illicit discharges.
   a. Town Code §3-02-010(E)(13)&(14) “Town Manager Investigates & Enforces Town Laws & Permits” (as amended).

2. Entry onto private property for inspecting facilities, equipment, practices, or operations related to stormwater discharges.
   a. Town Code §7-01-180 “Inspections” (as amended).
   b. ARS §13-3912(5) “Inspection Program Warrants” (as amended).
   c. ARS §49-144 “Right Enter Premises” (as amended).

C. Enforcement (including abatement).

1. Enforcement procedures and actions.
   a. Town Code Article 1-08 “Penalties & Enforcement” (as amended).

2. Requiring violators to cease and desist illicit discharges.
   a. Town Code §7-01-130(C)(3) “Authority Seek Injunction” (as amended).
   b. Town Code §9-04-040 “Notice Comply” (as amended).
3. Requiring use of sediment and erosion control practices.
   e. Town Code §7-02-350.J105.4.5 “Interceptor Drains Berms” (as amended).
   g. Town Code §7-02-350.J105.5.1 “Other Devices” (as amended).
   h. Town Code §7-07-030, IPMC 302.2 “Grading Prevent Soil Erosion” (as amended).
   i. Town Code §12-06-020(C)(6)&(10) “Appeal Board” (as amended).

4. Requiring owners and operators of construction activities, new or redeveloped land, and industrial and commercial facilities to minimize discharge of pollutants to the MS4 through installation, implementation and maintenance of stormwater control measures.
   b. Town Code §12-03-080(A) “Unlawful Acts” (as amended).
   c. Town Code §12-04-030(A) “Establishment Development Permit” (as amended).

5. Addressing runoff from new development and re-development projects by specifying that owners or operators design, install, and maintain post-construction stormwater controls that reduce or eliminate discharge of pollutants from the site after construction.

e. Town Code §14-02-020(D)(1)(d) “Master Development Plan” (as amended).

f. Town Code §14-02-050(B)(2) “Construct & Maintain Drainage Facilities” (as amended).

g. Town Code §14-03-010(C) “Land Unsuitability” (as amended).

h. Town Code §14-04-040(E) “Storm Drainage Improvements” (as amended).

i. Town Code §16-02-020(A)(C)&(F) “Off-Site Improvements” (as amended).

j. Town Code §16-02-040 “Minimum Requirements” (as amended).

k. Town Code §16-02-060(B) “Waiver Off-Site Improvements” (as amended).

6. Imposition of civil or criminal sanctions.

a. Town Code §7-01-130 “Penalties & Remedies” (as amended).

b. Town Code §9-04-035(A) “Criminal & Civil Liability” (as amended).

c. Town Code §10-06-030(B) “Various Enforcement Options” (as amended).

d. Town Code §12-03-080(B) “Unlawful Acts” (as amended).

7. Referral of violations to prosecutors.


a. Town Code §1-08-010(A) “Each Day Separate Offense” (as amended).

b. Town Code §12-03-080(B) “Unlawful Acts” (as amended).

9. Elimination of illicit connections and discharges from properties not owned or operated as part of the MS4.
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a. Town Code §7-01-130 “Penalties & Remedies” (as amended).


10. Requiring violators to cleanup and abate illicit discharges.


b. Town Code §12-03-100(A) “Abatement Violations” (as amended).


e. A.R.S. 9-499(A), (C) (D) & (E) “Authority Adopt Ordinances Compelling Removal Hazardous Debris Filth” (as amended).


g. A.R.S. §49-143 “Abatement Environmental Nuisances” (as amended).

D. Implementation and appeal stormwater provisions and standards.

1. Implementation and appeal.

a. Town Code Article 2-05 “Ordinances, Resolutions & Contracts” (as amended).

b. Town Code §7-01-110 “Board Appeals” (as amended).


f. A.R.S. §9-240(B)(28)(c) “Classify Ordinance Violations Civil Criminal” (as amended).
g. A.R.S. §9-240(B)(29) “Authority Adopt Ordinances & Define Manner Prosecution & Punishment” (as amended).

h. A.R.S. §9-500.12 “Appeals Municipal Actions” (as amended).

i. A.R.S. §9-500.21 “Civil Enforcement Municipal Ordinances” (as amended).

j. A.R.S. §9-812 “Publication Ordinances” (as amended).

k. A.R.S. §9-813 “Posting Penal Ordinances” (as amended).

12a-03-020 Ongoing Education Program.

The Town Engineer shall develop, implement and document an ongoing program to provide all potential dischargers to the MS4 from facilities within the Town current BMPs to avoid illicit connections and illicit discharges.

(Ord. No. 842, Enacted, 06/14/18)
CHAPTER 13. ZONING

Article 13-01 PURPOSE AND TITLE
Article 13-02 DEFINITIONS
Article 13-03 GENERAL REQUIREMENTS
Article 13-04 APPLICATION OF ZONING ORDINANCE
Article 13-05 ZONES AND BOUNDARIES
Article 13-06 R1L (RESIDENTIAL; SINGLE FAMILY LIMITED)
Article 13-07 R1M (RESIDENTIAL; SINGLE FAMILY MIXED HOUSING)
Article 13-08 R1MH (RESIDENTIAL; SINGLE FAMILY MOBILE/MANUFACTURED HOMES)
Article 13-09 R2 (RESIDENTIAL; MULTIPLE DWELLING UNITS)
Article 13-10 RCU (RESIDENTIAL; SINGLE FAMILY RURAL)
Article 13-11 RS (RESIDENTIAL AND SERVICES)
Article 13-12 P1 (PARKING)
Article 13-13 C1 (COMMERCIAL; NEIGHBORHOOD SALES AND SERVICES)
Article 13-14 C2 (COMMERCIAL; GENERAL SALES AND SERVICES)
Article 13-15 C3 (COMMERCIAL; MINOR INDUSTRIAL)
Article 13-16 PM (PERFORMANCE MANUFACTURING)
Article 13-17 M1 (INDUSTRIAL; GENERAL LIMITED)
Article 13-18 M2 (INDUSTRIAL; HEAVY)
Article 13-19 PAD (PLANNED AREA DEVELOPMENT)
Article 13-19a PL (PUBLIC LANDS)
Article 13-19b AG (AGRICULTURAL)
Article 13-20 DENSITY DISTRICTS
Article 13-21 GENERAL DISTRICT PROVISIONS
Article 13-22 LAND SPLITS
Article 13-23 SIGN REGULATIONS
Article 13-24 OFF-STREET PARKING REQUIREMENTS
Article 13-25 MOBILE/MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS
Article 13-26 SITE DEVELOPMENT STANDARDS
Article 13-26a OUTDOOR LIGHTING REQUIREMENTS
Article 13-27 ENFORCEMENT
Article 13-28 PLANNING AND ZONING COMMISSION
Article 13-29 BOARD OF ADJUSTMENT
Article 13-30 AMENDMENTS
Article 13-31 VIOLATIONS AND PENALTIES
Article 13-32 SEVERABILITY
Article 13-33 PROTECTED DEVELOPMENT RIGHTS
Article 13-01       PURPOSE AND TITLE

13-01-010       Purpose.
13-01-020       Title.

13-01-010       Purpose.

This Chapter is adopted for the purpose of achieving adequate light, air and safety from fire and other dangers; conserving and protecting land and building values in the Town of Prescott Valley; preserving the aesthetic beauty of the community; reducing and avoiding congestion in public rights-of-way; and promoting the public health, safety, comfort, morals and welfare of the Town of Prescott Valley, Arizona.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-01-020       Title.

This Chapter will be cited as the Zoning Code for the Town of Prescott Valley, Yavapai County, State of Arizona.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)
Article 13-02  DEFINITIONS

13-02-010  Definitions.

A. Word Forms. Unless a contrary intention clearly appears, the following words have, for the purpose of this Chapter, meanings interpreted as follows:

1. Words used in the present tense include the future tense. Words used in the future tense include the present tense.

2. Singular includes the plural, the plural includes the singular.

3. The word “may” is permissive; the words “shall” and “will” are mandatory. The word “or” shall mean “either” and the word "and" shall mean "in conjunction with".

4. Words not defined herein but which are defined in the Building Code of the Town of Prescott Valley are to be construed as defined therein.

5. The word "person" includes an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, and Federal or State government, Town, County, District, or any other group or combination acting as an entity.

6. The following words or terms, when applied in this Chapter, shall carry full force when used interchangeably:

   a. lot, plot, site, parcel or premises;

   b. "used or occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designated to be used or occupied";

   c. "Council" shall mean the Town Council;

   d. "Commission" shall mean the Planning and Zoning Commission; and

   e. "Board" shall mean the Board of Adjustment.

7. The word "building" includes the word "structure". The word “dwelling” includes the word "residence".

B. The following definitions apply:

1. Abutting: The condition of two (2) adjoining properties having a common
property line or boundary, including cases where two (2) or more lots adjoin only on a corner or corners.

2. Access or Access Way: The place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Chapter.

3. Accessory Building: A subordinate building containing an accessory use which is customarily incidental to that of the main building and situated on the same lot as the main building. An accessory building attached to the main building shall be considered to be a part of the main building, and shall maintain any setbacks or yards required for a main building. Prohibited from use as accessory buildings are truck and bus bodies, sea cargo containers, railroad cars, untreated metal buildings, all towers, antennae and wireless telecommunications facilities and their accessory structures [except those used solely for transmissions and receipt by a single use and not otherwise restricted within that district (including, but not limited to, amateur radio and devices necessary for a subscription to a commercial wireless provider service)], and any enclosure not originally intended for permanent occupation or use. Any accessory building shall blend into the surrounding neighborhood by use of building form, height, material, color and landscaping. All accessory buildings are restricted to one story except as provided in Section 13-21-060 for towers, antennae, and wireless telecommunications facilities.

4. Accessory Use: (see Use, Accessory)

5. Acre: An area of land containing forty-three thousand five hundred sixty (43,560) square feet within the property lines of a lot or parcel.

6. Adjacent, Adjoining: The condition of being near to or close to but not necessarily having a common dividing line. Two (2) properties which are separated by only a street or alley shall be considered as adjoining one another.


8. Alley: A dedicated public passageway which affords only a secondary means of vehicular access to abutting property and is not intended for general traffic circulation.

9. Alternative Tower Structure: Vertical components not generally designed for use as antenna support structures including, but not limited to, church steeples, ball park light poles and water towers.

10. Amendment: A change in the wording, context or substance of this Chapter, or an addition, or deletion or a change in the zone district boundaries or classifications of the Zoning Map.

12. Antenna: Any exterior device for transmitting and receiving wireless telecommunications and mounted on a tower, alternative tower structure, building or structure and used for transmitting and receiving wireless telecommunications for a fee to more than one customer at a time.

13. Antique: A product that is sold or exchanged because of value derived or because of oldness as respects the present age, and not simply because the same is not a new product.

14. Apartment, Efficiency or Studio: An apartment unit consisting, apart from a bathroom, of a single room with a kitchenette.

15. Appeal: An action which permits an applicant to obtain a hearing before any group with competent authority to provide redress from any decision rendered under provisions of this Chapter.

16. Arterial: A highway used, or intended to be used, for heavy traffic flow, usually a section line or mid-section line road, or one connecting neighborhoods or communities.

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 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).

18. Automobile Sales, New: A franchised agency selling new motor vehicles and providing services commonly associated with motor vehicle sales. A new automobile dealership may include the sale of used motor vehicles as a permitted use.

19. Automobile Sales, Used: An agency selling used motor vehicles not in conjunction with nor on the same site as a new motor vehicle franchise, and providing services commonly associated with motor vehicle sales.


21. Automobile Service Station (Self-Service): 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.

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 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 9-041-020(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).


25. Bar or Cocktail Lounge: An establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.

26. Basement: One or more stories wholly or partly underground and having one-half (1/2) or more of its height measured from its floor to its finished ceiling below the average adjoining grade. A basement shall be considered a story if the vertical distance from the average adjoining grade to its finished ceiling is over six (6) feet.

27. Board: The Board of Adjustment of the Town of Prescott Valley. See, Article 13-29

28. Boarding House or Rooming House: A building with no more than one (1) common kitchen and no more than five (5) guest rooms that are rented or leased to a maximum of ten (10) persons who are not members of the resident family (on a transient basis), with or without meals.

29. Boundary, Zone: The limit and extent of each zone district classification as shown on the official Zoning Map.

30. Brewery: Any facility that produces more than six million two hundred thousand gallons of beer in a calendar year for retail or wholesale in compliance with Arizona Revised Statutes, Title 4.

31. Buildable Area: That portion of a lot which is within the area formed by the required yards.
32. Building: A structure having a roof supported by columns or walls for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

33. Building Area: The total areas, taken on a horizontal plane, at the mean grade level, of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces and steps.

34. Building, Attached: A building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

35. Building, Closed: A building completely enclosed by a roof, walls and doors on all sides facing the perimeter of the lot.

36. Building, Community: A public or quasi-public building used for community activities of an educational, recreational or public service nature.

37. Building, Detached: A building which is separated from another building or buildings on the same lot.

38. Building, Factory-Built: A residential or nonresidential building, including a dwelling unit or habitable room thereof, which is either wholly or in substantial part manufactured at an off-site location to be assembled on-site and is built to an International Building Code standard. It does not include a manufactured home, recreational vehicle, or mobile home as defined in this Article.

39. Building, Floor Area: Sum of floor areas of all stories of a building.

40. Building Height: The vertical distance measured from the natural grade level to the highest level of the roof surface of flat roofs, to the deck line of the mansard roofs, or to the mean height between eaves and ridge for gable, gambrel or hip roofs.

41. Building, Modular: See, “Building, Factory-Built.”

42. Building Permit: A permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the Town of Prescott Valley.

43. Building (Principal): A building, or buildings, in which is conducted the principal use of the lot in which it is situated. In any residential district, any dwelling shall be deemed to be the principal building of the lot on which the same is situated.

44. Building Setback: See, “Yard, Required.”

45. Carport: An accessory building or portion of a main building with two (2) or more open sides designated or used for the parking of motor vehicles. Enclosed storage facilities may be provided as part of a carport.
46. Catering Establishment: A place, site or business for the preparation and assembly of food and/or non-alcoholic beverages exclusively for sale and service to off-site locations (not on the business premises).

47. Cemetery: Land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

48. Certification: A written statement of the fact to be certified made under oath by the applicant and notarized.

49. Child Care Center: A public or private establishment providing day care and education to six (6) or more children 6 years old or under, excluding kindergarten activities provided by a public school district. “Day care center” means the same as “child care center.”

50. Child Care, In-Home: A private establishment providing day care and education to five (5) or fewer children in a residential dwelling unit that is licensed by the State of Arizona for the same and complies with Subsection 13-06-020(A)(8).

51. Church: A permanently located building commonly used for religious worship and fully enclosed with walls, but including windows and doors, and having a structurally solid and sound roof.

52. Clinic: A place for the provision of group medical services, not involving overnight housing of patients.

53. Collocation (Wireless Telecommunications Facilities): Use by two (2) or more wireless telecommunications providers located on the same tower or alternative tower structure.

54. Commercial Coverage (Wireless Telecommunications Facilities): A single FCC licensee’s network of wireless telecommunications facilities providing a level of service to all areas of the community which, when fully developed, will permit viable commercial operation.

55. Commission: Town of Prescott Valley Planning and Zoning Commission. See, Article 13-28

56. Comprehensive Plan/General Plan: A plan developed and adopted by the Planning and Zoning Commission and Town Council as a guide for future growth and development within the Town of Prescott Valley, including any other plan adopted as a part or any amendments to such Plan or parts thereof.

57. Condominiums: An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in air space in a residential or commercial complex located on such
real property. Condominiums may include cluster housing or semi-detached housing. In addition, condominiums may include a separate interest in other portions of such real property, such as common areas.

58. Contiguous: In contact with.


61. Court: Any space other than a yard on the same lot with a building or group of buildings, and which is unobstructed and open to the sky above the floor level of any room having a window or door opening on such court. The width of a court shall be its least horizontal dimension.

62. Craft Distiller: A distiller who produces less than twenty thousand gallons of distilled spirits in a calendar year and holds a license pursuant to ARS §4-205.10 (as amended).

63. Custom: Pertaining to work, service or assembly done to order for individual customers for their own use or convenience.

64. Day Care or Day Nursery: See, “Child Care Center or Child Care, In Home.”

65. Dead Storage Yard: Goods not in use and not associated with any office, retail or other business use on premise in a self-storage facility or structure.

66. Density: The number of dwelling units permitted for a specified square footage of land provided. See, Article 13-20

67. Display: A visual presentation of goods or products offered for sale either inside or outside of a building during normal business hours.

68. Distiller: Any person who produces more than twenty thousand gallons of distilled spirits in a calendar year for retail or wholesale in compliance with ARS Title 4.

69. District: Either a use district, a density district or a combination of both such districts.

70. District Map: Zoning Map.

71. Drive-In Theater: An open-air theater where the performance is viewed by all or part of the audience from motor vehicles.

72. Drive-Through Establishment or Drive-In Facility: An establishment which by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services and goods while remaining in their motor vehicles. This shall include, but not be limited to, automobile service stations, drive-in laundries and dry cleaners, banks, and food and drink establishments.
73. Duplex: A building or portion thereof having two (2) dwelling units on a single lot designed or intended for use or occupancy by families living independently of each other (including any domestic employees of each family), and having both kitchen or cooking facilities and a private, indoor toilet within each such housekeeping unit.

74. Dwelling: A building or portion thereof designed exclusively for residential purposes, including single- and multiple-family dwellings.

75. Dwelling, Multiple-Family: A building or portion thereof having two (2) or more dwelling units on a single lot used, designed or intended for use or occupancy as living quarters by 2 or more families living independently of each other (including any domestic employees of each family), and having both kitchen or cooking facilities and a private, indoor toilet within each such housekeeping unit. This includes any number of dwelling units in a non-residential structure, but shall not include recreational vehicle parks, motels, hotels, boarding houses, fraternity and sorority houses, rest homes and nursing homes, or child care centers.

76. Dwelling, Single-Family: A detached building designed exclusively for occupancy by or occupied by one (1) family for residential purposes.

77. Dwelling Unit: A room (or group of rooms) designed for one (1) or more persons living and cooking as homogeneous body (See, “Family”) and containing 1 accommodation for preparation of meals.

78. Easement: A space on a lot or parcel of land reserved or used for location and/or access to utilities, drainage or other physical access purposes.

79. Efficiency Apartments: See, “Apartment, Efficiency or Studio.”

80. Enclosed Storage Area: Any building which is enclosed on all sides facing the perimeter of the lot.

81. FAA: Federal Aviation Administration.


83. Fairgrounds: An area consisting of both open spaces and structures, owned by a governmental or quasi-governmental entity, at which activities generally associated with a fairgrounds take place (including, but not limited to, carnivals, bazaars, midways, horse racing, exhibitions, amusements and education displays).

84. Family:
   a. An individual or two (2) or more persons related by blood, marriage or adoption, or other legal relationship (including any domestic employees), living together as a single housekeeping unit in a dwelling
unit; or

b. A residential facility for not more than ten (10) persons duly licensed by the State of Arizona for the developmentally disabled, family foster care, adult foster care, child foster care or similar.

85. FCC: Federal Communications Commission.

86. Fence: A barrier constructed of materials such as block, solid wood slats, wire, pipe and chain link designed to separate two parcels of land or separate a single parcel of land into different use areas.

87. Floor Area: See, “Building, Floor Area.”

88. Floor Area, Gross: The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than seven (7) feet (but excluding areas used exclusively for vehicle parking or loading).

89. Floor Area, Usable: With regard to the parking requirements of Article 13-24, usable floor area means the gross floor area and/or the open land area needed for service to the public as customers, patrons, clients or patients (including areas occupied by fixtures and equipment used for display or sale of merchandise). Not included are floors or parts of floors used principally for non-public purposes such as storage, automobile parking, incidental repair, processing or packaging of merchandise, show windows, offices incidental to the management or maintenance of stores or buildings, restrooms, or other accessory space.

90. Fraternity or Sorority House: A residence hall or building used as living quarters for members of an approved college or university group while enrolled at an institution of higher learning.

91. Frontage: The property line of a site abutting on a street, other than the side line of a corner lot.

92. Garage, Private: An accessory building or a main building or portion thereof, used for the shelter or storage of self-propelled vehicles, owned or operated by the occupants of a main building wherein there is no service or storage for compensation.

93. Garage, Public: A building, other than a private garage, designed or used for servicing, repairing or storing motor vehicles for compensation. See, “Automobile Service Station, Automobile Garage or Automobile Storage Garage.”

94. Grade (Adjacent Natural Ground Elevation): The lowest point of elevation of the natural surface of the ground within the area between the building and a
line five (5) feet from the building.

95. Group Home: A home serving ten (10) or fewer mentally or physically disabled persons: provided the home provides care on a twenty-four (24) hour basis and is licensed or otherwise approved by the State of Arizona for that purpose. A group home shall be considered a single-family dwelling.

96. Guest House: An attached or detached accessory building used to house guests of the occupants of the principal building, and which shall never be rented or offered for rent. Any guest house providing cooking facilities shall be considered a dwelling unit. Includes a dwelling unit within an accessory building for the sole use of the occupants of the premises and their guests.

97. Guest Room: One (1) or more rooms intended as one (1) occupancy overnight (or longer) by other than a member of the family. If such contains cooking facilities, it is deemed a dwelling unit.

98. Home Occupation: A "home occupation" is any vocation, trade or profession which is customarily conducted wholly within the confines of a dwelling unit or an attached building, is carried on only by a member or members of the family residing in the dwelling unit, is clearly incidental and secondary to the use of the dwelling for residential purpose, does not change the character of the dwelling unit, and conforms to the requirements set forth in Section 13-06-020(A)(8) of this Chapter.

99. Hospital: A building or group of buildings, in which sick or injured persons are given medical or surgical treatment, examination or care, including overnight residence, together with related facilities, e.g., laboratories, training facilities, staff residences, outpatient department and similar facilities which are an integral part of the principal use.

100. Hospitals and Clinics for Animals (includes Veterinary Clinic): Facilities where animals or pets are given medical or surgical treatment in emergency cases and are cared for during the time of such treatment. Use as a kennel is limited to short-term boarding that is incidental to such hospital use, and shall be enclosed in a sound-proof structure.

101. Hotel or Apartment Hotel: A building other than a boarding house as defined herein, in which there are five (5) or more guest rooms or apartments that, for a fee, provides temporary sleeping accommodations with or without meals, usually on a transient basis. "Hotel" shall not be construed to include trailer court, sanitarium, hospital, or other institutional building, or jail or other building where persons are housed under restraint. For density formula purposes, two (2) such guest rooms or apartments may be counted as one (1) dwelling unit.


104. Kennel: Any establishment at which dogs and cats are bred or raised for sale, boarded, trained and/or cared for, commercial or on a nonprofit basis, exclusive of dental, medical or surgical care, or for quarantine purposes.

105. Kindergarten: Same as nursery school except when operated in conjunction with a school of general instruction and having accredited instruction.

106. Kitchen: Any room or portion of a room used, intended or designed to be used for cooking and/or the preparation of food (except cooking facilities of a recreational or incidental nature such as barbecues, hot plates, or similar).

107. Landscaping: An area which has been improved through the harmonious combination and introduction of trees, shrubs and ground cover, and which may contain natural topping material such as boulders, rocks, stones, granite or other approved material. The area shall be void of any asphaltic or concrete pavement except for pedestrian walkways.

108. Laundry (Self-Help): A building in which domestic type washing machines and/or dryers are provided on a rental basis for use by individuals doing their own laundry.

109. Livable Floor Area: The heated floor area of a building, above finish grade, measured from the outside dimensions of the exterior walls used for dwelling purposes, and excluding all non-dwelling area such as attic, storage, carport and garage.

110. Livestock: Includes horses, ponies, mules, cows, goats, sheep, llamas, any other large animals, poultry, domestic rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks, pigeons or any other fowl, birds or rodents that are customarily raised for food, profit or pleasure.

111. Lot: Any legally created lot, parcel, tract or land, or combination thereof, shown on a plat of record or recorded by metes and bounds that is occupied or intended for occupancy by a use permitted in this Chapter, including the principal building, or buildings, together with the accessory buildings, the open spaces and parking spaces required by this Chapter, and having its principal frontage upon a street or upon an officially approved place.

112. Lot Area: The total area measured in square feet contained within the perimeter of a lot.

113. Lot, Corner: A lot adjoining two (2) or more streets at their intersection.

114. Lot Coverage: The percentage of the area of a lot which is occupied by the footprint of all buildings or other covered structures.

115. Lot Depth: The shortest distance between the mid-points of the front and rear line.

116. Lot (Interior): Lots having no sides abutting on a street.
Lot (Key): An interior lot contiguous to the rear line of a corner lot and fronting on the side street of such corner lot.

Lot Line: A line bounding a lot that divides one lot from another or from a street or any other public or private space.

Lot Line (Front): That part abutting a street. The front line of a corner lot shall be the shorter of the two street lines as originally platted, or if such are equal, the one chosen by the owner of the property. The front line of a through lot shall be that line which is obviously the front by reason of usage by adjacent lots. Such a lot exceeding one hundred eighty eight (188) feet in depth may be considered as having two (2) front lines.

Lot Line (Rear): That lot line opposite the front line. Where the side lines of the lot meet in a point, the rear line shall be considered parallel to the front line or a tangent of the mid-point of a curved front line and lying ten (10) feet within the lot.

Lot Line (Side): Those property lines connecting the front and rear property lines.

Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the County Recorder; or parcel of land, the deed of which is recorded in the Office of the County Recorder.

Lot (Through): A lot in which the front and rear line abut on a street.

Lot Width: The horizontal distance between side lot lines. Lot width shall be measured between side lot lines at the required front setback line.

Maintain: The replacing or renovating of a part (or parts) of a structure which has been made unusable by ordinary wear or tear, or by the weather.

Manufactured Home: A structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 (42 USCA §5401 et seq.), and Title VI of the Housing and Community Development Act of 1974, Public Law 93-383, as amended by Public Laws 95-128, 95-557, 96-153 and 96-339, being a structure transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, then erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

Manufacturing, Light: To process materials into a finished product with minimal noise, dust, glare, smoke, vibration, odor or debris. Light manufacturing is conducted wholly within an enclosed building. Any outdoor storage is visually screened by means of a fence, wall, landscaping or other approved method.
128. Microbrewery: A brewery that produces between five thousand and six million two hundred thousand gallons of beer in a calendar year and otherwise meets the requirements of ARS §4-205.08 (as amended).

129. Mobile Home: A structure built prior to 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, except that it does not include recreational vehicles and factory-built buildings as defined in this Article.

130. Mobile/Manufactured Home Park: A development providing rental spaces for occupancy on a non-permanent basis for mobile homes and manufactured homes, with accessory buildings and uses provided for the benefit and enjoyment of occupants.

131. Mobile/Manufactured Home Space: A plot of ground within a mobile/manufactured home park designed for the accommodation of one (1) mobile home or manufactured home.

132. Model Home: A residential unit constructed by a licensed general contractor which has never been occupied for residential purposes, open for inspection by the general public in order to sell that unit or similar residential units that can be constructed on other property, and otherwise serving as a formal example of the contractor's abilities and products.

133. Model Home Complex: Two (2) or more model homes constructed by a licensed general contractor (which have never been occupied for residential purposes) open for inspection by the general public in order to sell similar residential units within a Planned Area Development (PAD) Zoning District. Such homes must be adjacent to each other by a common property line.


135. Motel: A building or group of buildings containing guest rooms or apartments, each of which maintains a separate outside entrance, used primarily for the accommodation of automobile travelers, and providing parking space on the premises. For density formula purposes, two (2) such guest rooms may be counted as one (1) dwelling unit.

136. Natural Grade: The condition of the land, vegetation, rocks and other surface features which have not been physically disturbed, changed or added to by any action of man or machine.

137. Newspaper of General Circulation: A daily newspaper (if one is published), or if no daily newspaper is published, a weekly newspaper.

138. Non-Conforming Use: A legal use of a structure or tract of land in existence on September 4, 1980 which does not conform to the use regulations of this Chapter, or such use in existence at the date of adoption of amendments to the...
Chapter which does not conform to the use regulations of this Chapter as amended.

139. Nuisance: Any thing, condition or use of property which endangers life or health, gives offense to the senses, and/or obstructs the reasonable and comfortable use of other property. See, Section 13-26-070

140. Nursing Home: Any place or institution which makes provisions for bed care or for chronic or convalescent care for one (1) or more persons (exclusive of relatives) who, by reason of illness or physical infirmity, are unable to properly care for themselves. Nursing, dietary and other personal services are provided (but not surgery or other primary care customarily provided in hospitals or sanitariums). Alcoholics, drug addicts, persons with mental diseases and persons with communicable diseases, including contagious tuberculosis, shall not be admitted or cared for in these homes licensed under the State of Arizona as a convalescent and nursing home.

141. Overlay District: A zoning district that encompasses one or more underlying zoning districts and imposes additional or alternative requirements to those required by the underlying districts.

142. Parcel: Real property that either -
   a. has a separate and distinct number or other designation shown on a plan recorded in the Office of the County Recorder; or
   b. is delineated on an approved record of survey, parcel map or subdivision map as filed in the Office of the County Recorder and abuts at least one (1) public right-of-way or easement determined by the Town to be adequate access.

143. Parking Space: A fully accessible space adequate for the temporary parking of permitted vehicles, situated entirely outside the public right-of-way.

144. Permanent Dust-Free Pavement (Parking): Surface materials such as asphaltic concrete or Portland cement concrete (but expressly not including such materials as chip seal, gravel or granite).

145. Planned Area Development (PAD): A residential, business or industrial development that takes a creative approach to the development of land and results in a more efficient, aesthetic and desirable use of open space while maintaining the same overall population density and lot coverage permitted in the underlying zoning district. A PAD permits flexibility in types of dwellings, placement of buildings, circulation facilities, off-street parking areas, and use of open space.

146. Plot Plan: See, “Site Plan.”

147. Porch, Open: A porch where any portion extending into a front or side yard shall have no enclosure by walls, screens, lattice or other material higher than
fifty-four inches (54") above the natural grade line adjacent thereto. Such porches may only be used for ingress and egress and may not be occupied as a sleeping porch or wash room.

148. Professional Office: A place of business (not including retail) where -
   a. a professional person carries out a professional use; or
   b. consulting, record keeping, or clerical work is performed by a public or private agent.

149. Professional Use: The rendering of service of a professional nature by:
   a. Architects, engineers and surveyors, who are licensed by the Arizona State Board of Technical Registration.
   b. Doctors, osteopaths, dentists, optometrists and all other persons who are licensed by the State of Arizona to treat patients.
   c. Lawyers who are admitted to practice before the courts of the state.
   d. Accountants who are members of the Arizona Society of Certified Public Accountants and/or the Arizona Association of Accountants, Incorporated.
   e. Consultants and practitioners who are recognized by the appropriate above licensed professions.

150. Property Lines: Those lines outlining the boundaries of real property divided into lots for the purpose of description for sale, building development, or other use.

151. Public Building: Facilities for conducting public business constructed for various public agencies, including all Federal, State, County and Town offices and buildings.

152. Public Utility: Private or public facilities for distribution of various services such as water, power, gas, communications etc., to the public, but expressly excluding all towers, antennae and wireless telecommunications facilities.

153. Recreation Facilities: Includes buildings, structures or areas built or developed for purposes of entertaining, exercising or observing various activities participated in either actively or passively by individuals or organized groups.

154. Recreational Vehicle: For purposes of this Chapter [except Subsection 13-24-020(G), as amended], a vehicular-type unit which is (a) a portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping; (b) a motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self-propelled motor
vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle; (c) a park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty (320) square feet and not more than four hundred (400) square feet when it is set up, except that it does not include fifth wheel trailers; (d) a travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle, and has a trailer area of less than three hundred twenty (320) square feet. This includes fifth wheel trailers. If a unit requires a size or weight permit, it must be manufactured to the standards for park trailers in A119.5 of the American National Standards Institute Code; or (e) a portable truck camper constructed to provide temporary living quarters for recreational, travel or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck. A recreational vehicle shall not be considered as a dwelling or occupied as such, and is not a manufactured home.

155. Recreational Vehicle Park: Facilities for the temporary storage, parking and maneuvering of recreational vehicles with adequate roads and stall sites, including sanitary and water facilities. Site locations are provided on a day-to-day basis. Does not constitute a mobile/manufactured home park.

156. Recreational Vehicle Space: A plot of ground within a recreational vehicle park designed for the accommodation of one (1) recreational vehicle.

157. Recycling Collection Facility: A building or fenced/enclosed area used for the collection and processing of pre-sorted recyclable materials. Processing includes the preparation of recyclable material for shipment to an end-user through baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, and/or cleaning. Recyclable materials include (but are not limited to) metals, glass, plastic and paper intended for reuse, re-manufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous waste.

158. Recycling Facility: A totally enclosed building within which recyclable materials are converted into new products by re-processing or re-manufacturing. A recycling facility may also include collection and processing of recyclable material for more efficient shipment. Outdoor storage of materials may occur on areas surfaced with a permanent dust-free pavement behind and opaque fence or wall and landscaping.

159. Restaurant: An establishment (other than a boarding house) where meals which are prepared therein may be procured by the public.


161. Salvage Yard: Any land or building used for the abandonment, storage, keeping, collecting, salvaging or bailing of paper, rags, scrap metals, other
scrap or discarded materials, including automobile salvage: includes recycling collection facilities and recycling facilities.

162. School: Unless otherwise specified, private or public places of general instruction for the education of children through grade twelve (12) which are licensed through the Arizona Department of Education: not including preschools, dancing schools, riding academies, or trade or specialized vocational schools (i.e. business colleges, art, music or nursery schools).

163. School (Nursery): An institution intended primarily for the daytime care of children of pre-school age. Even though some instruction may be offered in connection with such care, the institution shall not be considered a "school" within the meaning of this Chapter: includes day care or child care centers as defined in this Article.

164. School, Private: An institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a non-governmental organization.

165. School, Trade: Schools offering preponderant instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technicians’ schools, and similar commercial establishments operated by a non-governmental organization.

166. Seats: Where parking spaces are based on numbers of seats in a facility, each eighteen inches (18”) of width for bench seating shall be deemed one (1) seat. In the case of fixed seating, each chair shall constitute 1 seat.

167. Service Station: See, “Automobile Service Station.”

168. Setback: A line that marks the minimum distance a structure must be located from the property line, and establishes the minimum required front, side or rear yard space of a building plot. See, “Yard, Required.”

169. Sexually-Oriented Business: Any business classified as a sexually-oriented business pursuant to Section 9-07-020, or any combination thereof.

170. Sign: Any device providing identification, advertising or directional information for a specific business, service, product, person, organization, place or building. Included in this definition as signs are graphic devices such as logos, attention attracting media such as banners or logo sculpture, and obtrusive, colored facade or architectural element. National flags and flags of political subdivisions shall not be construed as signs. See, Section 13-23-020

171. Sign, Billboard: A structure on which is portrayed information which directs attention to a business, commodity, service, entertainment or product not necessarily related to the other uses existing on the premises upon which the structure is located. A sign shall be classified as a billboard unless at least fifty percent (50%) of the advertising area is devoted to identifying a business operating on the premises, or to a product that is manufactured on the
premises. The fact that a product is merely sold on the premises is not sufficient cause for the sign classification to be deleted from the billboard sign category.

172. Site Plan: A plan prepared to scale pursuant to the requirements of Section 13-27-020, showing all of the uses (existing and proposed) for a specific property and including all information necessary to clearly define the intended use of the property. See, “Plot Plan.”

173. Sleeping Room: A room, other than a guest room, in which no cooking facilities are provided.

174. Special Gateways/Highway Corridors: Those areas in the Town limits along both sides of State Route 69, State Route 89A, and Glassford Hill Road, located within six hundred sixty (660) feet of the edge of the right-of-way.

175. Stable, Commercial: A stable for horses, mules or ponies which are let, hired, used or boarded on a commercial basis and for compensation.

176. Stable, Private: A detached accessory building for the keeping of horses, mules or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

177. Storage Area: One (1) or more completely walled areas, under roof, other than living, not accessible directly from the living area, and containing no operating utility appliances.

178. Storage, Outdoor: Outdoor storage of materials, equipment, vehicles or trailers which are screened from view by screening walls. See, Subsection 13-26-050(D)(2)

179. Story: Any portion of a building included between the floor at any point and the finished ceiling next above it or the finished undersurface of the roof over that particular floor. The ground story or first story of any building is the lowest story the ceiling of which is more than six (6) feet above the average contact ground level at the exterior walls of the building. The mezzanine story shall be deemed a full story where it covers more than thirty-three and one-third percent (33 1/3%) of the area of the ground story.

180. Street: Any existing or proposed street, avenue, road, lane, parkway, place, bridge, viaduct or easement for public or private vehicular access, or a street in a plat duly filed and recorded in the County Recorder’s office. A street includes all land within the public right-of-way, whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking spaces, bridges, and viaducts.

181. Structure: The result of arranging materials and parts together and attached to a lot (such as buildings, tanks and fences), but not including tents or vehicles.
182. Subdivision: See, Chapter 14

183. Swimming Pool: Any constructed pool or other contained body of water that contains water eighteen inches or more in depth at any point and that is wider than eight feet at any point and is used for swimming, bathing or wading, whether above or below the ground surface.

184. Tower (Wireless Telecommunications Facilities): Any structure, including any supports, designed and constructed substantially for the purpose of being or supporting one or more antennae. Alternative tower structures shall be deemed towers on the date a building permit is issued for modifications to enable their use as a tower.

185. Transportation Terminal: A facility for loading and unloading freight for current distribution but not warehousing.

186. Travel Trailer: (See Recreational Vehicle)

187. Under Roof: The total area, exclusive of overhangs, measured in square feet, of the building area: includes porches, covered decks and breezeways.

188. Use: The purpose for which a building, or lot or structure is arranged, designed, occupied or maintained.

189. Use (Accessory): An "accessory use" is either a subordinate use of a building, other structure, or a tract of land, or a subordinate building or other structure:

   a. Whose use is clearly incidental to the use of the principal building or other structure, or use of land; and

   b. Which is customary in connection with the principal building, other structure, or use of land; and

   c. Which is located on the same zoned lot with the principal building, other structure, or use of land, and which is not a use specifically permitted in a less restricted district.

Accessory uses do not include towers, antennae and wireless telecommunications facilities and their accessory structures [except those towers, antennae and wireless facilities used solely for transmissions and receipt by a single use and not otherwise restricted within that district (including, but not limited to, amateur radio and devices necessary for a subscription to a commercial wireless provider service)].

190. Use (Permitted): A use in a district which is allowed therein by reason of being listed among the "Permitted Uses" in the district, subject to the specific requirements of this Chapter.

191. Use Permitted by Use Permit: A listed use in a zoning district which requires a use permit as a prerequisite and is subject to all conditions and requirements
imposed by the Board of Adjustment in connection with issuing the use permit.

192. Use, Primary: A use on a given lot which is the main or principal use. Single- or multiple-family dwelling units are the primary uses on residential parcels.

193. Use (Private): A use restricted to the occupants of a lot or building together with their guests, where compensation is not received and where no commercial activity is associated with the same.

194. Use (Public): A use (or building) located on public land to service public benefits (but not necessarily available to public admission).

195. Use (Residential): Includes single- and multiple-family dwelling units, guest rooms, hotels, motels, mobile home courts, rooming and boarding houses, fraternity and sorority houses, convents, homes for the aged, and similar.

196. Variance: A device that allows certain modifications in zoning requirements such as fence heights, building setback, etc., if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surrounding, the applicant can prove to the Board of Adjustment that the strict application of existing zoning requirements would deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. The zoning district remains unchanged on lots where variances are granted.

197. Vehicle: The result of arranging materials and parts together for conveyance over roads (whether or not self-propelled). Such is not deemed a structure in qualifying for a building permit, but as being accessory to the principal use on a lot [except that it is not accessory in connection with vehicular rental or sales agencies, storage of junked motor vehicles as defined in Subsection 10-03-020(A) (except as otherwise provided), and mobile/manufactured home courts].

198. Visibility: On any corner lot, no building, fence, structure, shrubbery or planting that will obstruct street traffic visibility within a radius of ten (10) feet of the intersection of any two (2) street lines shall be permitted higher than three (3) feet.

199. Wall: A barrier constructed of materials such as block, native stone, rock or wood stucco: not including barriers constructed with other materials not designed for walls.

200. Warehouse: A building or buildings used for the commercial storage of goods where no retail or wholesale operations are conducted on the site.

201. Weeds: See, Section 9-04-010

201. Wireless Telecommunications: Any technology for transmitting telecommunications through the air.
203. Wireless Telecommunications Facility: Any combination of one or more antennae, towers and/or structures or equipment used for the transmission of wireless telecommunications.

204. Wholesale: The selling of goods of any type to retailers or jobbers for resale to the ultimate customer.

205. Wrecking Yard: An open-land area used for the business of crushing and demolishing motor vehicles, trailers, machinery, equipment, and their parts, and the storage thereof.

206. Yard: An open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

207. Yard, Exterior Side (Required): An open, unoccupied space on the same lot with a main building situated between the building and a lot line adjacent to a street of a corner lot. That street boundary determined not to be the required front yard shall be the exterior side yard and shall extend from the front yard to the rear yard. Any lot line adjacent to a street that is not a front yard shall be deemed an exterior side yard.

208. Yard, Front (Required): An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The front yard of a corner lot is the yard adjacent to the shorter street frontage.

209. Yard, Interior Side (Required): An open, unoccupied space on the same lot with a main building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line, front line, or an exterior side yard line shall be deemed an interior side yard line. An interior side yard is adjacent to a common lot line.

210. Yard, Rear (Required): An open space on the same lot with a main building between the rear line of the building and the rear line of the lot extending the full width of the lot.

211. Yard, Required: A line that marks the minimum distance a structure must be located from the property line to the closest point of the foundation or any supporting post or pillar of any building or structure related thereto which establishes the minimum required front, side or rear yards space of a building plot.

212. Zoning Administrator: The officer of the Town of Prescott Valley charged with the administration of this Chapter.
213. Zoning District: A zoned area in which the same zoning regulations apply throughout. See, Section 13-05-060

(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; Ord. No. 841, Amended, 03/08/18)
Article 13-03  GENERAL REQUIREMENTS

13-03-010  Conformance.

No property shall be used and no building shall be constructed, altered, placed or used except in conformity with this Chapter, and this shall include any addition to any nonconforming use.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-03-020  Yard.

No yard space or minimum area required for building or use shall be considered as any part of the yard space or minimum area for another building or use.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-03-030  Alley.

No portion of an alley shall be considered as any part of side or rear yard.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-03-040  Corner Obstructions.

On a corner lot in any zone, no planting, fence, wall, building or other obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area bounded on two (2) sides by front lot lines, and on the third side by a straight line connecting points on said lot lines (or their projections), each of which points is ten (10) feet from the point of intersection of said lot lines.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-03-050  Site Plan.
A. Purpose: The purpose of the Site Plan requirements is to provide detailed review where new developments may occur and to minimize land use conflicts and to prevent incompatible uses.

B. Procedure: No building permit shall be issued for any new development in all zoning districts until the proposed Site Plan has been first approved by the Office of the Town Manager.

C. Contents: The owner or owners of property proposed for development shall submit to the Town of Prescott Valley a Site Plan indicating precisely what is planned for the property, and may include the following information as determined necessary by the officer charged with administering this Chapter:

1. Lot dimensions;
2. All buildings and structures existing and proposed (including dimensions);
3. Yards and spaces between buildings;
4. Landscaping, screening and outdoor lighting as required by Article 13-26 of this Chapter;
5. Off-street parking as required by Article 13-24;
6. Vehicular, pedestrian and service access;
7. Signs and lighting, including location;
8. Outdoor storage and activities;
9. Location and name of adjacent rights-of-way;
10. A Sewer Connection Plan as required by Section 7-01-140; and
11. Other data as may assist in determining the effect of the development on surrounding property.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep & Ren, 09/04/80; Ord. No. 178, Rep & Ren, 05/26/88; Ord. No. 268, Amended, 12/12/91; Ord. No. 392, Amended, 06/27/96; Ord. No. 590, Amended, 03/25/04)

13-03-060 Building Across Lot Lines.

Building across lot lines where two (2) or more lots are used as a building site shall be permitted only to the extent that such lots are consolidated pursuant to an approved reversionary plat as defined in Section 14-01-020 of this Code (as amended).

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep & ReEn, 05/26/88; Ord. No. 551, Amended, 04/24/03; Ord. No. 801, Amended, 02/12/15)
13-03-070  Flood Plain Regulations.

Upon application for a building permit to erect, construct, enlarge or improve any building or structure or to install any mobile, manufactured, or factory-built home, it shall be determined whether said application for permit is for a lot or parcel included within an area of special flood hazard. If it is determined that said application for permit is within an area of special flood hazard, the provisions and requirements of Chapter 12 of the Town Code shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 375, Amended, 12/28/95)

13-03-080  Towers, Antennae and Wireless Telecommunications Facilities.

Towers, antennae and wireless telecommunications facilities that do not qualify as accessory buildings, structures or uses, but that otherwise comply with the requirements of this Chapter, may be located on lots containing other principal buildings, structures or uses in accordance with said requirements.

(Ord. No. 439, Enacted, 06/25/98)
Article 13-04 APPLICATION OF ZONING ORDINANCE

13-04-010 Effective Date of Application.

This Chapter shall apply as of the date of its original adoption by Ordinance No. 9, but the provisions pertaining to use, height, area and density of population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to Yavapai County for approval. The zoning requirements applicable to any such development, subdivision or parcel of land as aforesaid shall be those in effect by Yavapai County at the time such plans were submitted.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 276, Amended, 06/11/92; Ord. No. 375, Amended, 12/28/95)

13-04-020 Non-Conforming Uses.

If, at the time of enactment of Ordinance No. 9 (originally adopting this Chapter) or of any amendment thereto or of any amendment thereof, resulting from annexation of territory to the incorporated area of the Town of Prescott Valley, any lot, structure or building was being used in an otherwise lawful manner that does not conform to the use provisions of this Chapter, or if any structure or building is located or erected in an otherwise lawful manner that does not conform to the yard, lot coverage, height limit or parking and loading provisions of this Chapter, such use or such location or erection 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 such enactment; provided that upon any change from such nonconforming use to any other use or any abandonment or discontinuance of such nonconforming use for a period of one (1) year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of fifty percent (50%) of its replacement cost at the time of such loss, the right to continue or begin such nonconforming use shall terminate. No nonconforming building or structure or parcel of land, except residential, shall hereafter be enlarged, extended or otherwise expanded. Nothing herein shall be deemed to apply to outdoor light fixtures as defined in Article 13-26a of this Code. Non-conformance of outdoor light fixtures shall be determined as set forth in Article 13-26a.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 276, Amended, 06/11/92; Ord. No. 375, Amended, 12/28/95; Ord. No. 521, Amended, 05/09/02)
Article 13-05  ZONES AND BOUNDARIES

13-05-010  Division of Town Into Districts.
13-05-020  Boundary Lines on District Maps.
13-05-030  Boundary Determination.
13-05-040  Regulations Governing Newly Annexed Territory.
13-05-050  Public Way Vacation.
13-05-060  Establishment of Use Districts and Density Districts.
13-05-070  Interpretation.

13-05-010  Division of Town Into Districts.

A. In order to classify, regulate and restrict the location of buildings and land uses; to control the height and bulk of buildings hereafter erected or structurally altered; to regulate and limit the intensity of the use of lot areas; and to regulate and determine the area of yards, courts and other open space within and surrounding such buildings, the Town of Prescott Valley, Arizona, is hereby divided into zoning districts. The use, height and area regulations are consistent in each district, and the districts shall be known as follows:

R1L DISTRICT  (Residential; Single Family Limited)
R1M DISTRICT  (Residential; Single Family Mixed Housing)
R1MH DISTRICT (Residential; Single Family Mobile/Manufactured Homes)
R2 DISTRICT  (Residential; Multiple Dwelling Units)
RCU DISTRICT  (Residential; Single Family, Rural)
RS DISTRICT  (Residential and Services)
P1 DISTRICT  (Parking)
C1 DISTRICT  (Commercial; Neighborhood Sales and Services)
C2 DISTRICT  (Commercial; General Sales and Services)
C3 DISTRICT  (Commercial; Minor Industrial)
PM DISTRICT  (Performance Manufacturing)
M1 DISTRICT  (Industrial; General Limited)
M2 DISTRICT  (Industrial; Heavy)
PAD DISTRICT  (Planned Area Development)
PL DISTRICT  (Public Lands)
AG DISTRICT  (Agricultural)

B. The incorporated area of the Town of Prescott Valley (except within Agricultural districts) may be further divided into density districts as follows: D1 District, D2 District, D3 District, D4 District, D5 District, D6 District, D8 District, D10 District, D12 District, D18 District, D25 District, D35 District, D70 District and D175 District.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 349, Amended, 12/01/94; Ord. No. 399, Amended, 10/10/96; Ord. No. 638, Amended, 10/13/05)
13-05-020  Boundary Lines on District Maps.

The boundaries of the aforesaid districts are hereby established as shown upon the maps designated as "District Maps", Town of Prescott Valley Zoning Ordinance, which accompanies this Chapter. The District Maps, along with all the notations, references and other information shown thereon, are a part of this Chapter and have the same force and effect as if said Maps and all the notations, references and other information shown thereon were all fully set forth or described herein.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-05-030  Boundary Determination.

Where uncertainty exists with respect to the boundaries of any district as shown on the District Maps, the following rules shall apply:

A. Unless shown otherwise, the boundaries of the district or zones are lot lines, the center lines of streets, alleys, roads or such lines extended, and the corporate limits of the Town of Prescott Valley.

B. Where district boundaries are indicated as approximately following the line of any stream, irrigation canal or other waterway, or railroad right-of-way, or the boundary line of public land, the center of such stream, canal or waterway, or of such railroad right-of-way, or the boundary line of such public land shall be construed to be the district boundaries.

C. Where due to the scale, lack of detail or illegibility of the Zoning Map accompanying this Chapter, there is any uncertainty, contradiction or conflict as to the intended location of any zone boundaries shown thereon, interpretation concerning the exact location of zone boundary lines shall be determined upon written application, or upon its own motion, by the Board of Adjustment after recommendation by the Planning and Zoning Commission and the Town Manager. Any decision by the Board of Adjustment may be appealed to the Town Council.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-05-020; Ord. No. 178, Rep&ReEn, 05/26/88)

13-05-040  Regulations Governing Newly Annexed Territory.

A. In accordance with state law, areas annexed into the Town of Prescott Valley shall initially be assigned land use district classifications which permit densities and uses no greater than those permitted by Yavapai County, immediately before annexation.

B. Any use or activity conducted contrary to County zoning regulations at the effective date of annexation and not constituting a nonconforming use under the County zoning regulations shall not be considered a nonconforming use hereunder, and the continuance thereof shall constitute a violation of this Chapter.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-05-030; Ord. No. 178, Rep&ReEn, 05/26/88;
13-05-050 Public Way Vacation.

Whenever any street, alley or other public way is vacated by official action of the Town Council, the zone of the abutting properties shall be extended to the center-line of the areas vacated.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renum, 09/04/80, 13-05-040; Ord. No. 178, Rep&ReEn, 05/26/88)

13-05-060 Establishment of Use Districts and Density Districts.

In conformity with the purpose and effect of this Chapter, use districts and density districts are hereby established in order to effect the purposes set forth in Section 13-05-010. With the exception of Agricultural districts, use districts are designed to be used in combination with density districts and, as such, are hereby jointly referred to as zoning districts.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 399, Amended, 10/10/96)

13-05-070 Interpretation.

In interpreting and applying the regulations of this Zoning Chapter:

A. These regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. It is not intended by this Zoning Chapter to interfere with or abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued, and not in conflict with any of the regulations of this Chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Chapter; nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this Chapter imposes a greater restriction, this Chapter shall regulate; and

B. No uses shall be made of property in a zoning district except those listed as permitted therein or permitted by Use Permit. Nevertheless, the Town Manager (or his/her designee) may administratively approve (in writing) "non-listed uses" as being either Permitted Uses or Uses Permitted by Use Permit (as the case may be), but only where such uses are clearly and closely related to those already listed. Otherwise, the Board of Adjustment may determine if non-listed uses are similar enough to listed uses as to have been intended for particular zoning districts [pursuant to Subsection 13-29-040(B) herein]. In making such interpolations, the Town Manager (or his/her designee) or the Board of Adjustment shall be guided by any uses which are specifically listed as "prohibited" in a zoning district.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 341, Amended, 11/03/94; Ord. No. 399, Amended, 10/10/96)
Prescott Valley, Arizona

638, Amended, 10/13/05)
13-06-010 Purpose.

The purpose of the R1L (Residential; Single Family Limited) District is to establish and preserve quiet, conventional single family home neighborhoods as desired by large numbers of people, free from other uses except those which are both compatible with and convenient to the residents of such a district.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-06-020 Use Regulations.

A. Uses Permitted:

1. Detached dwellings, conventional or pre-fabricated, including factory-built (modular) buildings, used for single-family dwelling purposes (except mobile homes and manufactured homes), subject to the following:

   a. If dwellings do not include the provision of an enclosed garage, then enclosed storage, attached or detached, of a minimum area of one hundred (100) square feet shall be provided as an accessory use to such dwelling.

   b. Any person, firm or corporation found guilty of violating subparagraph 13-06-020(A)(1)(a) shall be guilty of a misdemeanor. Upon conviction, the offense shall be treated as a class 3 misdemeanor. Each day such violation is permitted or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

2. Churches (in permanent buildings).

3. Public schools, elementary, secondary and private schools with a curriculum the same as customarily given in public schools.

4. Publicly owned and operated properties such as fire and police stations.

5. Libraries, parks, playgrounds and community buildings, provided such uses are conducted on a non-commercial basis.
6. Fences or free standing walls, not to exceed a height of four (4) feet in any required front yard, and not to exceed a height of six (6) feet elsewhere on the lot.

7. Accessory buildings and uses located on the same lot with and customarily incidental to any of the above Permitted Uses, and not detrimental to a residential neighborhood.

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

   a. General Conditions:

      (1) A home occupation shall be clearly secondary to the residential use of the dwelling.

      (2) A home occupation shall be conducted in such a manner that it is compatible with the residential character of the neighborhood in which it is located.

      (3) No more than twenty-five (25%) of all buildings on the lot and no more than 200 sq. ft. of a detached accessory building may be devoted to the home occupation.

      (4) Persons other than those residing in the dwelling shall not be employed in the home occupation, with the following exceptions:

         Home occupations may serve as headquarters or dispatch centers where employees do not come to the site to be dispatched to other locations.

         A home occupation may employ persons that do not come to the site and that work from other locations.

      (5) Goods related to the home occupation shall not be visible from the street.

      (6) No on-site sales or public display of items for sale shall be permitted on the premises.

      (7) Outdoor storage of materials or equipment related to the home occupation activity is not permitted on the premises.

      (8) The home occupation shall not substantially alter the exterior appearance or character of the residence in which it is conducted, either by exterior construction, lighting, graphics, or other means.
(9) A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in line voltage, creates any interference in either audio or video reception, or causes any perceivable vibration on adjacent properties is not permitted.

(10) Home occupation operations are limited to the hours of 7 a.m. - 9 p.m.

(11) No more than five (5) clients per day, and only one (1) client at a time are allowed on site (with the exception of child day care and group homes).

(12) No more than one (1) commercial vehicle is allowed for the transportation of goods or materials to and from the premises. The commercial vehicle is limited to a passenger car, van, or pickup truck not to exceed a rating of one (1) ton. There shall be no work of any kind performed on vehicles not owned or leased by the occupants of the property.

(13) Home occupation uses shall not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as contractors or landscapers equipment.

(14) Any need for parking generated by the conduct of such home occupation shall be met off the street (but not in a required front yard). The required residential off-street parking shall be maintained.

(15) All home occupations shall be subject to the business licensing requirements set forth in Article 8-02.

b. Conditional Home Occupations - The following uses would be conditionally permitted as a home occupation provided they meet the provisions of Section 13-06-020(A)(8)(a) and are licensed by the applicable state or county agency (or, if not subject to state/county licensing requirements, have obtained a Use Permit subject to Use Permit application and hearing procedures set forth under Section 13-21-110):

(1) In-home child care with no more than five (5) children in the home at one time

(2) Group Homes for adults, the disabled, and children, with no more than ten (10) unrelated persons living together (including caregivers)

(3) Massage therapy
(4) Commercial food preparation

(5) Pet grooming

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):

(1) Ambulance service

(2) Appliance repair

(3) Automobile repair, sales, detailing, washing or painting

(4) Boarding houses

(5) Carpentry or other woodworking (such as: cabinet making, furniture making or volume-produced wood products)

(6) Commercial stables

(7) In-home child care with six (6) or more children

(8) Limousine or taxicab service

(9) Mortician or hearse service

(10) Motorized outdoor sport products (such as radio-controlled miniature airplanes, motorcycle track, or go-cart racing)

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

(12) Retail sales from site (except direct distribution)

(13) Tattoo parlors

(14) Tow truck service

(15) Upholstery

(16) Welding

(17) Any and all other uses having a potential to create an adverse impact similar to that created by the uses outlined above

9. Occupancy of temporary housing, including recreational vehicles, during the construction of a permanent dwelling only, subject to the provisions of Section 13-21-140.
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)(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 A.R.S. §9-500.39(D)(2), subject to the following:

a. Owners shall provide all parking for guests on site in accordance with Article 13-24 “Off-Street Parking Requirements” of this Code.

b. Owners and guests shall comply with all applicable requirements of this Code, including those related to noise, fireworks, prostitution, offensive premises, nuisance lighting, refuse collection and property maintenance.

c. Use of a vacation rental/short-term rental for the purposes of housing sex offenders, operating or maintaining a structured sober living home, selling illegal drugs, liquor control or pornography, obscenity, nude or topless dancing and other adult-oriented businesses is strictly prohibited.

d. Owners shall provide guests with a 24-hour emergency point of contact.

B. Uses Permitted by Use Permit: The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth under Section 13-21-110.

1. Essential public utility buildings and facilities.

2. Golf courses, including club houses, pro shops, etc. located thereon, but not including miniature courses or practice driving tees operated for commercial purposes.

3. Model homes and Model Homes Complexes, as herein defined, that are not approved pursuant to the Planned Area Development Process in Article 13-19, subject to the following:

a. That such homes be open to public inspection only between the hours of 8:00 a.m. and 9:00 p.m.

b. That such homes not be operated as a branch real estate office, and that no more than four (4) persons be assigned or stationed on a continuous basis in any one (1) home.

c. That the proximity of one (1) model home to another model home in a
particular neighborhood not be so close as to be a detriment to that neighborhood, based upon such factors as (i) whether the neighborhood traditionally has had other model homes in close proximity, (ii) the density of development in the neighborhood, (iii) actual traffic in that portion of the neighborhood, and (iv) the character of occupancies and uses in the neighborhood.

d. That no construction equipment be stored or kept on any model home site, except that which is required for the original construction of the home or any subsequent repairs or remodeling.

e. That parking be provided pursuant to Subsection 13-24-040(B) and Subparagraph 13-24-050(B)(1)(e) of this Code.

f. That landscaping, screening and outdoor lighting be provided as set forth in Article 13-26 of this Chapter.

g. That ingress to and egress from any home site be designed, insofar as possible, as approved by the engineer so as to avoid backing onto adjacent streets.

h. That no model home be listed as a business address for business licensing purposes.

i. That the duration of any Use Permit be limited to two (2) years, subject to renewal for additional two (2) year periods, if the conditions set forth herein continue to be met and any problems and complaints associated with the operation have been resolved. In the event a Use Permit is not renewed, the home may no longer be used as a "model" but must be occupied for residential purposes.

j. That, notwithstanding these provisions, "model homes" heretofore permitted by "Variance" shall be permitted by "Use Permit" upon expiration of the "Variance"; subject only to the original "Variance" conditions as well as to Subparagraphs 4(a), 4(b), 4(d), and 4(i) herein. The term of the "Use Permit" shall be as provided in Subparagraph 4(j) above.

4. Towers, antennae and wireless telecommunications facilities that comply with the requirements of this Chapter.

(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; Ord. No. 849, Amended, 07/12/18)

13-06-030 Density Regulations.
Where no density district has been combined, then the provisions of the D-10 District shall apply.

A. Minimum building floor area for single and multiple-story R1L residential dwellings shall be determined as follows:

<table>
<thead>
<tr>
<th>Lot Area (Sq.Ft.)</th>
<th>SINGLE STORY DWELLINGS</th>
<th>MULTIPLE STORY DWELLINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Livable Sq.Ft.</td>
<td>Under Roof Sq.Ft.</td>
</tr>
<tr>
<td>Less than 7500</td>
<td>850</td>
<td>1070</td>
</tr>
<tr>
<td>7500-8499</td>
<td>900</td>
<td>1120</td>
</tr>
<tr>
<td>8500-9999</td>
<td>1020</td>
<td>1240</td>
</tr>
<tr>
<td>10,000 &amp; Above</td>
<td>1200</td>
<td>1420</td>
</tr>
</tbody>
</table>

1. Notwithstanding the above specific minimum floor area requirements, in no event shall the livable floor area of the dwelling be less than ten percent (10%) of the lot size unless the dwelling has twelve hundred (1,200) sq. ft. of livable floor area, in which case this Section shall not apply.

2. The square foot area of a carport or garage shall be included in the "under roof" determination as required above.

B. Refer to Article 13-20 for additional density provisions.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 81, Amended, 05/26/83; Ord. No. 178, Rep&ReEn, 05/26/88)

13-06-040 Off-Street Parking.

The off-street parking provisions of Article 13-24 shall apply.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-06-030; Ord. No. 178, Rep&ReEn, 05/26/88)

13-06-050 Signs.

The sign provisions of Article 13-23 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 13-07  R1M (Residential; Single Family Mixed Housing)

13-07-010  Purpose.

The purpose of the R1M (Residential; Single Family Mixed Housing) District is essentially the same as the R1L District, except that a mix of residential housing types is permitted, along with attached dwellings.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 349, Amended, 12/01/94; Ord. No. 375, Amended, 12/28/95)

13-07-020  Use Regulations.

A. Uses Permitted:
   1. All uses permitted in the R1L District.
   2. Residential uses in conventional (on-site constructed) dwellings, factory-built (modular) buildings, or manufactured homes (in compliance with the requirements of Chapter 15 of this Code) for one (1) family on any one (1) lot, subject to the following:
      a. If any such dwellings do not include an enclosed garage, then enclosed storage, attached or detached, of a minimum area of one hundred (100) square feet shall be provided as an accessory use to such dwellings.
      b. Any person, firm or corporation found guilty of violating subparagraph 13-07-020(A)(2)(a) shall be guilty of a misdemeanor. Upon conviction, the offense shall be treated as a class 3 misdemeanor. Each day such violation is permitted or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

B. Uses Permitted by Use Permit: The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth under Section 13-21-110.
   1. A group of dwelling units (attached or detached) each having separate individual ownership and providing common services and recreation facilities under unified management.
a. The maximum number of such units allowed on a lot shall not exceed the number of times the gross area of such is divisible by the minimum lot area allowed for the district.

b. Such allowance shall in no case exempt the requirement of maintaining yards adjacent to the exterior site boundaries.

2. Any use permitted by Use Permit in the R1L District.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 138, Amended, 08/28/86; Ord. No. 139, Amended, 08/28/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 186, Amended, 10/27/88; Ord. No. 349, Amended, 12/01/94)

13-07-030 Density Regulations.

A. Minimum building floor areas for R1M residential dwellings shall be determined as follows:

<table>
<thead>
<tr>
<th>Lot Area (Sq.Ft.)</th>
<th>Single Story Dwellings</th>
<th>Multiple Story Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Livable Sq. Ft.</td>
<td>Under Roof Sq. Ft.</td>
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<td>1020</td>
<td>1240</td>
</tr>
<tr>
<td>10,000 &amp; Above</td>
<td>1200</td>
<td>1420</td>
</tr>
</tbody>
</table>

1. Notwithstanding the above specific minimum floor area requirements, in no event shall the livable floor area of the dwelling be less than ten percent (10%) of the lot size unless the dwelling has twelve hundred (1,200) sq. ft. of livable floor area, in which case this Section shall not apply.

2. The square foot area of a carport or garage shall be included in the "under roof" determination as required above.

B. Refer to Article 13-20 for additional density provisions.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 81, Amended, 05/26/83; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-07-040 Off-Street Parking.

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The off-street parking provisions of Article 13-24 shall apply.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-07-030; Ord. No. 178, Rep&ReEn, 05/26/88)

13-07-050 Signs.

The sign provisions of Article 13-23 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-07-060 Mixed Housing Plan.

In the event an R1M District encompasses any area that is undeveloped, no subdivision plat, development site plan or similar plan shall be approved for that area or any portion thereof except as part of a Planned Area Development (PAD) per Article 13-19 (as amended from time to time), which includes development plans showing, among other things, the areas set aside for various residential housing types and arrangements.

(Ord. No. 349, Enacted, 12/01/94)
Article 13-08  R1MH (Residential; Single Family Mobile/Manufactured Homes)

13-08-010  Purpose.

The purpose of the R1MH (Residential; Single Family Mobile/Manufactured Homes) District is essentially the same as the R1L District except that, with regard to single family dwellings, it is intended to exclusively provide sites for mobile homes and manufactured homes for those citizens who desire to utilize this type of housing in an appropriate, safe, sanitary and attractive environment.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 349, Amended, 12/01/94; Ord. No. 375, Amended, 12/28/95)

13-08-020  Use Regulations.

A. Uses Permitted

1. All uses permitted in the R1L District.

2. Residential uses in manufactured homes and mobile homes in compliance with the requirements of Chapter 15 of this Code. If such dwellings do not include an enclosed garage, then enclosed storage, attached or detached, of a minimum area of one hundred (100) square feet shall be provided as an accessory use to such dwellings.

3. Uses permitted by Use Permit in the R1L District, except towers, antennae and wireless telecommunications facilities.

B. Uses Permitted by Use Permit: The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth under Section 13-21-110.

1. Towers, antennae and wireless telecommunications facilities that comply with the requirements of this Chapter.

C. Prohibited Housing Types:

1. No primary residential dwellings may be permanent (on-site constructed) dwellings or factory-built (modular) buildings.
13-08-030 Density Regulations.

Where no density district has been combined, then the provisions of the D-10 District shall apply. Refer to Article 13-20 for additional density provisions.

13-08-040 Off-Street Parking.

The off-street parking provisions of Article 13-24 shall apply.

13-08-050 Signs.

The sign provisions of Article 13-23 shall apply.
**Article 13-09  R2 (RESIDENTIAL; MULTIPLE DWELLING UNITS)**

13-09-010  Purpose.

The purpose of the R2 (Residential; Multiple Dwelling Units) District is to provide for development of multiple family residences in areas where a higher density of housing is desirable.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-09-020  Use Regulations.

A.  Permitted Uses: Buildings or premises shall be used only for the following uses:

1.  All principal and accessory uses and structures permitted in the R1L and R1M Districts, subject to all of the requirements in Article 13-06 “R1L (Residential; Single Family Limited)” and Article 13-07 “R1M (Residential; Single Family Mixed Housing),” except as otherwise provided herein.

2.  Dwellings used for multiple family dwelling purposes in conformity with the density formula for the district subject to the following:

   a.  All multi-family dwellings shall provide accessory storage of a minimum area of fifty (50) square feet per dwelling unit.

   b.  Accessory storage shall be either attached or detached to the dwelling unit.

3.  Home occupations as defined in Article 13-02.

B.  Uses Permitted by Use Permit: The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth under Section 13-21-110.

1.  Any use permitted by Use Permit in the R1L District.

2.  Rooming and boarding houses.
3. Homes for the aged or nursing homes.

4. Orphanages.

5. Fraternity and sorority houses.

C. Prohibited Housing Types:

1. No primary residential dwellings may be factory-built (modular) buildings or manufactured/mobile homes.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 141, Amended, 08/28/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 550, Amended, 04/24/03; Ord. No. 644, Amended, 01/26/06)

13-09-030 Density Regulations.

The density provisions of Article 13-20 shall apply. Where no density district has been combined, the provisions of the D3 Density District shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-09-040 Off-Street Parking.

Off-street parking shall meet no less than the minimum requirements as provided in Article 13-24.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-09-030; Ord. No. 178, Rep&ReEn, 05/26/88)

13-09-050 Signs.

The sign provisions of Article 13-23 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-09-060 Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards.

The landscaping, screening, outdoor lighting, nuisance and hazard provisions of Article 13-26 of this Chapter shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)
Article 13-10   RCU (RESIDENTIAL; SINGLE-FAMILY, RURAL)

13-10-010  Purpose.

The RCU (Residential; Single Family, Rural) District is intended to provide a zoning classification for all areas of the Town not presently characterized by urban uses.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 638, Amended, 10/13/05)

13-10-020  Use Regulations.

A.  Uses Permitted:

All uses allowed in the R1L District.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-10-020.,13-10-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 375, Amended, 12/28/95; Ord. No. 638, Amended, 10/13/05)

13-10-030  Density Regulations.

Density provisions of Article 13-20 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-10-040  Off-Street Parking.

Parking facilities shall meet no less than the minimum requirements as provided in Article 13-24.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-10-050  Signs.
Sign regulation provisions of Article 13-23 shall apply. 

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-10-060 Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards.

Upon the installation of any use (other than a single family residence), the landscaping, screening, outdoor lighting, nuisance and hazard provisions of Article 13-26 of this Chapter shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)

13-10-070 Repealed.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Repealed, 06/27/96)
Article 13-11  RS (RESIDENTIAL AND SERVICES)

13-11-010  Purpose.

The purpose of the RS (Residential and Services) District is to provide for orderly and compatible development in transitional areas between residential and non-residential districts and to establish and preserve areas for those commercial facilities which are especially useful in close proximity to residential areas, while minimizing the undesirable impact of such uses on the neighborhoods which they service.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-11-020  Use Regulations.

A. Permitted Uses: The following uses are permitted in the RS District.

1. Any use permitted in the R2 District.

2. All principal and accessory uses and structures permitted in the R1L and R1M Districts.

B. Prohibited Uses:

1. Mobile homes and manufactured homes.

2. Sexually-oriented businesses.

C. Uses Permitted by Use Permit:

1. The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth in Section 13-21-110.

   a. Any use permitted by Use Permit in the R2 District.

   b. Personal services such as, but not limited to, the following (provided the use is conducted within an enclosed building and materials and equipment are not offered for sale except incidental to the service):

      (1) Beauty and barber shops
(2) Photography

(3) Group instruction

(4) Tailoring

(5) Small appliance repair.

c. Day nurseries and nursery schools.

d. Hospitals, clinics, sanitariums and nursing homes for the care of humans.

e. Institutions of an educational, religious, charitable or philanthropic nature.

f. Offices wherein only professional, administrative, clerical or sales services are conducted.

g. Private clubs, lodges or fraternal organizations operated solely for the benefit of bona fide members (including outdoor recreation or assembly facilities).

h. Mobile/manufactured home parks subject to all regulations applicable to such parks, set forth under Article 13-25.

2. Notwithstanding the foregoing, in the event a Planned Area Development (PAD) District is established per Article 13-19 in any Residential and Services (RS) District, the uses listed in this Subsection C may be included in any Preliminary and Final Development Plans thereunder and approved without being subject to Use Permit application and hearing procedures set forth in Section 13-21-110.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 341, Amended, 11/03/94; Ord. No. 439, Amended, 06/25/98; Ord. No. 552, Amended, 03/13/03; Ord. No. 550, Amended, 04/24/03; Ord. No. 682, Amended, 03/22/07)

13-11-030 Density Regulations.

The density provisions of Article 13-20 shall apply. Where no density district has been combined, the provisions of the D3 Density District shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-11-040 Off-Street Parking.

Off-street parking shall meet no less than the minimum requirements as provided in Article 13-24.
13-11-050  Signs.

Sign regulation provisions of Article 13-23 shall apply.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-11-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 816, Amended, 05/26/16)

13-11-060  Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards.

The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)
Article 13-12  P1 (PARKING)

13-12-010  Intent.

13-12-020  Use Regulations.

13-12-010  Intent.

The P1 (Parking) District is intended to establish and preserve areas for the parking of motor
vehicles in close proximity to land uses which create a need for substantial amounts of
vehicle parking, and to assure that parking in those areas is so located and screened as not to
be incompatible with uses in any adjoining residential district.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No.
375, Amended, 12/28/95)

13-12-020  Use Regulations.

Uses Permitted: The following uses are permitted.

A. Vehicular parking facilities to provide all or a portion of the parking appurtenant to a
permitted use in a district. Installation, operation and maintenance of parking
facilities shall be in accordance with the parking requirements of Article 13-24
(together with any other neighborhood protective requirements upon which the P1
zoning approval may be contingent).

B. Signs as are permitted in the RS District for appurtenant uses shall be permitted in this
district.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)
**Article 13-13  C1 (COMMERCIAL; NEIGHBORHOOD SALES AND SERVICES)**

13-13-010  Purpose.
13-13-020  Use Regulations.
13-13-030  Density Regulations.
13-13-040  Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.
13-13-050  Off-Street Parking.
13-13-060  Signs.
13-13-070  Landscaping.

13-13-010  Purpose.

The purpose of the C1 (Commercial; Neighborhood Sales and Services) District is to provide for convenience shopping in a residential neighborhood, to preserve and protect neighborhood commercial areas, located in close proximity to residential areas, and to provide for retail and service establishments which supply commodities or perform services to meet the daily needs of the neighborhood.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-13-020  Use Regulations.

A.  Permitted Uses:  The following uses are permitted in C1 district, as conditioned in Subparagraph (A)(5) below.

1.  Business or Professional
   a.  Business or professional offices
   b.  Libraries and museums
   c.  Post offices
   d.  Public buildings
   e.  Public utility pay stations.

2.  Retail Sales
   a.  Automobile service stations (self service)
   b.  Bakeries, book, stationery or gift shops
   c.  Clothes cleaning outlets (including self-service coin operated laundries)
d. Cafes, cafeterias, camera stores, candy shops, clothing stores

e. Delicatessens, dry goods, drug stores

f. Flower shops

g. Garden supplies, grocery stores and supermarkets

h. Hardware stores, household supplies, hobby supplies, health food stores

i. Ice cream parlors

j. Jewelry stores

k. Liquor stores

l. Music and record stores

m. Restaurants

n. Radio and television sales and service

o. Shoe stores, shoe repair and sporting goods

p. Toy stores

q. Variety stores

r. Dispensing of propane and similar petroleum products from exposed storage tanks for retail or for use by the property occupant as an accessory use, provided:

(1) The installation complies with NFPA Standard 58 “Liquefied Petroleum Gas Code, 2008 Edition,” and any other fire code standard as administered by Central Yavapai Fire District; and

(2) Applicant shall obtain all permits, if any, required by Central Yavapai Fire District; and

(3) A site plan shall be submitted indicating:

   (a) location and distances from property lines, streets, existing buildings and buildings on adjoining properties; and

   (b) individual tank sizes (in gallon capacity, height, length and diameter); and

   (c) separation between tanks.
(4) Installation complies with Article 13-26 “Site Development Standards” and all other applicable provisions of the Prescott Valley Town Code.

s. Other similar convenience retail or service businesses to accommodate neighborhood needs.

3. Service
   a. Banks
   b. Barber and beauty shops
   c. Day nurseries, nursery schools or private kindergartens
   d. Pet grooming studios, including accessory product sales (only when clearly incidental and subordinate to the care and grooming of pets, and no boarding or kennel facilities may be provided)
   e. Radio and television repair
   f. Shoe repair
   g. Taxidermy
   h. Typewriter and business machine repair
   i. Watch and clock repair.

4. Other
   a. Accessory buildings and uses customarily incidental to a permitted principal use.
   b. Single and multiple-family dwellings in a primary commercial building with one or more approved commercial uses on the first floor, subject to the following conditions:
      (1) In one-story commercial buildings, no single or multiple-family dwellings shall be in the front half of the building nor be accessible from the front as a primary entrance. The square footage of the single or multiple-family dwellings shall not exceed 25% of the building.
      (2) In commercial buildings with two or more floors, no single or multiple-family dwellings shall be on the ground floor. Single or multiple-family dwellings on upper floors can equal the area of the ground floor.
   c. Factory-built buildings (including units used for offices).
5. Conditions:
   a. All conditions on permitted uses in C2, C3, PM, M1 and M2 districts shall apply.
   b. No more than five (5) persons shall be engaged in the repair or fabrication of goods on the premises.
   c. Not more than one (1) horsepower shall be employed in the operation of any one (1) machine used in repair or fabrication, and not more than five (5) horsepower in the operation of all such machines.
   d. Facilities shall not exceed two thousand (2,000) square feet per unit.
   e. All uses shall be contained within a completely enclosed building, except for the following:
      1. Exposed storage tanks for dispensing of propane or similar petroleum products.

B. Prohibited Uses: The following are uses prohibited in C1 district.

1. Outdoor Storage of Materials and/or Supplies (except outdoor display area during business hours only, in compliance with screening provisions of Article 13-26 of this Chapter 13)

2. Second Hand Merchandise Sales (except as incidental to new sales)

3. Wholesaling

4. Any other use whose primary purpose or nature is first specified as a permitted use or use permitted by use permit in C2, C3, PM, M1 or M2 districts.

5. Any prohibited use in the C2, C3, PM, M1 or M2 districts.

C. Uses Permitted By Use Permit: The following uses are permitted by use permit in C1 district (subject to hearing procedures set forth in Section 13-21-110).

1. Essential Public Utility Buildings and Facilities

2. Full Service Automotive Service Stations

3. Mobile/Manufactured Home Parks and Recreational Vehicle Parks

4. Music Instruction

5. Towers, Antennae and Wireless Telecommunications Facilities (that comply with requirements of this Chapter 13)
6. Electronic Information Centers.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 226, Amended, 05/10/90; Ord. No. 240, Amended, 09/27/90; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; 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. 552, Amended, 03/13/03; Ord. No. 648, Amended, 01/26/06; Ord. No. 705, Amended, 12/20/07; Ord. No. 749, Amended 8/12/10)

13-13-030 Density Regulations.

The following density regulations shall apply to all land and buildings in the C1 District.

A. Building Height: The height of buildings shall not exceed three (3) stories nor thirty-five (35) feet.

B. Yards: Yard requirements as outlined in Article 13-20 Density Districts shall not apply to any commercially zoned lot except as follows:

1. Any residential district use shall maintain the same yard as required by the density district, except that where dwelling units occupy commercial buildings in accordance with §13-13-020(A)(4)(b) above, such dwelling units may maintain the same yards as otherwise permitted in the C1 District.

2. A front yard of no less than twenty-five (25) feet shall be required where the proposed building is on a lot contiguous to a residentially-zoned lot fronting on the same street (unless waived in writing by the owner of such residentially-zoned lot).

3. Where the side lot line is common to the side line of a residentially-zoned lot, the side yard shall be no less than five (5) feet.

4. Where the rear lot line is contiguous to a residentially-zoned lot, the rear yard shall be no less than fifteen (15) feet.

5. On a corner lot, a minimum side yard of fifteen (15) feet is required on the exterior side.

C. Lot Coverage: The maximum lot coverage shall be fifty percent (50%) of the lot area.

D. Building Spacing: Spacing requirements of Article 13-20 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 434, Amended, 01/22/98; Ord. No. 589, Amended, 03/25/04)

13-13-040 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.

The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply.
13-13-050 Off-Street Parking.

The off-street parking provisions of Article 13-24 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-13-060 Signs.

Sign regulation provisions of Article 13-23 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-13-070 Landscaping.

The landscaping provisions of Article 13-26 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 13-14  C2 (Commercial; General Sales and Services)

13-14-010 Purpose.
13-14-020 Use Regulations.
13-14-030 Density Regulations.
13-14-040 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.
13-14-050 Off-Street Parking.
13-14-060 Signs.
13-14-070 Landscaping.
13-14-080 Performance Standards.

13-14-010 Purpose.

The purpose of the C2 (Commercial; General Sales and Services) District is to provide for the sale of commodities and the performance of service and other activities in locations for which the market area extends beyond the immediate residential neighborhoods. The district is intended to provide accommodations for retail and service establishments required to meet the Town’s needs. The district is designed for application along major streets and highways.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-14-020 Use Regulations.

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

1. All permitted uses in C1 district

2. Business or Professional
   a. Business schools
   b. Blueprinting, printing, lithograph, publishing and photostatting establishments
   c. Music instruction
   d. Private schools (operated as a commercial enterprise including, but not limited to, dancing, art, trades, etc.)

3. Retail Sales
   a. Antique stores
   b. Auto parts, auto rental, new and used auto sales, and auto upholstery
c. Bars and cocktail lounges

d. Craft shops conducted in conjunction with a retail business, including ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpture and wood carving [limited to five thousand (5,000) square feet of shop floor area]

e. Furniture stores, furniture upholstery

f. Household appliance stores

g. Key and gun shops (including incidental repair work)

h. Pet shops (not including animal treatment or boarding, or kennel facilities)

i. Second-hand stores

j. Other similar retail sales establishments engaged primarily in selling or offering for sale personal property to the public; provided that such uses are to be conducted within a completely enclosed building, except for the following:

(1) Car washes

(2) Commercial parking lots

(3) Commercial recreation (not including go-cart or other race tracks)

(4) Automobile service stations and garages, including motor repair and complete servicing [provided that the accessory use of temporary storage and parking of junked motor vehicles as defined in Article 9-04a of this Chapter 13 shall be completely enclosed within an eighty-five percent (85%) screen wall as defined in Article 13-26 of this Chapter 13. Temporary storage in this context means storage for not longer than ninety (90) days. Furthermore, five (5) or fewer such vehicles may be stored and parked on the property for an indefinite period, so long as each vehicle is completely covered at all times during storage with an opaque car covering and is completely enclosed within a screen wall as defined in Article 13-26.]

(5) New and used car lots

(6) Mobile/manufactured home sales facilities

(7) Plant nurseries within an area contained by a solid six (6) foot wall or fence
(8) Truck and/or trailer rental

k. Home improvement stores

4. Service

a. Appliance repair shops

b. Broadcasting stations and studios for radio or television (not including towers, antennae or wireless telecommunications facilities)

c. Funeral homes and chapels

d. Precision musical instrument shops

e. Optical shops

f. Hotels and motels

g. Theaters (not including drive-in theaters)

h. Other similar businesses offering services to the general public.

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:

a. Cultivation: The process by which a person grows a marijuana plant(s) as allowed by A.R.S. §36-2801 et seq., and the Department rules and regulations.

b. Cultivation Facility: 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.

c. Department: The Arizona Department of Health Services or its successor agency.

d. Department rules and regulations: The adopted regulations of the Department relating to the provisions of A.R.S. §36-2801 et seq. currently in existence and as adopted in the future.

e. Designated Caregiver: A person, other than the qualifying patient, who, pursuant to A.R.S. §36-2801 et seq. and the Department rules and regulations, assists no more than five (5) registered qualifying patients with the medical use of marijuana.

f. Designated Caregiver Cultivation Location: Location where a designated caregiver, having been expressly authorized by the Department,
cultivates medical marijuana plants for a qualifying patient(s)’ medical use pursuant to A.R.S. §36-2804.02(A)(3)(f).

g. Infusion Facility: A facility within a medical marijuana dispensary that incorporates medical marijuana by the means of cooking, blending, or incorporation into consumable/edible goods.

h. Medical Marijuana: All parts of the genus cannabis whether growing or not, and the seeds of such plant, approved under state law for treatment of persons suffering from debilitating medical conditions as designated in A.R.S. §36-2801 et seq., the Department rules and regulations, and other laws and regulations of the State of Arizona.

i. Medical Marijuana Dispensary: A not-for-profit entity that acquires, possesses, cultivates, manufactures, transfers, supplies, sells or dispenses marijuana or related supplies and educational materials to qualifying patients.

j. Medical Marijuana Dispensary Agent: A principal officer, board member, employee or volunteer of a medical marijuana dispensary who is at least twenty-one (21) years of age and has not been convicted of an excluded felony offense.

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

l. Qualifying Patient Cultivation Location: Location where a qualifying patient, having been expressly authorized by the Department, cultivates medical marijuana plants for his/her medical use pursuant to A.R.S. §36-2804.02(A)(3)(f).

6. Conditions

a. All conditions on permitted uses in C3, PM, M1 and M2 districts shall apply

b. All uses shall be contained within a completely enclosed building, except those uses listed in Subparagraphs 13-14-020(A)(3)(j)(1-8) and 13-14-020(A)(3)(k)

B. Prohibited Uses: The following uses are prohibited in C2 district.

1. Wholesaling (as a principal use)

2. Noise Broadcasting (beyond the building)

3. Any other use whose primary purpose or nature is first specified as a permitted use or use permitted by use permit in C3, PM, M1 or M2 districts

4. Any prohibited use in C3, PM, M1 or M2 districts.
C. Uses Permitted by Use Permit: The following uses are permitted by use permit in C2 district (subject to hearing procedures set forth under Section 13-21-110).

1. Hospitals and Clinics for Animals (including boarding and lodging facilities for animals in completely enclosed, soundproofed buildings)
2. Outdoor Amusement Parks (including go-cart race tracks)
3. Bowling Alleys and Billiard Halls
4. Skating Rinks
5. Mobile/Manufactured Home Parks and Recreational Vehicle Parks
6. Electrical, Mechanical and Plumbing Shops
7. Catering Establishments
8. Towers, Antennae and Wireless Telecommunications Facilities that comply with the requirements of this Chapter 13
10. Outside Temporary Storage (seasonal and accessory to permitted primary uses set forth in this Section 13)
11. Electronic Information Centers.
12. Microbreweries - retail as a principal use (less than 50% of the annual gallonage produced shall be sold to retail licensees or licensed wholesalers).
13. Craft Distillers - retail as a principal use (less than 50% of the annual gallonage produced shall be sold to retail licensees or licensed wholesalers).

(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; Ord. No. 841, Amended, 03/08/18)

13-14-030 Density Regulations.

The following density regulations shall apply to all land and buildings in the C2 district.

A. Building Height: The height of buildings shall not exceed three (3) stories nor thirty-five (35) feet.
B. Yards: Yard requirements as outlined in Article 13-20 Density Districts shall not apply to any commercially-zoned lot except as follows:

1. Any residential district use shall maintain the same yards as required by the density district, except that where dwelling units occupy commercial buildings in accordance with Subparagraph 13-13-020(A)(4)(b), such dwelling units may maintain the same yards as otherwise permitted in C2 district.

2. A front yard of no less than twenty-five (25) feet shall be required where the proposed building is on a lot contiguous to a residentially-zoned lot facing on the same street (unless waived in writing by the owner of such residentially-zoned lot).

3. Where the side lot line is common to the side line of a residentially-zoned lot, the side yard shall be no less than five (5) feet.

4. Where the rear lot line is contiguous to a residentially-zoned lot, the rear yard shall be no less than fifteen (15) feet.

5. On a corner lot, a minimum side yard of fifteen (15) feet is required on the exterior side.

C. Lot Coverage: The maximum lot coverage shall be fifty percent (50%) of the lot area.

D. Building Spacing: Spacing requirements of Article 13-20 of this Chapter 13 shall apply.

13-14-040 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.

The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply.

13-14-050 Off-Street Parking.

The off-street parking provisions of Article 13-24 shall apply.

13-14-060 Signs.

Sign regulation provisions of Article 13-23 shall apply.
13-14-070 Landscaping.

The landscaping provisions of Article 13-26 shall apply.

13-14-080 Performance Standards.

A. No use shall be established, maintained or conducted in any C2 District which does not comply with all of the prohibitions against nuisances and hazards in Article 13-26 of this Chapter.

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:

1. Applicant shall provide:
   a. the name and location of the offsite cultivation facility, if applicable.
   b. a copy of the operating procedures submitted to and approved by the Department in accordance with A.R.S. §36-2804(B)(1)(c), including without limitation a security plan for all medical marijuana operations.

2. No medical marijuana dispensary may be operated or maintained within a five hundred (500) foot radius of another medical marijuana dispensary or offsite cultivation facility.

3. No medical marijuana dispensary may be located within a five hundred (500) foot radius of the district boundaries of the following residential zoning districts (or their successors): R1M, R1L, R1MH, R2 and RS.

4. No medical marijuana dispensary may be located within a 500 foot radius of a public or private preschool, kindergarten, elementary, secondary or high school, place of worship, public park, public building, college, licensed drug or alcohol rehabilitation facility, correctional transitional housing facility, or public community center.

5. Measurements for purposes of Subparagraphs 13-14-080(B)(2)-(4) above shall be the shortest horizontal line from the exterior walls of the medical marijuana dispensary building to the property line of the protected use.

6. A medical marijuana dispensary shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.

7. The total maximum floor area of a medical marijuana dispensary shall not
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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.

8. The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed 500 square feet of the total 1,000 square foot maximum floor area of a medical marijuana dispensary. Maximum storage area square footage may be expanded subject to Use Permit application and hearing procedures set forth under Section 13-21-110.

9. The permitted hours of operation of a medical marijuana dispensary shall be from 9:00 am to 6:00 pm.

10. A medical marijuana dispensary shall not have a drive-through service.

11. A medical marijuana dispensary shall not have outdoor seating areas.

12. Offsite delivery of medical marijuana is prohibited.

13. Consumption of marijuana on the premises of a medical marijuana dispensary is prohibited.

14. No retail sales of marijuana paraphernalia are permitted at a medical marijuana dispensary, except as permitted by law to qualifying patients and/or designated caregivers.

15. No medical marijuana or paraphernalia shall be displayed or kept in a medical marijuana dispensary so as to be visible from outside the premises.

(Ord. No. 753, Enacted, 02/10/11; Ord. No. 839, Amended, 02/22/18)
**Article 13-15  C3 (COMMERCIAL; MINOR INDUSTRIAL)**

13-15-010  **Purpose.**

A. The purpose of the C3 (Commercial; Minor Industrial) District is to establish and preserve areas as the locations for the heaviest type of commercial activities, including warehousing, wholesaling, and light manufacturing and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses.

B. Locations for the zoning should be thoughtfully conceived to make provisions for certain kinds of commercial uses which are most appropriately located as neighbors of industrial uses, so that the use of the property is adequately buffered from residential areas, and so highway frontage does not present a poor image of the community.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-15-020  **Use Regulations.**

A. Permitted Uses: The following uses are permitted in C3 district as conditioned in Subparagraph (A)(9) below.

1. All permitted uses in C2 district

2. Business or Professional
   a. Hospitals and clinics for animals (including boarding and lodging within completely enclosed and soundproofed buildings)

3. Retail Sales
   a. Building materials sales yards (including the sale of rock, sand and gravel as an incidental part of the main business)
   b. Craft shops and work, storage and equipment yards in connection therewith [limited to fifteen thousand (15,000) square feet of floor area]
c. Feed stores

d. Lumber and building materials businesses (including mill and sash work)

e. Microbreweries

f. Craft Distillers

4. Service, Wholesale and Minor Industrial

a. Indoor amusement enterprises (including commercial ballrooms, arenas, gymnasiums, rinks, pools, indoor shooting galleries, bowling alleys, billiard halls, miniature golf courses, and recreation centers)

b. Auto body and paint shops

c. Auto storage garages [including storage of automobiles incident to a lawful towing business, but not including automobile salvage or wrecking. Storage of junked motor vehicles as provided in Article 9-04a in Chapter 9 of this Code, incident to this use, shall be completely enclosed within a screen wall as defined in Subsection 13-26-050(B), and shall be temporary. In this context, temporary means no longer than one hundred eighty (180) days. However, nothing herein shall prohibit storage of not more than five (5) junked motor vehicles for an indefinite period if an opaque car cover completely covers the body of such vehicles and they are completely enclosed within a screen wall.]

d. Auto upholstery shops

e. Bottling plants, confined to closed buildings [limited to fifteen thousand (15,000) square feet of floor area]

f. Cabinet and carpenter shops

g. Catering establishments

h. Cleaning plants, within closed buildings [limited to fifteen thousand (15,000) square feet of floor area]

i. Engineering research offices, including a model shop for light machinery prototypes

j. Electrical, mechanical and plumbing shops

k. Equipment storage, rental and sales yards

l. Frozen food lockers

m. General sub-contractors (and accessory storage facilities)
n. Laboratories, medical and dental

o. Pawn shops

p. Public auctions

q. Essential public utility buildings and facilities

r. Transportation terminals and transfer facilities within an enclosed building [limited to fifteen thousand (15,000) square feet of floor area]

s. Wholesale businesses, storage buildings, warehouses and yards, including rental storage units (excluding animals)

t. Light machine shops

u. Sheet metal shops.

v. Electronic and scientific precision instruments manufacturing.

w. Dispensing of propane and similar petroleum products from exposed storage tanks as a primary wholesale use, provided:

(1) The installation complies with NFPA Standard 58 “Liquefied Petroleum Gas Code, 2008 Edition,” and any other fire code standard as administered by Central Yavapai Fire District; and

(2) Applicant shall obtain all permits, if any, required by Central Yavapai Fire District; and

(3) A site plan shall be submitted indicating:

   (a) location and distances from property lines, street, existing buildings and buildings on adjoining properties; and

   (b) individual tank sizes (in gallon capacity, height, length and diameter); and

   (c) separation between tanks.

(4) Installation complies with Article 13-26 “Site Development Standards” and all other applicable provisions of the Prescott Valley Town Code.

x. Recreational Vehicle Storage.

5. Medical Marijuana Dispensaries (with onsite cultivation/infusion facilities), subject to the regulations in Subsection 13-15-070(B) herein.
6. Medical Marijuana Cultivation Facility, subject to the regulations in Subsection 13-15-070(C) herein.

7. Medical Marijuana Designated Caregiver Cultivation Location, subject to the regulations in Subsection 13-15-070(D) herein.

8. Medical Marijuana Qualifying Patient Cultivation Location, subject to the regulations in Subsection 13-15-070(E) herein.

9. Conditions
   a. All conditions on permitted uses in PM, M1 and M2 districts shall apply
   b. The front fifty (50) foot depth of a lot shall not be used for open land storage of material, equipment, work yard or display (except display for sale or rental during business hours only, in compliance with the screening provisions of Article 13-26 of this Chapter 13)
   c. Open land storage or work areas on any other portions of the lot shall be conducted within a completely enclosed building or within an area contained by a minimum six (6) foot, eighty-five percent (85%) solid screen wall as defined in Article 13-26 of this Chapter 13, within the rear yard area so as not to be visible from any higher ranking district
   d. All other outdoor lighting provisions of Article 13-26 of this Chapter 13 shall apply

B. Prohibited Uses: The following uses are prohibited in C3 district.

1. Concrete Mixing Operations

2. Livestock Yards and Auctions

3. Any other use whose primary purpose or nature is first specified as a permitted use or use permitted by use permit in PM, M1 or M2 districts

4. Single and Multiple-Family Dwellings [except those in commercial buildings in accordance with Subparagraph 13-13-020(A)(4)(b)]

5. Any prohibited use in PM, M1 or M2 districts.

C. Uses Permitted by Use Permit: The following uses are permitted by use permit in C3 district (subject to hearing procedures set forth under Section 13-21-110).

1. Amusement Parks including go-cart and race tracks

2. Cemeteries for human or animal interment

3. Dairy Products Manufacturing
4. Drive-In Theaters

5. Drug Manufacturing or Processing

6. Outdoor runs, pens and cages for boarding or lodging of animals [no less than one hundred (100) feet from any residential district] with special consideration to:
   a. Neighborhood reaction to the use permit application
   b. Type and number of animal guests
   c. Extent of outdoor activity

7. Welding Shops

8. Tire Recapping

9. Towers, Antennae and Wireless Telecommunications Facilities that comply with the requirements of this Chapter 13

10. Electronic Information Centers.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 23, Amended, 02/13/80; Ord. No. 37, Ren&Amd, 09/04/80, 13-15-020, 13-15-030; Ord. No. 162, Amended, 11/08/79; Ord. No. 269, Amended, 01/09/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 392, Amended, 06/27/96; Ord. No. 434, Amended, 01/22/98; Ord. No. 439, Amended, 06/25/98; Ord. No. 648, Amended, 01/26/06; Ord. No. 705, Amended, 12/20/07; Ord. No. 749, Amended, 08/12/10; Ord. No. 753, Amended, 02/10/11; Ord. No. 782, Amended, 12/19/13; Ord. No. 841, Amended, 03/08/18)


The following density regulations shall apply to all land and buildings in the C3 District.

A. Building Height: The height of buildings shall not exceed three (3) stories nor thirty-five (35) feet.

B. Yards: The provisions of Subsections 13-13-030(B) and 13-14-030(B) shall apply.

C. Lot Coverage: The maximum lot coverage shall be fifty percent (50%) of the lot area.

D. Building Spacing: The spacing requirements of Article 13-20 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 434, Amended, 01/22/98)

The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)


The off-street parking provisions of Article 13-24 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)


Sign regulation provisions of Article 13-23 shall apply.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-15-030; Ord. No. 178, Rep&ReEn, 05/26/88)


A. No use shall be established, maintained or conducted in any C3 District which does not comply with all of the prohibitions against nuisances and hazards in Article 13-26 of this Chapter.

B. In addition to the prohibitions set forth in Subsection 13-15-070(A) above, medical marijuana dispensaries (with onsite cultivation/infusion facilities) in the C3 district shall be subject to the following conditions:

1. Medical marijuana dispensaries (with onsite cultivation/infusion facilities) shall be subject to the regulations set forth in Subsection 13-14-080(B) and the definitions set forth in Subsection 13-14-020(A)(5).

2. Cultivation of medical marijuana within a medical marijuana dispensary shall be confined to a secure indoor area of the dispensary and must not be detectable from the public area of the dispensary or the exterior of the building in which the cultivation takes place.

3. The indoor area of the medical marijuana dispensary where medical marijuana is cultivated shall be completely separated and secured from the public area of the medical marijuana dispensary.

4. There shall be no emission of dust, fumes, vapors, or odors into the environment from the medical marijuana dispensary or onsite infusion and/or cultivation areas.

5. Medical marijuana dispensaries with onsite infusion facilities must obtain any and all permits and licenses from the local health department for all food handling/preparation in connection with infusion operations.
C. In addition to the prohibitions set forth in Subsection 13-15-070(A) above, medical marijuana cultivation facilities in the C3 district shall be subject to the following conditions:

1. Medical marijuana cultivation facilities shall be subject to the definitions set forth in Subsection 13-14-020(A)(5).

2. Applicant shall provide:
   a. the name and location of the offsite medical marijuana dispensary associated with the cultivation facility.
   b. a copy of the operating procedures submitted to and approved by the Department in accordance with A.R.S. §36-2804(B)(1)(c), including without limitation a security plan for all medical marijuana operations.

3. Retail sales of medical marijuana from offsite cultivation facilities are prohibited.

4. Only medical marijuana dispensary agents registered with the Department may lawfully enter the cultivation facility. Entry by others who are not registered medical marijuana dispensary agents is strictly prohibited.

5. No cultivation facility may be operated or maintained within a five hundred (500) foot radius of another medical marijuana dispensary or cultivation facility.

6. No cultivation facility may be located within a 500 foot radius of the district boundaries of the following residential zoning districts (or their successors): R1M, R1L, R1MH, R2 and RS.

7. No cultivation facility may be located within a 500 foot radius of a public or private preschool, kindergarten, elementary, secondary or high school, place of worship, public park, public building, college, licensed drug or alcohol rehabilitation facility, correctional transitional housing facility or public community center.

8. Measurements for purposes of Subparagraphs 13-15-070(C)(5)-(7) above shall be the shortest horizontal line from the exterior walls of the cultivation facility building to the property line of the protected use.

9. A cultivation facility shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.

10. The total maximum floor area of a cultivation facility shall not exceed three thousand (3,000) square feet. Maximum cultivation facility square footage may be expanded subject to Use Permit application and hearing procedures set forth under Section 13-21-110.
11. The secure storage area for the medical marijuana stored at the cultivation facility shall not exceed one thousand (1,000) square feet of the 3,000 square foot total maximum floor area of a cultivation facility. Maximum storage area square footage may be expanded subject to Use Permit application and hearing procedures set forth under Section 13-21-110.

12. Consumption of marijuana on the premises of a cultivation facility is prohibited.

D. In addition to the prohibitions set forth in Subsection 13-15-070(A) above, medical marijuana designated caregiver cultivation locations in the C3 district shall be subject to the following conditions:

1. Medical marijuana designated caregiver cultivation locations shall be subject to the definitions set forth in Subsection 13-14-020(A)(5).

2. A designated caregiver may cultivate medical marijuana only in the event the designated caregiver meets the requirements of A.R.S. §36-2804.02(A)(3)(f).

3. All conditions and restrictions for medical marijuana dispensary offsite cultivation facilities apply except that the designated caregiver cultivation location is limited to a total of two hundred fifty (250) square feet maximum, including any storage areas.

4. A designated caregiver may cultivate medical marijuana at their residence for a single qualifying patient subject to the requirements of A.R.S. §36-2801(1)(b) and Department rules and regulations.

5. More than one designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed 250 square feet maximum, including storage areas.

E. In addition to the prohibitions set forth in Subsection 13-15-070(A) above, medical marijuana qualifying patient cultivation locations in the C3 district shall be subject to the following conditions:

1. Medical marijuana qualifying patient cultivation locations shall be subject to the definitions set forth in Subsection 13-14-020(A)(5).

2. A qualifying patient may cultivate medical marijuana only in the event the qualifying patient meets the requirements of A.R.S. §36-2804.02(A)(3)(f).

3. The qualifying patient cultivation location must be located in the C3 district as a permitted use or as an ancillary use to the qualifying patient’s primary residence.

4. Medical marijuana cultivation as an ancillary use to the qualifying patient’s primary residence must not be detectable from the exterior of the building in which cultivation occurs.
5. The qualifying patient cultivation location must comply with the security requirements of A.R.S. §36-2801(1)(a)(ii) and Department rules and regulations.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Repealed, 06/27/96; Ord. No. 753, Rep&ReEn, 02/10/11)
Article 13-16   PM (PERFORMANCE MANUFACTURING)

13-16-010   Purpose.

The purpose of the PM (Performance Manufacturing) District is to provide sufficient space in appropriate locations for the promotion and protection of certain types of light industrial uses. Businesses, light manufacturing, warehouses, and research and development industries shall be operated in such a restricted and limited manner that, because of the limitations on type of structures and uses, control on height and density, prohibitions against open land facilities, omission of such nuisances as fumes, odors, noise, glare and vibration, and landscaping requirements, residential desirability adjacent to such industries will be protected and fostered.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-16-020   Use Regulations.

A.   Permitted Uses: The following uses are permitted in PM district.

1.   All permitted uses in C3 district
2.   Scientific or Research Laboratories
3.   Manufacturing
4.   Machining
5.   Tooling
6.   Fabricating and Assembling Products
7.   Processing and Compounding Materials
8.   Concrete Mixing Operations
9.   Milling
10. Packaging
11. Mixing
12. Molding
13. Equipping and Decorating
14. Glazing
15. Repairing and Servicing
16. Cleaning
17. Winding
18. Weaving, Knitting and Sewing
19. Welding Shops
20. Baking, Cooking, Roasting and Pickling
21. Breweries and Distillers
22. Plating and Polishing
23. Motion Picture Productions, Radio and Television Studios
24. Facilities for Furnishing Meals and Selling Refreshments and Personal Convenience Items solely to employees of uses
25. Accessory Buildings and Uses
26. Billboard Signs (in accordance with standards set forth in Section 13-23-140 of this Chapter 13, as amended from time to time
27. Tire Recapping
28. Equipment, Material and Dead Storage Yards.

B. Prohibited Uses: The following uses are prohibited in PM district.

1. Mobile/Manufactured Homes (including units used for offices but not including units used as offices in conjunction with mobile/manufactured home sales facilities)
2. Residential Uses except one (1) dwelling unit for a watchman or caretaker employed on the premises
3. Salvage Yards
4. Sexually-Oriented Businesses
5. Livestock Yards and Auctions
6. Any other use whose primary purpose or nature is first specified as a permitted use or use permitted by use permit in M1 or M2 districts
7. Any prohibited use in M1 or M2 districts.

C. Uses Permitted by Use Permit: The following uses are permitted by use permit in PM district (subject to hearing procedures set forth under Section 13-21-110).

1. Towers, Antennae and Wireless Telecommunications Facilities that comply with the requirements of this Chapter 13
2. Electronic Information Centers.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-16-020, 13-16-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 269, Amended, 01/09/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 403, Amended, 10/24/96; Ord. No. 435, Amended, 01/22/98; Ord. No. 439, Amended, 06/25/98; Ord. No. 552, Amended, 03/13/03; Ord. No. 648, Amended 01/26/06; Ord. No. 705, Amended, 12/20/07; Ord. No. 749, Amended 08/12/10; Ord. No. 841, Amended, 03/08/18)

13-16-030 Performance Standards.

No use shall be established, maintained or conducted in any PM District which does not comply with the nuisance and hazard prohibitions in Article 13-26 of this Chapter.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-16-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)

13-16-040 Density Regulations.

The following density regulations shall apply to all land and buildings in the PM District.

A. Lot Area and Dimensions: No lot shall be established smaller than one hundred (100) feet width, two hundred (200) feet depth, and twenty-five thousand (25,000) square feet area, nor to exceed a depth of six hundred fifty (650) feet unless it can be shown that a greater depth will not block projected streets or alleys.

B. Yards Required:

1. Fifty (50) feet adjacent to any street (but not alley)
2. Fifty (50) feet adjacent to any residential lot
3. Fifteen (15) feet adjacent to any other lot
4. Twenty-five (25) feet from any rear lot line

C. Building Height: The height of buildings shall not exceed three (3) stories nor thirty-five (35) feet.

D. Building Density: The total area of all buildings shall not exceed fifty percent (50%) of the total area of the lot.

E. Building Spacing: No building shall be closer to any other building than thirty (30) feet.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-16-040, 050, 060, 070 & 080; Ord. No. 168, Amended, 12/10/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 435, Amended, 01/22/98)

13-16-050 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.

A. The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply.

B. With regard to screening, all operations and storage shall be conducted within a completely enclosed building or within an area enclosed by a screen wall as defined in Article 13-26. No objects shall be stacked higher than the screen wall in the front fifty (50) feet of the lot, except that nothing herein prevents the parking of licensed motor vehicles or the placing of machinery, equipment and supplies within the enclosed remaining area of the lot so as to extend above the screen wall.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 162, Amended, 11/12/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93; Ord. No. 392, Amended, 06/27/96; Ord. No. 435, Amended, 01/22/98)

13-16-060 Off-Street Parking.

Space for parking shall always be kept available to provide no less than two (2) square feet of land area for each square foot of building area. Refer to Article 13-24 for additional requirements.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-16-020; Ord. No. 178, Rep&ReEn, 05/26/88)

13-16-070 Signs.

Sign regulation provisions of Article 13-23 shall apply.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-16-030; Ord. No. 178, Rep&ReEn, 05/26/88)

13-16-080 Repealed.
Prescott Valley, Arizona

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Repealed, 06/27/96)
Article 13-17  

M1 (INDUSTRIAL; GENERAL LIMITED)

13-17-010  Purpose.

The M1 (Industrial; General Limited) District is intended to provide sufficient space in appropriate locations for manufacturing development, wholesale and commercial uses with heaviest impacts, which, while not necessarily attractive in operational appearances, are installed and operated in a manner so as not to cause inconvenience to other uses in the district or to adjacent districts, and installed in compliance with all government standards.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 341, Amended, 11/03/94; Ord. No. 375, Amended, 12/28/95)

13-17-020  Use Regulations.

A. Permitted Uses: The following uses are permitted in the M1 district.

1. All permitted uses in the PM district except dwelling units including mobile homes and manufactured homes, hotels, motels, rooming and boarding houses, and similar

2. Meat Packing (no slaughtering except rabbits and poultry)

3. Animal Treating, Boarding, Breeding and Sales

4. Heavy Commercial Uses (provided such uses do not create offensive noise, vibration, smoke, dust, odor, heat or glare beyond the boundaries of the district, do not pollute the air, surface waters or ground water, and do not pose latent radiation, explosion or fire danger)

5. Trucking and Freight Yards

6. Dispensing of gasoline and similar petroleum products from low-profile exposed storage tanks provided:

otherwise poses no imminent life or fire safety hazard

b. The tank(s) is/are for the sole use of the property occupant and fuel dispensed is not intended for resale

c. Installation is within the rear sixty percent (60%) of the lot and in no case is less than twenty-five (25) feet from any lot boundary

d. Installation is screened from any adjacent property or streets

e. A site plan submittal accompanies the request indicating:

(1) location and distances from property lines, streets, existing buildings and buildings on adjoining properties

(2) individual tank sizes (in gallon capacity, height, length, and diameter)

(3) separation between tanks

f. Any permit required by Central Yavapai Fire District is obtained

7. Circuses and Carnivals

8. Race Tracks

9. Stadiums

10. Other Industrial, Office, Laboratory and Manufacturing Uses (provided such uses do not create danger to health and safety in surrounding areas, and do not create noise, vibration, smoke, dust, odor, heat or glare)

11. Livestock Yards and Auctions

12. Sexually-Oriented Businesses, subject to the regulations in Subsection 13-17-050(B) herein-and subject to the following definitions:

a. Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, video tape machines, projectors, or other image-producing devices are maintained to show images to one or more persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas"

b. Adult Bookstore: A retail business which devotes a substantial and significant portion of its total display area to any one or more of the following-- books, magazines, periodicals or other printed matter which predominantly depict or predominantly describe "specified sexual
activities” or “specified anatomical areas”; and which regularly excludes all minors from the premises or a section thereof because of the sexually explicit nature of the items sold, rented, or displayed therein. Such a retail business may have other principal business purposes that do not involve the offering for sale or rental of the above-listed items and still be categorized as an adult bookstore. Such other business purposes will not serve to exempt such retail business from being categorized as an adult bookstore so long as one (1) of its principal business purposes is offering for sale or rental the above-listed items (for consideration).

c. Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

   (1) persons who appear in a “state of nudity” or seminude;

   (2) live performances or activities which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or

   (3) films, motion pictures, video cassettes, audio visual materials, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”

The term “adult cabaret” is intended to apply to businesses which emphasize and seek to arouse or excite the patrons’ sexual desires. Nothing in the definition of “adult cabaret” shall be construed to apply to the presentation, showing, or performance of any play, drama, or ballet in any theater, concert hall, fine arts academy, school, institution of higher education, or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity or semi-nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.

d. Adult Enterprise (General): Any commercial or business enterprise which promotes or exploits nudity or semi-nudity in the regular course of business and as one (1) of its principal business purposes, for the purpose of advancing the economic welfare of the business or enterprise.

e. Adult Motel: A motel or hotel or similar commercial establishment

   (1) which offers accommodations to the public for any form of consideration; which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, audio visual materials, slides, or other photographic reproductions which are distinguished or characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and which has a sign visible from the public right-of-way which advertises the availability of any of the above types of material;
(2) which offers a guest room for rent for a period of time that is less than ten (10) hours; or

(3) which allows a tenant or occupant of a guest room to sub-rent the room for a period of time that is less than ten (10) hours

f. Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, audio visual materials, slides, transparencies, or similar photographic reproductions (either in positive or negative form) are regularly shown which are predominantly characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"

g. Adult Novelty Store: A retail business which offers for sale or rental any instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities" (excluding condoms and other birth-control and disease prevention products), and which regularly excludes all minors from the premises or a section thereof because of the sexually explicit nature of the items sold, rented, or displayed therein. Such a retail business may have other principal business purposes that do not involve the offering for sale or rental of the above-listed items and still be categorized as an adult novelty store. Such other business purposes will not serve to exempt such retail business from being categorized as an adult novelty store so long as one (1) of its principal business purposes is offering for sale or rental (for consideration) the above-listed items

h. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a "state of nudity" or seminude, or live performances which are predominantly characterized by the exposure of "specified anatomical areas" or by actual or simulated "specified sexual activities". Nothing herein shall be construed to apply to the presentation, showing, or performance of any play, drama, or ballet in any theater, concert hall, fine arts academy, school, institution of higher education, or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity or semi-nudity for the purpose of advancing the economic welfare of a commercial or business enterprise

i. Adult Video Store: A retail business which devotes a substantial and significant portion of its total display area to any one or more of the following -- photographs, films, motion pictures, video cassettes or video reproductions, audio visual materials, slides, or other visual representations which predominantly depict or predominantly describe "specified sexual activities" or "specified anatomical areas"; and which regularly excludes all minors from the premises or a section thereof because of the sexually explicit nature of the items sold, rented, or displayed therein. Such a retail business may have other principal business purposes that do not involve the offering for sale or rental of the
above-listed items and still be categorized as an adult video store. Such other business purposes will not serve to exempt such retail business from being categorized as an adult video store so long as one (1) of its principal business purposes is offering for sale or rental (for consideration) the above-listed items.

j. Escort: A person who, for consideration, agrees or offers to act as a companion, guide or date for another person or offers to privately model lingerie or to privately perform a striptease for another person.

k. Escort Agency: A person or business association that (for a fee, tip, or other consideration) furnishes, offers to furnish, or advertises to furnish escorts as one of his/her/its primary business purposes.

l. Nude Model Studio: Any place (other than one offering fine arts class instruction) where a person who regularly appears in a "state of nudity" or seminude or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons, for consideration.

m. Nudity (or State of Nudity): The act of exposing (or failing to opaquely cover) a human anus, the cleft of the buttocks, genitals, or the female breast below a point immediately above the top of the areola.

n. Seminude: The state of dress in which clothing covers no more than the genitals, pubic region and the female breast below a point immediately above the top of the areola, as well as portions of the body that are covered by supporting straps or devices.

o. Sexual Encounter Center: A non-medical business which offers (for consideration):
   
   (1) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a "state of nudity" or seminude; or
   
   (2) the matching and/or exchanging of persons for "specified sexual activities".


q. Specified Anatomical Areas: A human anus, the cleft of the buttocks, human genitals, or the female breast below a point immediately above the top of the areola, when less than opaquely covered; and human genitals in a state of sexual arousal (even if opaquely covered).

r. Specified Sexual Activities: Any of the following --
   
   (1) the fondling or other erotic touching of the human anus, the
buttocks, genitals, the pubic region, or the female breast

(2) sex acts, actual or simulated, including intercourse, oral copulation, sodomy, oral anal copulation, bestiality, direct physical stimulation of clothed or unclothed genitalia, flagellation or torture in the context of a sexual relationship, anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellation, necrophilia, pederasty, pedophilia, piquerism, sapphism, or zooerastia

(3) masturbation, actual or simulated

(4) human genitals in a state of sexual arousal

(5) excretory functions as part of or in connection with any of the activities set forth in Subparagraphs through (A)(12)(r)(4) above

Nothing herein shall be construed as permitting any use or act which is otherwise prohibited or made punishable by law

B. Prohibited Uses: The following uses are prohibited in M1 district.

1. Wrecking Yards (including automobile wrecking)

2. Any other use whose primary purpose or nature is first specified as a permitted use or use permitted by use permit in the M2 district

3. Any prohibited use in M2 district.

C. Uses Permitted by Use Permit: The following uses are permitted by use permit (subject to hearing procedures set forth under Section 13-21-110).

1. Salvage Yards (including automobile salvage)

2. Towers, Antennae and Wireless Telecommunications Facilities that comply with the requirements of this Chapter 13

3. Electronic Information Centers

4. Heavy commercial uses which produce noise, vibration, smoke, dust, odor, heat or glare beyond the boundaries of the district, or pose latent radiation, explosion or fire danger

5. Outdoor Amusement Parks (including go-cart and race tracks)

6. Cemeteries (for human or animal interment)

7. Dairy Products Manufacturing

8. Drive-In Theaters
9. **Drug Manufacturing or Processing.**

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 439, Amended, 06/25/98; Ord. No. 552, Amended, 03/13/03; Ord. No. 648, Amended 1/26/06; Ord. No. 705, Amended, 12/20/07; Ord. No. 782, Amended, 12/19/13; Ord. No. 809, Amended, 09/24/15)

**13-17-030 Density Regulations.**

The following density regulations shall apply to all land and buildings in the M1 District.

A. **Building Height:** The height of buildings shall not exceed three (3) stories nor thirty-five (35) feet.

B. **Yards:**

1. **Front Yard:** There shall be a front yard of not less than fifty (50) feet on all lots adjacent to or abutting any residential district or adjacent to major streets or highways.

2. **Side Yard:** A side yard of not less than thirty (30) feet shall be maintained where the side of the lot abuts a residential district or abuts an alley which is adjacent to a residential district.

3. **Rear Yard:** A rear yard of not less than thirty (30) feet shall be maintained where the rear of the lot abuts a residential district or abuts an alley which is adjacent to a residential district.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

**13-17-040 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.**

The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply, and the front twenty (20) feet of the lot shall be utilized for landscaping and entrance drives.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Ren&Amd, 06/27/96, 13-17-080)

**13-17-050 Performance Standards.**

A. **No use shall be established, maintained or conducted in any M1 District which does not comply with all of the prohibitions against nuisances and hazards in Article 13-26 of this Chapter.**

B. **In addition to the prohibitions set forth in Subsection 13-17-050(A) above, all sexually-oriented businesses in the district shall be subject to the following conditions:**
1. No sexually-oriented business may be operated or maintained within a one thousand (1,000) foot radius of another sexually-oriented business. For purposes of this Subsection, all sexually-oriented businesses with a common owner and building entrance shall be considered a single sexually-oriented business.

2. No sexually-oriented business may be located within a one thousand (1,000) foot radius of the district boundaries of the following residential zoning districts (or their successors): R1M, R1L, R1MH, R2 and R5.

3. No sexually-oriented business may be located within a one thousand (1,000) foot radius of any of the following listed uses:
   a. public or private (State-approved) day nurseries or preschools;
   b. State-licensed child care facilities;
   c. public or private elementary, middle, or secondary schools (including vocational high schools);
   d. public parks;
   e. public libraries;
   f. public administrative buildings (i.e. Town Hall, the Municipal Court, the Police Department, the Building Department, etc., but not including shop buildings such as the Public Works Department);
   g. public recreational facilities where minors are permitted [including (but expressly not limited to) public recreation centers, swimming pools, playgrounds, ballfields and courts, and community centers];
   h. churches, synagogues, and temples;
   i. private community buildings or recreational facilities (i.e. YMCA’s, Boys and Girls Clubs, teen dance centers, etc.); and
   j. private amusement parks and game centers.

4. Measurements for purposes of Subparagraphs 13-17-050(B)(1) - (3) above shall be taken (a) from that point on the structure in which an sexually-oriented business is conducted (including projections therefrom) which is closest to the other use or district (unless the sexually-oriented business is in a multi-tenant structure, in which case the measurement shall be taken from the closest point on an exterior building wall of the business), to (b) that point on the structure in which the other use is conducted (unless that use is in a multi-tenant structure, in which case the measurement shall be taken from the closest point on an exterior building wall of that use), or that point along the exterior boundary line of the real property (where no structure is involved) closest to
the sexually-oriented business.

5. All exterior doors of the structure in which the sexually-oriented business is located shall remain closed during business hours.

6. All materials, projections, entertainments or other activities involving or depicting "specified sexual activities" or exposing "specified anatomical areas" shall not be visible outside the structure in which the sexually-oriented business is located, nor from portions of the structure accessible to minors.

7. Sound from projections or entertainments shall not be audible outside of the structure in which the sexually-oriented business is located.

8. In addition to the prohibition against obscene signs in Subsection 13-23-060(B) herein, sexually-oriented businesses may not use window displays. Signs permitted for such businesses in Article 13-23 "SIGN REGULATIONS" herein shall be "simple" signs which only identify the business as a sexually-oriented business.

9. All sexually-oriented businesses shall strictly comply with the standards set forth in Article 9-07 of this Code.

10. Any sexually-oriented business lawfully operating on March 13, 2003, that is in violation of this Section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more sexually-oriented businesses are within one thousand feet (1000') of one another and otherwise in a permissible location, the sexually-oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is/are nonconforming.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 341, Amended, 11/03/94; Ord. No. 392, Amended, 06/27/96; Ord. No. 552, Amended, 03/13/03; Ord. No. 550, Amended, 04/24/03)

13-17-060 Off-Street Parking.

The off-street parking provisions of Article 13-24 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-17-070 Signs.

The sign regulation provisions of Article 13-23 shall apply.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-17-020; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 13-18  M2 (INDUSTRIAL; HEAVY)

13-18-010  Purpose.

The purpose of the M2 (Industrial; Heavy) District is to provide sufficient space in appropriate locations for heavy industrial development, including all types of industrial uses where any potential hazards to health or property are appropriately mitigated and adequate controls provided to avoid air, surface water and groundwater pollution, and latent radiation, fire and explosion danger (in compliance with all government standards). It is understood that uses in the M2 District will not be approved in cases where uncertainty exists as to compliance with the intent of the District.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 705, Amended, 12/20/07)

13-18-020  Use Regulations.

A. Permitted Uses: The following uses are permitted in the M2 District.

1. All permitted uses in the M1 district
2. Salvage Yards (including automobile salvage)
3. Outdoor Amusement Parks (including go-cart and race tracks)
4. Cemeteries (for human or animal interment)
5. Dairy Products Manufacturing
6. Drive-In Theaters
7. Drug Manufacturing or Processing.

B. Uses Permitted by Use Permit: The following uses are permitted by use permit (subject to hearing procedures set forth under Section 13-21-110).

1. Towers, Antennae and Wireless Telecommunications Facilities that comply with the requirements of this Chapter 13
2. Electronic Information Centers

3. Wrecking Yards (including automobile wrecking)

4. Heavy commercial uses which produce noise, vibration, smoke, dust, odor, heat or glare beyond the boundaries of the district, or pose latent radiation, explosion or fire danger.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 439, Amended, 06/25/98; Ord. No. 552, Amended, 03/13/03; Ord. 648, Amended 1/26/06; Ord. No. 705, Repealed, 12/20/07; Ord. No. 705, Ren&Amd, 12/20/07, 13-18-030, Ord. No. 782, Amended, 12/19/13)

13-18-030 Density Regulations.

The density regulations in Section 13-17-030 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 705, Renumbered, 12/20/07, 13-18-040)

13-18-040 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.

The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter 13 shall apply, and the front twenty (20) feet of the lot shall be utilized for landscaping and entrance drives.


13-18-050 Off-Street Parking.

The off-street parking provisions of Article 13-24 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 705, Renumbered, 12/20/07, 13-18-060)

13-18-060 Signs.

The sign regulation provisions of Article 13-23 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 705, Renumbered, 12/20/07, 13-18-060)
Article 13-19  PAD (PLANNED AREA DEVELOPMENT)

13-19-010  Definitions.

PAD (Planned Area Development) Districts, as defined more fully in Section 13-02-010(B), involve groups of structures designed for construction as a unified project under a plan to be approved under this Article of the Zoning Chapter.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 772, Amended, 03/28/13)

13-19-020  Purpose.

The purpose of Planned Area Development (PAD) provisions is to:

A. Ensure orderly and thorough planning and review procedures that will result in high quality urban design and to encourage variety in architectural design through techniques including, but not limited to, variations in building style, lot arrangements and site planning.

B. Establish procedures to provide flexibility in design, density and development requirements for development plans while ensuring that such flexibility does not adversely affect the intent and purpose of the General Plan of the Town of Prescott Valley.

C. Encourage through innovative site planning such things as the preservation of natural character of the land, and economy in construction and maintenance of streets and utilities.

D. Permit flexibility in design so that developments would produce maximum choice in the types of environments, living units, and commercial installations and facilities available to the public, and produce an efficient, aesthetic and desirable use of open space.

E. Produce an environment of stable character in harmony with the surrounding areas and developments.
13-19-030 Initiation.

A. Action to add a PAD District to a property may be initiated by the owner or owners of property, the Planning and Zoning Commission, or the Town Council.

B. A PAD District may be added to an existing district to meet the intent of this Article or may be processed concurrently with a request to change an underlying zoning district.

13-19-040 Reserved.

13-19-050 Location and Size.

A PAD overlay zoning district may be established in any zoning district upon a finding by the Town Council, after receiving a recommendation from the Planning and Zoning Commission, that such a development will comply with the intent of this Article, and that the PAD overlay zoning district substantially complies with the intent and objectives of the General Plan and companion land development codes. A PAD shall be mandatory for developments over forty (40) acres in size.

13-19-060 Plans Required and PAD Procedures.

A. No use shall be permitted in a PAD District until a Preliminary Development Plan and a Final Development Plan have been reviewed and approved by the Commission and Council respectively, in accordance with the provisions of this Article.

B. All Preliminary Development Plans and Final Development Plans prepared for subdivisions shall be prepared in accordance with the requirements of the Subdivision Code in Chapter 14 of the Town Code.

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:

1. Relationship of the property to the surrounding areas that will be affected by
the proposed PAD.

2. A map showing the street system, lot lines and topography.

3. Proposed pattern of residential and/or commercial land uses, including areas to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and other similar public and semi-public uses, and the underlying zoning district.

4. A conceptual site plan for each building site and common open areas, showing the approximate location of all structures, buildings and improvements (except for single family detached units which shall be indicated by lot location only). The site plan shall also indicate the proposed access ways, easements and other public property needed for (and open spaces desired around) buildings and structures.

5. Preliminary plans and elevations of all building types. [These need not be the result of final architectural decisions and need not be in detail.]

6. An off-street parking and circulation diagram indicating the proposed movement of vehicles within the development and to and from the existing thoroughfares.

7. A tabulation of the total number of acres in the proposed project and a tabulation of overall density per gross acre.

8. Agreements or provisions of conveyance which govern the use, maintenance and continued protection of the planned development and any of its open areas.

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)(3)(a-j) apply to any Model Homes and Model Home Complexes approved in a Development Plan.

D. The Preliminary Development Plan shall be submitted to the Community Development Department. Once the Department determines that the Plan substantially conforms to the submission requirements of this Section, the Plan shall be presented to the Planning and Zoning Commission at a future regular meeting [but not less than thirty (30) days from the date of filing].

E. Preliminary Plan Review: The Planning Commission shall investigate and ascertain that the Preliminary Development Plans for a Planned Area Development meet the following conditions:

1. That the proposed project will constitute an environment of sustained desirability and stability and that it will be in harmony with the character of the surrounding developments and neighborhoods consistent with the purpose of this Article.
2. That the value or the use of the property adjacent to the area included in the Plan will not be adversely affected. To this end, the Planning Commission may require, in the absence of an appropriate physical barrier, that uses of least intensity be arranged along the boundaries of the project. The Planning Commission may impose either or both of the following requirements:

a. Structures located on the perimeter of the PAD must be setback by a distance sufficient to protect the privacy and amenity of adjacent existing uses;

b. Structures located on the perimeter of the PAD must be permanently screened in a manner which is sufficient to protect the privacy and amenity of the adjacent existing uses.

3. That every structure containing residential, commercial or industrial units shall have access to a public street directly or via a court, walkway or other common area, dedicated to the public use or owned and maintained as common ground.

4. That the proposed uses are or will be allowed in the underlying zoning district.

F. If the Commission finds that the proposed land uses illustrated on the Preliminary Development Plan are not in conformity with the current or proposed underlying zoning district or does not otherwise meet the intent and objectives of the General Plan or objectives of this Chapter, the Commission shall give no further consideration, unless, within ten (10) days after the decision of the Commission is rendered, the applicant requests an appeal of the Commission decision to the Town Council. Within thirty (30) days of the request for an appeal, the Council shall hold a public hearing to affirm, reverse or modify the Commission decision. If the Council concurs with the decision of the Commission in denying the appeal of a proposed PAD, the Council shall give no further consideration. If the Council upholds the appeal and reverses the Commission decision, the applicant shall be required to prepare a Final Development Plan according to the provisions and procedures contained in this Article.

G. If the Commission finds that the Preliminary Development Plan is consistent with the underlying zoning district and the objectives of the General Plan, the applicant shall then prepare and submit a Final Development Plan. The Commission may require that the applicant modify, alter, adjust or amend the Preliminary Development Plan in a manner, and to an extent, as it may be necessary and appropriate to the public interest. The time period for which Preliminary Development Plan approvals shall be valid shall essentially be the same as for Preliminary Plat approvals in Town Code Subsection 14-02-030(F) (as amended).

H. Final Development Plan: The Final Development Plan shall include all pertinent information relating to the proposed PAD and contained in the Preliminary Development Plan (as revised) and as may be required by the Community Development Department, the Planning and Zoning Commission, Town Council, and the officer in charge of administering this Chapter.

I. The Final Development Plan shall be inspected by the Town of Prescott Valley for
compliance with this Zoning Chapter and all other applicable regulations and ordinances.

J. The Final Development Plan shall be submitted to the Community Development Department. Once the Department determines that the Plan substantially conforms to the submission requirements of this Section, it shall be presented to the Town Council at a future regular meeting.

K. The decision of the Council in approving or disapproving the Final Development Plan shall be accompanied by a statement explaining to the applicant why a particular decision was rendered and that the proposed plan met or failed to meet the following conditions:

1. That the development is or is not consistent with the purpose and intent of the Comprehensive Plan and Zoning Chapter in promoting the health, safety, morals and general welfare of the public.

2. That the development is or is not designed to produce an environment of stable and desirable character and that the property adjacent to the area of the proposed development will or will not be adversely affected, including property values.

3. That every structure containing residential, commercial or industrial units does or does not have adequate access to public streets.

4. That the average density, excluding open areas occupied by streets, is or is not the density required by the pre-existing zoning district regulation otherwise applicable to the site. The Council may require that the applicant modify, alter, adjust or amend the Plan in manner and extent as it may deem appropriate to the public interest.

L. Before recommending approval of the Final Development Plan, the Council may make reasonable requirements including, but not limited to:

1. Use limitations
2. Landscaping
3. Screening and planting
4. Setback and building height
5. Paving and location of drives and parking areas
6. Drainage
7. Hillside requirements
8. Location of access ways and easements
9. Public property (including open spaces)
10. Shape and minimum size of individual lots
11. Grouping of uses and buildings
12. Maintenance of grounds
13. Regulation of signs
14. Fences and walls.

M. Upon the approval of the Final Development Plan by the Council, the PAD overlay zoning district may be applied to the proposed area of development and the strict application of the requirements of the underlying zoning district may be tailored to provide flexibility in design, density and development requirements of the approved Final Development Plan, provided the plan does not adversely affect the intent and purpose of the General Plan, nor adversely affect surrounding property (including property values.

N. Once the Final Development Plan has been approved by the Council, it can be amended, changed or modified only through the procedures prescribed for application approvals.

O. After approval by the Council, the Final Development Plan shall be deemed an official plan, and the Town Clerk shall place it on record in the Office of the County Recorder of Yavapai County. After recordation, copies of the Final Development Plan shall be filed with the Town Clerk of the Town of Prescott Valley.

P. Easements, Streets and Other Public Property Dedications: To the extent that Final Development Plans are adopted as subdivisions in accordance with Chapter 14 of this Code, required easements, streets and other public property dedications shall be effective upon recordation with the County Recorder. In the case of non-residential PADs, conveyance of designated easements, streets and other public property shall be by separate deed approved as to form by the Town Attorney.

(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)

13-19-070 Reversionary Clause.

In the event that land located within the boundaries of the PAD cannot be developed as approved, the only alternative use of the land shall be in accordance with pre-existing use regulations existing immediately prior to said approval. If the building or work authorized by the building permit for a PAD is not commenced within twelve (12) months from the date that such permit was issued, or if the building or work authorized by the building permit is suspended or abandoned at any time after work has commenced for a period of six (6) months, the permit shall expire by limitation and become null and void. Before such work
can be re-commenced after permit expiration, a new building permit must be secured after
the Final Development Plan, with appropriate modification, is resubmitted to the Town
Council for public hearing and approval.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-19-080  PAD Amendments.

A. Amendments: The following procedures shall be followed for any amendment to a PAD
including amendments to the Development Phasing Schedule.

1. Major Amendments:

a. A PAD District applicant or his successors in interest may file a request
for a major amendment with the Community Development Department.

b. The change will be deemed major if it involves any one (1) of the
following:

(1) An increase in the approved totals of dwelling units or gross
leasable area for the PAD District.

(2) A significant change in zoning boundaries as determined by the
Community Development Director from those approved for the
PAD District.

(3) Any change which could have significant impact on areas
adjoining the PAD as determined by the Development Services
Director.

(4) Any change which could have a significant traffic impact on
roadways adjacent or external to the PAD as determined by the
Community Development Director.

c. The Community Development Department will bring the major
amendment before the Planning and Zoning Commission and Town
Council and will submit background material relevant to the request.

2. Minor Amendments:

a. A PAD District applicant or his successors in interest may file a request
for a minor amendment with the Community Development Department
if the Community Development Director determines that the request is
not major, as defined above.

b. The request will be routed for comment to any affected Town
departments or other agencies for comment.
Prescott Valley, Arizona

c. Upon receipt of comments or no later than ten (10) working days, the Community Development Director will determine whether to approve or deny the requested change.

d. If the requested change is approved, a letter of approval signed by the Town Manager will be mailed to the applicant with a copy filed for public record.

(Ord. No.772, Enacted,03/28/13)
Article 13-19a PL (PUBLIC LANDS)

13-19a-010 Purpose.
13-19a-020 Use Regulations.
13-19a-030 Development Standards.

13-19a-010 Purpose.

Public lands, or those lands held in ownership of public or quasi-public agencies, constitute a large sector of the Town of Prescott Valley and are therefore set aside in a PL (Public Lands) District reflecting the present and future land uses of this public land. This designation separates these uses from the customary urban uses and is reflected on the official Zoning Map. The district is intended to provide areas within the community for location of parks, public open space, governmental buildings and facilities, schools and school grounds, quasi-public buildings and facilities, towers, antennae and wireless telecommunications facilities, and related uses for the enjoyment and use of present and future generations.

(Ord. No. 77, Enacted, 02/10/83; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 439, Amended, 06/25/98)

13-19a-020 Use Regulations.

A. Uses Permitted:

1. Parks and open spaces
2. Public recreation facilities
3. Golf courses, golf driving ranges
4. Zoos
5. Public schools and playgrounds
6. Universities and colleges
7. Governmental office buildings and grounds
8. Museums, observatories and similar quasi-public facilities
9. Libraries
10. Governmental service and maintenance facilities
11. Municipal water production and storage facilities
12. Sewage treatment facilities
13. Animal shelters
14. Flood control facilities
15. Historical landmarks
16. Hospitals
17. Fairgrounds
18. Fire and police stations
19. Accessory uses and structures incidental to permitted uses
20. Commercial uses incidental, accessory to or in conjunction with permitted uses
21. Essential public utility buildings and facilities
22. Towers, antennae and wireless telecommunications facilities that comply with the requirements of this Chapter.


C. Uses Permitted by Use Permit:

1. Residences, including mobile homes and manufactured homes in compliance with Chapter 15 of this Code, for caretakers and necessary employees and associates.

(Ord. No. 77, Enacted, 02/10/83; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 341, Amended, 11/03/94; Ord. No. 439, Amended, 06/25/98; Ord. No. 552, Amended, 03/13/03)

13-19a-030 Development Standards.

A. Design standards should encourage open space with a minimum of ten percent (10%) landscaping, in compliance with Article 13-26 of this Chapter. A landscaping plan must be approved by the Director of Planning.

B. Setback and yard requirements shall be the same as those of the adjacent use district.

C. Screening, landscaping, outdoor lighting, nuisance and hazard provisions of Article 13-26 of this Chapter shall apply to uses permitted by Use Permit, and shall be specified in the Use Permit.

D. Off-street parking facilities shall be provided for each use as specified under Article 13-24, or as specified in a Use Permit.

E. No sign, outdoor advertising structure, or display of any character shall be permitted
except in accordance with the provisions of Article 13-23 or as authorized in a Use Permit.

(Ord. No. 77, Enacted, 02/10/83; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)
Article 13-19b  AG (AGRICULTURAL)

13-19b-010  Purpose.

The purpose of the AG (Agricultural) District is to designate "agricultural land", defined as land which is one or more of the following:

A. Cropland in the aggregate of at least twenty (20) gross acres;
B. An aggregate ten (10) or more gross acres of permanent crops;
C. Grazing land with a minimum carrying capacity of forty (40) animal units and containing an economically feasible number of animal units;
D. Land devoted to high density use in the production of commodities;
E. Land devoted to use in processing cotton necessary for marketing; or
F. Land devoted to use in processing wine grapes for marketing.

(Ord. No. 399, Enacted, 10/10/96)

13-19b-020  Use Regulations.

A. Uses Permitted:

1. All principal and accessory uses and structures related to use of the property as "agricultural land".

B. Uses Permitted by Use Permit:

1. Public utilities facilities.
2. Residences, including mobile homes and manufactured homes in compliance with Chapter 15 of this Code, for managers, caretakers, or watchmen, their immediate families, and necessary employees and associates.
3. Towers, antennae and wireless telecommunications facilities that comply with the requirements of this Chapter.
C. Prohibited Uses:

1. All other uses permitted or permitted by Use Permit in all other zoning districts under this Chapter.

(Ord. No. 399, Enacted, 10/10/96; Ord. No. 439, Amended, 06/25/98; Ord. No. 638, Amended, 10/13/05)

13-19b-030 Application of Sign Regulations.

The sign regulations of Article 13-23 of this Chapter shall apply to uses within the AG (AGRICULTURAL) District.

(Ord. No. 399, Enacted, 10/10/96)

13-19b-040 Application of Off-Street Parking Regulations.

The off-street parking regulations of Article 13-24 of this Chapter shall not apply to uses within the AG (AGRICULTURAL) District.

(Ord. No. 399, Enacted, 10/10/96)

13-19b-050 Application of Site Development Standards.

With the sole exception of the outdoor lighting provisions in Article 13-26a and the nuisance and hazards provisions in Section 13-26-070, the regulations in Article 13-26 "SITE DEVELOPMENT STANDARDS" of this Chapter shall not apply to uses within the AG (AGRICULTURAL) District.

(Ord. No. 399, Enacted, 10/10/96; Ord. No. 521, Amended, 05/09/02)
13-20-010 Density Districts.

A. Those areas of Prescott Valley subject to the provisions of this Chapter (except the Agricultural districts) are hereby divided into Density Districts, according to the cross references to use districts, intended to be combined with use districts for the purpose of regulating lot area and dimensions, amount of lot area required for each dwelling unit, yard width and depth, building height, spacing and percent of lot coverage. The following Density Districts [with the regulations thereof (shown on the accompanying chart), together with the general provisions applicable thereto in this Article] shall control just as though the same had been fully described in this Section. These Density Districts are shown on the Zoning Map, Town of Prescott Valley Zoning Code, which accompanies this Chapter, and which Map (with all notations, references, and other information as shown thereon) shall be as much a part of this Chapter as if fully described herein.

B. Lot Size and Area Minimums

<table>
<thead>
<tr>
<th>Density District</th>
<th>Width</th>
<th>Depth</th>
<th>Area</th>
<th>Formula</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>1,000 sq. ft.</td>
</tr>
<tr>
<td>2</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>2,000 sq. ft.</td>
</tr>
<tr>
<td>3</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>3,000 sq. ft.</td>
</tr>
<tr>
<td>4</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>4,000 sq. ft.</td>
</tr>
<tr>
<td>5</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>5,000 sq. ft.</td>
</tr>
<tr>
<td>6</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>6,000 sq. ft.</td>
</tr>
<tr>
<td>8</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>8,000 sq. ft.</td>
</tr>
<tr>
<td>10</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>None</td>
</tr>
<tr>
<td>12</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>12,000 sq. ft.</td>
<td>None</td>
</tr>
<tr>
<td>18</td>
<td>130 ft.</td>
<td>130 ft.</td>
<td>18,000 sq. ft.</td>
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</tr>
<tr>
<td>25</td>
<td>140 ft.</td>
<td>150 ft.</td>
<td>25,000 sq. ft.</td>
<td>None</td>
</tr>
<tr>
<td>35</td>
<td>165 ft.</td>
<td>165 ft.</td>
<td>35,000 sq. ft.</td>
<td>None</td>
</tr>
<tr>
<td>70</td>
<td>200 ft.</td>
<td>200 ft.</td>
<td>70,000 sq. ft.</td>
<td>None</td>
</tr>
<tr>
<td>175</td>
<td>300 ft.</td>
<td>300 ft.</td>
<td>175,000 sq. ft.</td>
<td>None</td>
</tr>
</tbody>
</table>

C. Buildings.

<table>
<thead>
<tr>
<th>Density District</th>
<th>Maximum Lot Coverage</th>
<th>Minimum Building Spacing</th>
<th>Maximum Stories</th>
<th>Height Ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>50%</td>
<td>6 ft.</td>
<td>8</td>
<td>35</td>
</tr>
<tr>
<td>2</td>
<td>50%</td>
<td>8 ft.</td>
<td>3</td>
<td>35</td>
</tr>
<tr>
<td>3</td>
<td>50%</td>
<td>8 ft.</td>
<td>3</td>
<td>35</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Density District</th>
<th>Front</th>
<th>Rear</th>
<th>Side Interior</th>
<th>Side Exterior</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>50%</td>
<td>8 ft.</td>
<td>2.5</td>
<td>35</td>
</tr>
<tr>
<td>5</td>
<td>40%</td>
<td>8 ft.</td>
<td>2.5</td>
<td>35</td>
</tr>
<tr>
<td>6</td>
<td>40%</td>
<td>8 ft.</td>
<td>2.5</td>
<td>35</td>
</tr>
<tr>
<td>8</td>
<td>40%</td>
<td>8 ft.</td>
<td>2.5</td>
<td>35</td>
</tr>
<tr>
<td>10</td>
<td>40%</td>
<td>8 ft.</td>
<td>2.5</td>
<td>35</td>
</tr>
<tr>
<td>12</td>
<td>40%</td>
<td>8 ft.</td>
<td>2.5</td>
<td>35</td>
</tr>
<tr>
<td>18</td>
<td>25%</td>
<td>8 ft.</td>
<td>2.5</td>
<td>35</td>
</tr>
<tr>
<td>25</td>
<td>20%</td>
<td>8 ft.</td>
<td>2.5</td>
<td>35</td>
</tr>
<tr>
<td>35</td>
<td>15%</td>
<td>8 ft.</td>
<td>2.5</td>
<td>35</td>
</tr>
<tr>
<td>70</td>
<td>10%</td>
<td>8 ft.</td>
<td>2.5</td>
<td>35</td>
</tr>
<tr>
<td>175</td>
<td>5%</td>
<td>8 ft.</td>
<td>2.5</td>
<td>35</td>
</tr>
</tbody>
</table>

* Refer to Section 13-21-080 for additional building spacing regulations for accessory buildings and structures.

D. Yard Dimension Minimums

E. Commercial Zones: The yard dimension minimums applicable to the respective Density Districts as defined herein shall not apply to any commercially-zoned lot, except as follows:

1. Any residential district uses shall maintain the same yards required by the Density District, except that where dwelling units, or guest units occupy an upper floor (the ground floor of which is used for business), such upper floor may maintain the same yards as are permitted for the ground floor.

2. A front yard of not less than twenty (20) feet shall be required where the proposed building is on a lot contiguous to a residentially-zoned lot fronting on the same street (unless waived in writing by the owner of such residentially-zoned lot).

3. Where the side lot line is common to the side line of a residentially-zoned lot,
the side yard shall be no less than five (5) feet.

4. Where the rear lot line is contiguous to a residentially-zoned lot, the rear yard shall be no less than fifteen (15) feet.

5. On a corner lot, a minimum side yard of fifteen (15) feet is required on the exterior side.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-19, 13-19-010; Ord. No. 67, Amended, 02/25/82; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 259, Amended, 06/27/91; Ord. No. 375, Ren&Amd, 12/28/95, 13-20; Ord. No. 397, Amended, 08/08/96; Ord. No. 399, Amended, 10/10/96)
### Article 13-21  GENERAL DISTRICT PROVISIONS

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#### 13-21-010  Applying General Provisions.

The following provisions shall apply to all districts, except as may be modified, supplemented or supplanted under the provisions of any particular district.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-010; Ord. No. 178, Rep&ReEn, 05/26/88)

#### 13-21-020  Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards.

The provisions of Article 13-26 of this Chapter shall apply to each district with regard to landscaping, screening, outdoor lighting, nuisances and hazards. Furthermore, the provisions of Article 13-26a of this Code shall apply to each district with regard to outdoor lighting.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96; Ord. No. 521, Amended, 05/09/02)

#### 13-21-030  Repealed.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-030; Ord. No. 162, Amended, 11/12/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Rep&ReEn, 07/22/93; Ord. No. 392, Repealed, 06/27/96)

#### 13-21-040  Repealed.
13-21-050  Dwelling Prohibition.

Dwelling prohibition in any district shall not be construed to prohibit from any lot one (1) residence of an individual (and his family) acting in the capacity of manager, caretaker or watchman.

13-21-060  Height Limits.

Height limits, when designated in both stories and feet, shall not exceed the foot dimensions.

A. Spires, Chimneys, Towers, Etc:

1. The district height limitations for buildings are not applicable to spires, cupolas, chimneys, flues, vents, poles, or beacons; nor to any bulkhead, elevator, tank (or similar) extending above a room when same occupies no more than twenty-five percent (25%) of such roof area.

2. The district height limitations for buildings are not applicable to towers, antennae and wireless telecommunications facilities used solely for transmissions and receipt by a single use (including, but not limited to, amateur radio and devices necessary for use of a subscription to a commercial wireless provider service).

3. The district height limitations for buildings shall apply to towers, antennae and wireless telecommunications facilities other than those used solely for transmissions and receipt by a single use, located in any zoning district except the PL District and requiring a Use Permit, unless a greater height is expressly provided for as a condition of the Use Permit. Note the related setback requirements in Subsection 13-21-120(F).

4. The district height limitations for buildings are not applicable to towers, antennae and wireless telecommunications facilities other than those used solely for transmissions and receipt by a single use, located in the PL District.

5. Each of the structures enumerated in this Subsection must be so located on a lot that its reclining length (in case of collapse) would be contained within the bounds thereof, unless certifications are provided showing that the structures have been specially designed to be safe from collapse.

6. In determining height, the antenna and all related equipment shall be included.
B. Structures Near Airplane Runways or Landing Strips: Buildings or structures or any portions thereof exceeding a height of twenty (20) feet shall not be erected or structurally altered within five hundred (500) feet of the projected center line of an existing or proposed runway or landing strip for a distance of one thousand (1,000) feet from the end of the existing or proposed runway or landing strip. Beyond a distance of one thousand (1,000) feet from the end of the existing or proposed runway or landing strip, buildings or structures or any portion thereof shall not be erected to exceed a height that would interfere with the takeoff or landing of a plane with a glide angle of one (1) foot vertical for every forty (40) feet horizontal, such glide angle to be computed as beginning at a point on the extended center line of the runway two hundred (200) feet beyond and at the same elevation as the end of the runway pavement; or, if runway pavement is not provided, one hundred (100) feet beyond and at the same elevation as the end of the landing strip.

C. Fences, Walls, Screen Walls, Hedges and Shrubbery. Unless otherwise provided in this Chapter, the maximum height for fences, walls, screen walls, hedges and shrubbery shall be:

1. On any residentially-zoned lot (or that portion of other lots contiguous thereto): four (4) feet in front yard and six (6) feet in side or rear yards.

2. On commercially and industrially-zoned lots: eight (8) feet.

3. Corner Lots - Exterior Sides:

Any fence/wall constructed on the exterior side lot line of a corner lot and/or between the exterior side lot line and the required exterior side set back line ("required exterior side setback area") shall not exceed four (4) feet in height as measured from the adjacent finished grade at the exterior of the fence/wall. Exterior side fences/walls that are constructed outside of the required exterior side setback area may be six (6) feet in height as measured from the finished grade at the exterior of the fence/wall.

4. Corner Lots Located in Planned Area Development (PAD) - Exterior Sides:

Any fence/wall constructed within the required exterior side setback area of a corner lot located in a PAD may be six (6) feet in height provided that the fence/wall shall not be closer than ten (10) feet to the back of the adjacent curb.

5. Three (3) feet within the triangular area formed by measuring ten (10) feet along the boundary of roadways and drives from the intersection thereof (including hedges and other plantings). Height may be increased not to exceed four (4) feet, provided such height increase does not hamper visibility for traffic safety.

6. All fence/wall heights shall be measured from the adjacent finished grade at the exterior of the fence/wall. The measurement shall not include any retaining wall that is below the finished grade at the exterior of the fence/wall; however the measurement shall include any retaining wall that is above the finished grade at the exterior of the fence/wall as measured from the exterior of the retaining wall.
7. Decorative gates and entrance ways may exceed the height limits set forth herein up to a maximum of nine (9) feet provided that the width of the decorative gate or entrance way does not exceed 25% of the lineal footage of that portion of the attached fence or wall that runs along the property line upon which the gate or entrance way is located. In no instance shall the decorative gate or entrance way exceed nine (9) feet in height.

8. As specified in Article 13-26 of this Chapter.

D. Buildings.

1. No portion of any building exceeding a height of four (4) feet shall occupy the triangular area formed by measuring ten (10) feet along the right-of-way lines from the intersection thereof.

2. Buildings located on sloping lots are permitted an extra story on downhill side, provided the building height (measured from the floor above such extra story) does not exceed the maximum height in feet allowed in the district.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-20-060; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93; Ord. No. 392, Amended, 06/27/96; Ord. No. 439, Amended, 06/25/98; Ord. No. 629, Amended, 06/09/05; Ord. No. 638, Amended, 10/13/05)

13-21-070 Additional Lot Area and Dimension Regulations.

A. Any lot of record existing at the time this Chapter or amendments thereto become effective, which does not conform with the lot area or width requirements for the district in which it is located, may be used for any use permitted in that district provided other applicable regulations of this Chapter are complied with.

B. Any lot, after this Chapter or amendments thereto become effective, shall not be reduced in any manner below the lot area and dimension requirements of this Chapter for the district in which it is located, or if a lot is already less than the minimums so
required, such lot area or dimension shall not be further reduced.

C. Any lot, after this Chapter or amendments thereto become effective, shall not be reduced or diminished so as to cause the yards, lot coverage, or other open spaces to be less than that required by this Chapter, or to decrease the lot area per dwelling unit except in conformity with this Chapter.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-21-080 Accessory Buildings, Structures and Uses.

A. Accessory buildings, structures and uses, as defined in Section 13-02-010(B)(3) herein, are permitted in conjunction with any "principal" use, provided the same are compatible therewith and do not alter the character of the premises. Any reference to "Permitted Uses" shall be deemed to include such accessory buildings, structures and uses.

B. Accessory buildings, structures and uses may be attached to or detached from the "principal" building, except that no accessory buildings, structures or uses housing fowl or animals (other than domestic pets) may be attached to any dwelling unit.

C. Accessory buildings, structures or uses are allowed prior to installation of principal structures only when a construction permit is issued for the principal structure and construction of the same is commenced within six (6) months.

D. No detached accessory buildings, structures or uses designed or used for sleeping or living purposes shall be closer to any lot line than is required for a dwelling unit on the same lot.

1. Guest houses shall not exceed one thousand (1,000) square feet or twenty-five percent (25%) of the total square footage of the livable area under the roof of the primary residential structure (whichever is greater). All accessory dwelling units shall meet the setback requirements applicable to the primary residence in the respective zoning district.

E. Any detached accessory buildings, structures or uses not in the rear one-half (1/2) of the lot shall maintain such yards as are required for a dwelling unit on the same lot.

F. The minimum building spacing for detached accessory buildings, structures or uses shall be no less than three (3) feet.

G. Accessory buildings located in the rear half of any residential lot shall maintain the same setback at the rear lot line as required for an interior side setback for the zoning district in which the building is located.

H. Any accessory building in excess of ten (10) feet in height shall increase the distance of said building from the rear lot line by one (1) foot for each foot over ten (10) feet in building height.
I. On lots located in the twelve thousand (12,000) square foot density district and all preceding density districts, a single accessory building shall not exceed fifty percent (50%) or the total roof area of the principal dwelling unit including attached garages, carports, etc.

J. On lots located in the eighteen thousand (18,000) square foot density district and all density districts following, a single accessory building shall not exceed one hundred percent (100%) of the principal dwelling unit’s roof area including attached garages, carports, etc.

K. Whenever doubt exists as to the appropriateness of an accessory building, the Board of Adjustments will interpret the matter.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-070; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 259, Amended, 06/27/91; Ord. No. 293, Amended, 03/25/93; Ord. No. 439, Amended, 06/25/98; Ord. No. 458, Amended, 04/08/99; Ord. No. 809, Amended, 09/24/15)

13-21-090 Density Formulas.

Density formulas are hereby established for each Density District for the purpose of determining (where applicable) the amount of lot area required for each dwelling unit, hotel or motel unit, or mobile/manufactured home space. The density formula may be reduced twenty percent (20%) for any units consisting of a combined bed-living room (commonly referred to as an efficiency apartment).

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-080; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 404, Amended, 11/07/96; Ord. No. 434, Amended, 01/22/98)

13-21-100 Swimming Pool Safety.

A. Any swimming pool, as defined in this Chapter, shall be protected by an enclosure surrounding the swimming pool area, as provided in this Section.

B. Enclosure Standards. Swimming pool enclosures shall meet the following requirements:

1. The swimming pool shall be entirely enclosed by a wall, fence or barrier not less than five feet (5') in height as measured from the finished grade on the exterior side of the wall, fence or barrier.

2. The wall, fence or barrier shall have no openings through which a spherical object four inches (4") in diameter can pass.

3. The horizontal components of any wall, fence or barrier shall be spaced not less than forty-five inches (45") apart measured vertically.

4. Wire mesh or chain link fences shall have a maximum mesh size of one and three-quarter inches (1¾") measured horizontally.
5. The wall, fence or barrier shall not contain openings, handholds or footholds accessible from the exterior side of the enclosure that can be used to climb the wall, fence or barrier.

6. The wall, fence or barrier shall be at least twenty inches (20") from the water's edge.

7. Gates for the enclosure shall:
   a. Be self-closing and self-latching with the latch located at least fifty-four inches (54") above the underlying ground or on the pool side of the gate with a release mechanism at least five inches (5") below the top of the gate and no opening greater than one-half inch (½") within twenty-four inches (24") of the release mechanism.
   b. Open outward from the pool.

C. Residence Constituting Part of Required Enclosure. If a residence or living area constitutes part of the enclosure required herein for a swimming pool or other contained body of water in lieu of the requirements of Subsection B, there shall be one of the following:

1. A minimum fifty-four inch (54") wall, fence or barrier to the pool area which meets all of the requirements of Subsection B, paragraphs 2 through 7, shall be constructed between the swimming pool or other contained body of water and the residence or living area.

2. All ground-level doors or other doors with direct access to the swimming pool or other contained body of water shall be equipped with a self-latching device which meets the requirements of Subsection D(1). Emergency escape or rescue windows from sleeping rooms with access to the swimming pool or other contained body of water shall be equipped with a latching device not less than fifty-four inches (54") above the floor. All other openable dwelling unit or guest room windows with similar access shall be equipped with a screwed-in-place wire mesh screen, or a keyed lock that prevents opening the window more than four inches (4"), or a latching device located not less than fifty-four inches (54") above the floor.

D. Pool Location.

1. In any single-family residential district, private swimming pools shall be in the side or rear yard, and there shall be a distance of at least ten (10) feet between any property line and the water's edge.

2. In any commercial or multi-family residential district, there shall be a distance of at least twenty-five (25) feet between any property line and the water's edge of a public or semi-public swimming pool.

E. Safety Education. A person on entering into an agreement to build a swimming pool or
contained body of water or to sell, rent or lease a dwelling with a swimming pool or contained body of water shall give the buyer, lessee or renter a notice explaining safety education and responsibilities of pool ownership as approved by the Arizona Department of Health Services.

F. Exemptions. This Section shall not apply to:

1. A system of sumps, irrigation canals, irrigation, flood control or drainage works constructed or operated for the purpose of storing, delivering, distributing or conveying water.

2. Stock ponds, storage tanks, livestock operations, livestock watering troughs or other structures used in normal agricultural practices.

3. Residential fish ponds or decorative fountains.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-20-090; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 619, Amended, 03/24/05; Ord. No. 750, Amended 08/12/10)

13-21-110 Use Permits.

A. Use Permits are generally issued by the Board of Adjustment. However, Use Permits for towers, antennae, and wireless telecommunications facilities are issued by the Town Council after a recommendation from the Planning and Zoning Commission. Both the Board of Adjustment and the Town Council shall issue their decisions with regard to Use Permit applications within thirty (30) days after the last public hearing has been held on the application. The Board of Adjustment shall follow its procedures set forth in Town Code Article 13-29, and the Planning and Zoning Commission and Town Council shall follow the procedures for Zoning Map amendments set forth in Town Code Article 13-30. With regard to Use Permit applications for towers, antennae and wireless telecommunications facilities, a written decision shall be issued based on the evidence in the written record, and no decision shall attempt to regulate radiofrequency emissions (except to require that applicants meet FCC standards).

B. Use Permit applications must be accompanied by: a layout and landscape plan; typical building elevations and other pertinent development characteristics; total cost of the project, and evidence of the applicant's ability to complete the project. Any information of an engineering nature that the applicant submits, whether civil, mechanical, structural or electrical, must be certified by an Arizona licensed professional engineer.

C. Applications for Use Permits to construct towers, antennae or wireless telecommunications facilities shall be accompanied by the following additional information:

1. The zoning classification of the site;

2. A map of all properties within three hundred (300) feet of the proposed site, together with a mailing list of all property owners within three hundred (300) feet and stamped envelopes pre-addressed to each such property owner;
3. A map of adjacent roadways;

4. A drawing of proposed means of access;

5. Elevation drawings of the exterior of each element of the proposed wireless telecommunications facility;

6. A complete landscape plan;

7. The setback distance between the proposed wireless telecommunications facility and
   a. the nearest residential unit,
   b. all residentially-zoned properties within three hundred (300) feet of the wireless telecommunications facility,
   c. all schools within three hundred (300) feet of the wireless telecommunications facility, and
   d. all hospitals within three hundred (300) feet of the wireless telecommunications facility;

8. The separation distance from other towers described in the inventory of existing sites, their type of construction, and the owners' names and addresses;

9. The method of fencing;

10. Coloration;

11. Materials;

12. Illumination;

13. Camouflage;

14. Certification that the wireless telecommunications facility, as represented in the application, will comply with all FAA, FCC and other applicable regulations;

15. A map of all locations owned, leased or operated by the applicant (and their coverages) within ten (10) miles of the proposed site or which are capable of communication with the proposed site by wireless means;

16. A map of all designated multiple-site locations within two (2) miles of the proposed site;

17. An inventory of towers, wireless telecommunications facilities and alternative tower structures used by applicant which are existing towers, antennae, or wireless telecommunications facilities, or for which a permit application has been
submitted for zoning or construction, and all additional sites applicant intends to construct or utilize within one (1) year following the date of the application, which are within the jurisdiction of the Town or within one (1) mile of the municipal boundaries. Such inventory shall include the location, height, and type of each;

18. Certification, as of the date of the application, that all wireless telecommunications facilities within twenty five (25) miles of the proposed site which are owned, leased, or operated by any provider who will use the proposed site, comply with all applicable FCC, FAA and other applicable regulations;

19. Certification of whether the applicant is applying for collocation treatment;

20. Certification that police departments, fire departments, other public safety agencies, water departments and local governments having jurisdiction within five (5) miles of the site have been notified of the application;

21. Copies of all federal and state wireless telecommunications licenses for providers who will use the wireless telecommunications facility for which the application is filed;

22. Certification that no PL District site reasonably meets the needs of the applicant [listing all such sites within five (5) miles of the proposed site and the reason each is not adequate for reasonable commercial coverage]; and

23. A list of each wireless telecommunications facility with which the proposed site has the potential to interfere, including the name, address and phone number of each owner. Within ten (10) days following filing of the application, the applicant shall file a certificate that each of the listed persons have been given written notice of the application.

D. The granting of a Use Permit is a matter of grace, not of right (conditional or otherwise). The burden of proof lies with the applicant to satisfactorily show that any structure that is involved will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the same will be in full conformity with any conditions, requirements or standards prescribed by or under this Chapter.

E. With regard to applications for towers, antennae and wireless telecommunications facilities, the Board of Adjustment and the Town Council shall also consider such factors as the height proposed for facilities, proximity to other uses, proximity of historic sites, proximity of landmarks, vehicle traffic routes, proximity of medical facilities, air routes, topographical features, availability of utilities, site access, and suitability of alternative sites. With regard to alternative sites, the Board of Adjustment and the Town Council shall be guided by the most recently adopted Wireless Telecommunications Plan for Central Yavapai County which sets forth the priority of properties on which to place towers, antennae and wireless telecommunications facilities. In addition, the following performance criteria are deemed to be consistent with the health, safety and welfare of the community with regard to siting of towers, antennae and wireless telecommunications facilities:
1. Existing structures will be preferred over new structures;

2. New structures which appear to be structures commonly found within the zoning district are preferred over apparent wireless telecommunications facilities;

3. Wireless telecommunications facilities which cannot be readily observed from adjacent streets are preferred;

4. Heights which do not exceed the height limitations for the particular zoning district are preferred;

5. Collocation of multiple uses on a single wireless telecommunications facility has significant favorable weight in evaluating an application;

6. Network development plans which achieve the fewest number of wireless telecommunications facilities reasonably necessary for commercial coverage have significant favorable weight in evaluating an application;

7. Location in the least restrictive zoning districts is preferred;

8. New facilities should not be sited within three hundred (300) feet of any residences (including single- and multi-family residences and residential facilities such as group homes and nursing homes), schools (but not including secondary school and college athletic fields), or hospitals; and

9. Suitability of the location for collocation of governmental public service wireless communication facilities has significant favorable weight in evaluating an application.

F. In approving an application (in all or in part), the Board of Adjustment and the Town Council may designate such conditions that will, in its opinion, secure substantially the objectives of this Chapter, and may require guarantees in such form as it deems proper under the circumstances to ensure that such conditions are complied with. Where any such conditions are not complied with, the approval shall cease and the Zoning Inspector shall act accordingly.

G. The granting of any Use Permit shall be contingent upon building permits being obtained within six (6) months and work being diligently pursued to completion. Failure to meet this condition shall void the Use Permit unless an extension of time is secured.

H. If the Use Permit is granted without an operational time limit, the Permit may operate permanently within the confines of this Chapter and the requirements imposed at the time of granting the Permit.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-100; Ord. No. 178, Rep&R En, 05/26/88; Ord. No. 439, Amended, 06/25/98)
13-21-120 Additional Yard and Open Space Regulations.

A yard or court shall be unobstructed from the ground up by structures (other than fences, free standing walls, signs and certain subsequently permitted deviations and projections). Where reference is to a “required setback” for a structure, the same shall designate the minimum yard therefor. No lot shall be reduced in such a manner to reduce any yard or open space below the minimum required therefor. No yard or open space required for a structure on one (1) lot shall serve the same purpose for a structure on another lot. Through lots fronting on two (2) streets shall be considered (for required setback purposes) as having two (2) front yards. No device (such as doors and windows) may be so installed as to protrude beyond a lot boundary in the operation thereof.

A. Yard Deviations (where not in conflict with future width line):

1. Front Yard Deviations
   a. On lots rising in elevation from front to center and exceeding twenty-six percent (26%) grade thereon, the front yard may be reduced not to exceed fifty percent (50%) of the required minimum.
   b. On lots zoned R1MH, a reduction in the required front setback from twenty-five (25) feet to twenty (20) feet shall be allowed if necessary to accommodate a longer mobile or manufactured home; provided, however, that the total length of such home so accommodated does not exceed the lot depth less forty-four (44) feet. No mobile or manufactured home shall be installed with a reduced front setback, unless such reduction is necessary to accommodate the home in conformance with this Section.

2. Side Yard Deviations
   a. On any interior residentially-zoned lot lacking rear access (other than from the front street), and where the septic system is in the rear yard, then one (1) side yard must measure no less than eleven (11) feet from the eave or dripline of the house to provide access to the rear yard. In the event that this Section should apply, then the opposite side yard may be reduced by no more than three (3) feet, when necessary. In the event that the septic system for the residence is in the front yard, the requirement of this paragraph is waived.
   b. On a corner lot backing to a key lot, no structure exceeding a four (4) foot height may be located adjacent to the side street within a triangular area formed by a line connecting the street intersection with the required front setback line of the key lot.
   c. When a lot sides on an alley, such required side yard adjacent thereto may be reduced not to exceed fifty percent (50%), provided such reduced setback, plus half (1/2) the alley width, is not less than the yard width required for the district.
d. On legal sub-standard width lots, an interior side yard may be reduced by half (1/2) the lot width shortage, provided such reduction does not exceed twenty-five percent (25%) of the required yard width.

3. Rear Yard Deviations
   a. On lots of less than two hundred eighty (280) foot depth, the required rear yard may be increased by the width of a potential half-alley.
   b. On lots exceeding a two hundred eighty (280) foot depth, the required rear yard may be increased by the width of a potential half-street.

B. Encroachment Into Yards (where not in conflict with future width lines). No structure (other than fences, free standing walls or signs) shall be located so as to encroach upon or reduce any open space, yard, setback requirement, lot area or parking areas as is designated under these provisions or under the provisions of the district in which located, except that:

1. All Yard Encroachments
   a. Cornices, eaves, coolers and open balconies, fire escapes, stairways or fire towers may project no more than five (5) feet into any required yard or court [but no closer than seven (7) feet from any lot boundary].
   b. Stills, leaders, belt courses (and similar ornamental features) and chimneys may project two (2) feet into any required yard or court.

2. Front Yard Encroachments
   a. A bay window, oriel, entrance or vestibule [not exceeding a ten (10) foot width] may project three (3) feet into any required front yard.
   b. An attached open porch or balcony or a carport may project no more than six (6) feet into any front yard.

3. Rear Yard Encroachments
   a. A bay window, oriel, entrance or vestibule [not exceeding a ten (10) foot width] may project three (3) feet into any required rear yard.
   b. An attached open porch or balcony or a carport may project no more than ten (10) feet into any required rear yard [but no closer than ten (10) feet from any common lot boundary].
   c. A detached accessory structure may be placed in a required rear yard, provided same is not:
      (1) Nearer the side line of the front half (1/2) of any adjacent lot than the required side yard of such lot.
(2) Nearer any property line than is allowed for a principal building or any portion of an accessory building to be used for dwelling or sleeping purposes.

C. Setbacks from streets and alleys (yard depth) are deemed as being measured from the boundary of a full width right-of-way (or what would be such where only a partial right-of-way exists), or from a future width line [See Subsection 13-21-130(C)]. Where reference is to measurements from street or alley centerline, same is deemed as being from what would be the centerline if a full right-of-way existed in accordance with the minimum right-of-way widths as are designated under Subsection 13-21-130(B).

D. Courts from which rooms depend for natural ventilation or light must be open to the sky and maintain a minimum dimension of five (5) feet [plus one (1) additional foot width for each story above the first].

E. For purposes of determining whether the installation of a tower, antenna or wireless telecommunications facility complies with zoning district development regulations, including (but not limited to) setback requirements, lot-coverage requirements, and similar requirements, the dimensions of the entire lot shall control even though the tower, antenna or wireless telecommunications facility may be located on a separately leased portion of the lot. Furthermore, setback and separation distances shall be calculated and applied irrespective of municipal and county jurisdictional boundaries.

F. The following setback requirements shall apply to all towers, antennae and wireless telecommunications facilities in zoning districts other than PL for which a Use Permit is required. Note, however, that standard setback requirements may be decreased because of a design safety certification under Subparagraph 13-21-060(A)(5) above, or as a condition imposed by the Board of Adjustment or the Town Council if the goals of this Chapter would be better served thereby:

1. Towers, antennae and wireless telecommunications facilities must be set back from any lot line a distance equal to at least one hundred percent (100%) of the height of the structure unless a greater setback is required for the particular zoning district.

2. Guys and accessory structures must satisfy the minimum zoning district setback requirements.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-20-100A; Ord. No. 66, Amended, 04/29/82; Ord. No. 78, Amended, 03/11/83; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 375, Amended, 12/28/95; Ord. No. 439, Amended, 06/25/98; Ord. No. 589, Amended, 03/25/04; Ord. No. 638, Amended, 10/13/05)

13-21-130 Streets and Alleys.

In providing for future growth, it is necessary that adequate street rights-of-way be planned and that such be kept clear of permanent structures, the removal of which (in all or part) necessitated by roadway widening could be a burden to the public. Where reference in this Chapter is to "streets", the same is deemed to mean a street right-of-way dedicated for public use, except as may be indicated otherwise on an approved, recorded plat.
A. Street Frontage: No lot of five (5) acres or less shall hereinafter be established without dedication across its full width, of a street (or street easement) or right-of-way, of sufficient width as may be applicable for such street alignment [or half (1/2) such right-of-way width where owner has no control to provide the other half (1/2)], except that in no case need such dedication be more than to create a one hundred (100) foot width [half (1/2) such as the case may be]; likewise if other streets or alleys adjoin such lot (or project along same) any permit shall be contingent upon dedication to complete owner’s share thereof. Similarly, such dedications as enumerated above shall be required in securing permits for existing lots.

B. Right-of-way widths are herein established as minimum widths required:

1. Arterial Roads - One hundred (100) feet;
2. Collector Roads - Forty (40) to fifty (50) feet;
3. Local Roads (not having topographic problems) - Fifty (50) feet;
4. Other Streets - Fifty-four (54) feet.

C. Future width lines are herein established from which setbacks for structures (other than signs, fences and free standing walls) shall be measured to comply with the district requirements, except as may be varied after findings and recommendations by the Planning and Zoning Commission that all or part of such future width is unwarranted. Where no setback is required, no such structure shall be located (or extended) nearer to the lot boundary than the future width line. Such future width lines are established as follows (except as may be indicated otherwise on the Zoning Map or on an official highway map):

1. Mid-Section Lines - Twenty-seven (27) feet on each side thereof;
2. Section Lines - Fifty (50) feet on each side thereof;
3. Federal Aid, State or Federal Highways - Forty (40) to sixty (60) feet (depending upon topography) on each side of such existing (or projected) centerline.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-110; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/14/95)

13-21-140 Temporary Buildings and Uses.

Temporary buildings and uses are permitted as follows:

A. Recreational vehicles may be temporarily occupied during the construction of a permanent dwelling (subject to the issuance of a temporary housing permit) only upon issuance of a building permit for the dwelling.
1. A temporary housing permit shall be required prior to the occupancy of such recreational vehicle. Issuance of a temporary housing permit shall be limited to a period of time not to exceed six (6) months from the date of issue, but said temporary housing permit may be renewed for a like period thereafter upon the property owner submitting satisfactory evidence that construction of the permanent structure is being diligently pursued to completion and indicating that the need to occupy such recreational vehicle continues to exist.

2. Unless such temporary housing permit is renewed, such recreational vehicle shall be disconnected from utilities and unoccupied or removed from the property upon expiration of the previously issued temporary housing permit, or within ten (10) days after completion of the construction work, whichever occurs first.

3. Fees for temporary housing permits shall be determined by the Town Council.

B. Temporary real estate offices may be occupied subject to Use Permit approval by the Board of Adjustment in accordance with application procedures outlined in Section 13-21-110, and subject to the following:

1. Such offices shall be located on the property being subdivided for sale as individual lots, and their use shall be limited to the sale of those lots.

2. Such offices shall be subject to the height, yard, intensity of use and parking regulations for the district in which they are located.

3. Any Use Permit granted for such offices shall be limited to a period of time not to exceed two (2) years from the date of issue, but said Use Permit may be extended for like periods thereafter if eighty percent (80%) of the lots in the property being subdivided have not been sold.

4. Unless such Use Permit is reissued, such offices shall be removed or eliminated from the property being subdivided upon the expiration of the previously granted Use Permit, or when eighty percent (80%) of the lots in said property are sold, whichever occurs first.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 167, Amended, 12/10/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-21-150 Livestock Privileges.

Except in the Agricultural districts, livestock, as defined in Article 13-02, shall only be allowed on lots which are one (1) acre or larger in size and shall be limited to two (2) such animals per acre except as follows:

A. No animals shall be allowed in the Town of Prescott Valley in contravention of existing restrictive covenants.

B. All such animals, where permitted, shall be kept in conformance with Chapter 6 of the

A. Applicability. All towers, antennae and wireless telecommunications facilities shall be subject to the requirements of this Section, except towers, antennae and wireless telecommunications facilities used solely for transmissions and receipt by a single use and not otherwise restricted within that district, including (but not limited to) amateur radio and devices necessary for a subscription to a commercial wireless provider service.

B. General Provisions.

1. Appearance.

   a. Towers, antennae and wireless telecommunications facilities shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted so as to reduce visual obtrusiveness and blend with the surroundings.

   b. Antennae and related electrical and mechanical equipment attached to alternative tower structures must be of a color compatible with the color of the supporting structures so as to make the antennae and related equipment visually unobtrusive.

   c. Improvements comprising a wireless telecommunications facility shall, to the extent possible, use a mix of materials, colors, textures, screening, and landscaping in order to blend the improvements into the natural setting.

   d. Towers, antennae and wireless telecommunications facilities shall not be artificially lighted unless required to be by the FAA or other applicable authority. If lighting is required, the application shall contain a list of optional light devices and a statement of the reason for selection of the light device specified over each of the other options. Economy and serviceability are among acceptable criteria for selection.

   e. All towers, antennae and wireless telecommunications facilities shall meet or exceed the standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate them or their components. If such standards and regulations are changed, then the owners of the towers, antennae and wireless telecommunications facilities shall bring their facilities into compliance within six (6) months of the effective date of such standards (unless a different compliance schedule is mandated by controlling law).
f. No signs shall be placed or allowed to be placed on any tower, antenna or wireless telecommunications facility.

g. Towers, antennae and wireless telecommunications facilities shall not be placed in a direct line of sight with historic or scenic view corridors as designated by the Town or by any state or federal law or agency.

h. Accessory structures used in direct support of a tower, antenna, or wireless telecommunications facility are permitted but may not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of such facilities shall not be stored or parked on site.

2. Security. All towers, antennae, and wireless telecommunications facilities shall be equipped with an appropriate anti-climbing device or other similar protective device to prevent unauthorized access to the facilities.

3. Collocation. The policy of the Town is to encourage collocation.

a. Preference: An applicant who certifies in writing that the tower, antenna or wireless telecommunications facility constructed will be suitable for collocating multiple providers and, as a condition of zoning, executes a written agreement (Collocation Agreement) with the Town consenting to application of the terms of this provision shall, unless waived by the applicant, receive preferential treatment for either a final approval or rejection of an application for a Use Permit, or favorable terms for a lease agreement with the Town. Note that any such preferential treatment or favorable terms can only be given after the Town receives a complete and correct application (either for a Use Permit or a lease agreement), and all fees and required forms and documents.

b. Collocation Agreement: The Collocation Agreement shall provide for at least the following:

(1) The Applicant shall accept for collocation any FCC licensed wireless telecommunications provider (Additional User) who uses any compatible technology, on commercially reasonable terms considering all of the factors a reasonable leasing company would deem relevant in entering into such an Agreement.

(2) Any Additional User seeking collocation shall submit specifications for its equipment and use (Request) to the Applicant and the Applicant shall, within thirty (30) days, respond to such party in writing (Response), furnishing all technical requirements which must be resolved before collocation.
(3) The Applicant and the Additional User shall, in good faith, attempt to resolve any outstanding technical or business terms. If, after thirty (30) days from the Response, the Additional User believes the Applicant has not negotiated in good faith, the Additional User may submit to the Applicant, in writing, a request for arbitration, in which case the Applicant shall be obligated to cooperate with the Additional User to arrange for the American Arbitration Association to designate a person knowledgeable in collocation of wireless telecommunications providers to act as arbitrator and to decide all issues between the parties. The arbitration shall be held within thirty (30) days after the request for arbitration. Note that, upon the written agreement of both parties, a different procedure for binding dispute resolution may be used. The result of the arbitration or other resolution method agreed to by the parties shall be binding and non-appealable;

(4) If the arbitrator certifies in writing to the Town that the Applicant has failed to comply with the decision of the arbitrator within fifteen (15) days after its issuance by the arbitrator, then either the Use Permit or the lease agreement related to the particular tower, antenna or wireless telecommunications facility shall be terminated and the facility shall be removed within thirty (30) days of the date of the arbitrator's certificate. If the Applicant fails to remove the facility within the specified time, the Town shall have all of the remedies available to it for elimination of a use in violation of the Town Code;

(5) The Additional Party, upon submitting the Request, shall become a third party beneficiary to the Collocation Agreement;

(6) The Town shall not be a party to any contract between the Applicant and the Additional Party, and shall not be made a party to any dispute or arbitration between the two. Applicant shall indemnify, defend and hold the Town harmless from any cost, including reasonable attorneys' fees, associated with any such matters; and

(7) A lease or other agreement containing the business terms proposed by the Applicant for collocation shall be attached as an exhibit to the Collocation Agreement.

4. Modification of Structures. No existing tower, antenna or wireless telecommunications facility may be changed or modified except as follows:

   a. The change or modification is required by a change in user or technology;

   b. The change does not increase the height of the tallest component above the height approved in this Chapter, in a Use Permit, in a lease
agreement, or (in the case of an existing facility) above its current height;

c. At the conclusion of the change or modification, the structure complies with all requirements of the building department; and

d. Each of the documents and certifications required for a Use Permit are provided.

5. Abandonment of Facilities.

a. Any tower, antenna or wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, whether or not the owner or operator intends to make use of it or any part of it. The owner of a telecommunications facility and the owner of the real property where the facility is located shall be under a duty to remove the abandoned facility. If the facility is not removed within sixty (60) days of receipt of notice from the Town notifying the owner(s) of such abandonment, the Town may remove the facility and place a lien upon the property for the costs of removal. The Town may pursue all legal remedies available to it to ensure that abandoned telecommunications facilities are removed. Delay by the Town in taking action shall not in any way waive the Town’s right to take action. The Town may seek to have the telecommunications facility removed regardless of the owner’s or operator’s intent to operate the facility and regardless of any permits, federal, state or otherwise, which may have been granted.

b. If the owner of an abandoned telecommunications facility wishes to use such abandoned facility, the owner must first apply for and receive all applicable permits and meet all of the conditions of this Chapter as if such facility were a new facility.


a. All towers, antennae, and wireless telecommunications facilities shall be maintained in compliance with standards contained in applicable state or local building and technical codes, as well as the applicable health and safety standards established by the FCC or other bodies having jurisdiction, so as to ensure their structural integrity. If, upon inspection any such telecommunications facility is determined not to comply with the Code standards or to constitute a danger to persons or property, then upon notice being provided to the owner of the facility and the owner of the real property (if the owners are different), such owners shall have thirty (30) days to bring the facility into compliance. In the event such telecommunications facility is not brought into compliance within thirty (30) days, the Town may provide notice to the owners requiring the telecommunications facility to be removed. In the event such telecommunications facility is not removed within thirty (30) days of receipt of such notice, the Town may remove such facility and
place a lien upon the property for the costs of removal. Delay by the Town in taking action shall not in any way waive the Town’s right to take action. The Town may pursue all legal remedies available to it to ensure that telecommunications facilities not in compliance with the Code standards or which constitute a danger to persons or property are brought into compliance or removed. The Town may seek to have the telecommunications facility removed regardless of the owner’s or operator’s intent to operate the facility and regardless of any permits, federal, state or otherwise, which may have been granted.

b. Upon removal of the wireless telecommunication facility, the site shall be returned to its natural state and topography, and vegetated consistent with the natural surroundings.

C. Real property owners in PL zoning districts may require owners of towers, antennae, and wireless telecommunications facilities to enter into lease agreements as prerequisites to such owners exercising the permitted use for towers, antennae, and wireless telecommunications facilities in the PL district. Real property owners shall be guided by the current Wireless Telecommunications Plan for Central Yavapai County, as adopted by the Town from time to time in conjunction with other local jurisdictions, in determining whether to enter into such lease agreements. The decision to enter into lease agreements is at the sole discretion of the real property owners, bearing in mind any prior contractual obligations and the option of tower, antennae and wireless telecommunications facilities owners to seek Use Permits to locate such facilities in other zoning districts if PL sites are unavailable. Prior to entering into lease agreements, real property owners and potential lessees shall conduct at least one (1) informational meeting for owners of real property located within three hundred (300) feet of the proposed facilities.

(Ord. No. 439, Enacted, 06/25/98)
Article 13-22  LAND SPLITS

13-22-010  Land Splits.
13-22-020  Reserved.
13-22-030  Reserved.

13-22-010  Land Splits.

A. In accordance with ARS §9-463.01(T) (as amended), this Article regulates land splits within the corporate limits with regard to division lines and area and shape of tracts or parcels. Any lot or parcel of improved or unimproved land whose area is two and one-half (2 ½) acres or less and is divided into two (2) or three (3) lots, tracts or parcels of land for the purpose of sale or lease is a land split for purposes of this Article.

B. Lot Dimensions and Area: No land split shall create a lot, tract or parcel that is smaller than the minimum dimensions and area, nor larger than the maximum depth (except if it is determined that a greater depth does not adversely affect projected street or alley alignments), provided under the regulations for the district of jurisdiction. Where no Density District has been established, then the regulations of D18 District shall control.

1. Substandard lots, tracts or parcels (either as to dimensions or area) that were legally established when same came under the district jurisdiction shall be considered as legal lots in that district.

2. Combined lots, tracts or parcels (to the extent of crossing common boundaries with structures) shall be considered as one (1) lot, except that the front of the individual lots shall remain as the front of the combined lots. Nothing contained herein shall be construed to allow the building over lot lines of 2 or more lots used as a building site where the lots have not been consolidated pursuant to Section 13-03-060 in this Chapter (as amended).

3. Wedge-shaped lots, tracts or parcels shall be considered legal width lots when same (measured at the front required setback line) is not less than the required width for a lot having parallel sides. However, a deeper setback line may be shown on a recorded plat at which location the minimum lot width is acceptable and the required front yard shall thereafter be measured thereto.

C. No land split shall occur which results in a lot, tract or parcel that does not comply with the area and shape requirements of the specific zoning district within which said lot is located, or which violates any other portion of this Code (including the review and Town approval process described hereinafter).

1. Review Process

a. When a land split is anticipated, the owner, representative or purchaser shall file with the Department a land split application form, along with
2 copies of a "record of survey" prepared by a registered land surveyor containing the surveyor's certificate of accuracy and seal. The map of survey shall accurately set forth the boundaries of the lots, tracts, or parcels resulting from the land split, as well as any recorded easements, existing structures, and other information required on the application form.

b. The Department shall review the land split application and maps for compliance with the provisions of this Code. If the information is in order and complete and the land split complies with the Code, the Department shall approve the land split within seven (7) working days. Otherwise, the Department shall deny the same in writing within the same period.

c. Upon approval by the Department, 1 map of survey showing said approval shall be recorded in the Office of the Yavapai County Recorder.

2. Appeals: A decision by the Department to deny the land split may be appealed to the Prescott Valley Board of Adjustment, but any such appeal must be presented in writing to the Director within thirty (30) calendar days of the decision. Failure to comply with this time limit is jurisdictional and will preclude the appeal.

3. Civil Penalties
   a. Failure to comply with the review and approval process as set forth in Subparagraph 13-22-010(C)(1) above (as amended), prior to a land split, is unlawful and constitutes a civil violation sanctioned as provided in Section 13-31-030 of this Chapter (as amended).
   
b. Recording a land split in the Office of the Yavapai County Recorder which is not in accordance with this Subsection 13-22-010(C) (as amended), is also a civil violation which shall be sanctioned as provided in Section 13-31-030 of this Chapter (as amended). Furthermore, no building permit or other permit to use, construct, occupy, provide utilities to, grade, work in right-of-way adjacent to, etc., may be issued for any lot, tract, or parcel resulting from any such unlawful land split.

4. Criminal Penalties: Notwithstanding Subparagraph 13-22-010(C)(3) above (as amended), it shall also be a class 3 misdemeanor for any owner, representative, or purchaser to record a land split in the Office of the Yavapai County Recorder prior to complying with the requirements of this Subsection 13-22-010(C) (as amended).

5. Exemption: The sale or exchange of real property to or between adjoining property owners, if such sale or exchange does not create additional lots, tracts, or parcels, is exempt from the requirements of this Subsection 13-22-010(C) (as amended).
6. No Warranty: The purpose of this Subsection 13-22-010(C) (as amended) is public rather than private, and it is not a purpose of this Subsection to create additional rights under land splits nor to waive other Town regulatory or enforcement provisions. This Subsection 13-22-010(C) (as amended) shall not be construed as an indemnification by the Town, its officers and employees, to the owner or purchaser of any real property subject to this Subsection. An approval or denial under the provisions hereof does not constitute any representation or warranty as to the fitness of the property for use as intended. Property owners and subsequent purchasers remain obligated to comply with all Town Code provisions and procedures respecting such land, and any related uses and activities thereon.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-21-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 302, Amended, 07/08/93; Ord. No. 375, Amended, 12/28/95; Ord. No. 551, Amended, 04/24/03; Ord. No. 801, Amended, 02/12/15)

13-22-020 Reserved.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-21-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 801, Rep&ReEn, 02/12/15)

13-22-030 Reserved.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-21-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 801, Rep&ReEn, 02/12/15)
**Article 13-23  SIGN REGULATIONS**

13-23-010  Purpose.

The purpose of this Article is to provide fair, comprehensive and enforceable regulations that will foster a good visual environment for the Town of Prescott Valley, enhancing it as a place to live and do business. Signs are herein regulated to help maintain the health, comfort and well-being of the public; to prevent adverse community appearance from the unrestricted use of signs; to allow signs appropriate to the character of each zoning district and to promote traffic safety. These regulations are intended to improve the effectiveness of signs by allowing adequate and appropriate signs to effectively identify each business location and type of business conducted while not allowing unsafe, oversize or excessive signs which obscure the buildings and natural beauty of the Town and to protect travelers in the Town from injury or damage as a result of distraction or obstruction of vision attributable to faulty construction or improper location of signs.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 220, Rep&ReEn, 12/14/89)

13-23-020  Definitions.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banner &amp; Pennants</td>
<td>A temporary sign composed of fabric, pliable plastic, paper or other light material not enclosed in a rigid frame and secured or mounted so as to allow movement of the atmosphere to cause movement of the sign.</td>
</tr>
<tr>
<td>Billboard</td>
<td>See Sign, Off-site</td>
</tr>
<tr>
<td>Building Frontage</td>
<td>That portion of the building which lies parallel to the right-of-way.</td>
</tr>
<tr>
<td>Building, Interior Side</td>
<td>That portion of the building adjacent to an interior lot line or which does not front on an exterior street side of the property.</td>
</tr>
</tbody>
</table>
**Prescott Valley, Arizona**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commercial Tourism Zone</strong></td>
<td>Those areas of Prescott Valley designated by Town Council resolution as commercial tourism zones based upon the predominance of commercial tourism, resort and hotel uses within those zones.</td>
</tr>
<tr>
<td><strong>Façade</strong></td>
<td>Vertical wall surface extending above a porch roof, including a parapet wall.</td>
</tr>
<tr>
<td><strong>Flags</strong></td>
<td>Any fabric or banner containing distinctive colors, patterns, or symbols, used to represent a government entity, subdivision, or corporation.</td>
</tr>
<tr>
<td><strong>Frontage/Exposure, Occupancy</strong></td>
<td>The width of that portion of a multi-tenant structure which is occupied by a given tenant.</td>
</tr>
<tr>
<td><strong>Highway/Freeway Interchange Area</strong></td>
<td>Where ingress or egress is obtained to a state or federal highway or freeway; specifically delineated as lying within three-hundred feet (300') of the right-of-way and between the two (2) points of widening of the highway/freeway right-of-way approaching the interchange (see example).</td>
</tr>
<tr>
<td><strong>Integrated Development Project</strong></td>
<td>A commercial or mixed-use development of not less than twenty-five (25) acres in size that comprises properties in a defined geographical area and includes multiple businesses, property owners and parcels located adjacent to a numbered State Highway or Interstate Highway for which boundaries for signage purposes are approved with a Comprehensive Sign Package.</td>
</tr>
<tr>
<td><strong>Maintenance</strong></td>
<td>The replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear or damage beyond the control of the owner.</td>
</tr>
<tr>
<td><strong>National Electrical Code</strong></td>
<td>The current edition of the National Electrical Code as adopted by the Town of Prescott Valley.</td>
</tr>
<tr>
<td><strong>Parapet Wall</strong></td>
<td>A wall extending above the roof line of a building.</td>
</tr>
<tr>
<td><strong>Parcel</strong></td>
<td>A parcel of land shown on a subdivision plat, record of survey map, or parcel map, or a parcel described by metes and bounds, which constitutes a development site (whether composed of a single unit of land or contiguous units under common ownership or development ).</td>
</tr>
<tr>
<td><strong>Roof line</strong></td>
<td>The highest point of the main roof structure which shall not include cupolas, pylons, projections or minor raised portions of...</td>
</tr>
<tr>
<td><strong>Shopping Center</strong></td>
<td>A group of commercial establishments which offer goods or services to the public and which are planned, constructed or managed as one (1) entity and which provide customer and employee parking in a common parking lot.</td>
</tr>
<tr>
<td><strong>Sign</strong></td>
<td>Any object, device, display or structure, or part thereof, visible from a public right-of-way and situated outdoors or on the inside face of a window which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Excluded from this definition are national or state flags, window displays, athletic scoreboards, or the official insignia or signs of government.</td>
</tr>
<tr>
<td><strong>Sign, Animated</strong></td>
<td>Any sign or part of a sign which changes physical position by any movement, rotation, or undulation, or which gives the visual impression of such movement, rotation or undulation. This category of signs includes, but is not limited to, banners, pennants, flags and spinners as well as signs with flashing, intermittent or sequential illumination.</td>
</tr>
<tr>
<td><strong>Sign, Awning</strong></td>
<td>A sign that is mounted or painted on, or attached to an awning.</td>
</tr>
<tr>
<td><strong>Sign, Directional</strong></td>
<td>Signs limited to directional messages, principally to direct and aid the flow of pedestrian or vehicular traffic, such as “one-way”, “entrance”, and “exit”, building address, etc., as well as providing directional information relating to points of interest, institution, facilities and districts, and which contain no advertising, electronic changing information and are positioned as to not be a traffic or safety issue.</td>
</tr>
<tr>
<td><strong>Sign, Directory</strong></td>
<td>Any sign listing the names and/or uses and/or locations of the various businesses or activities within a building or a multi-tenant development (not for the purpose of bringing same to the attention of vehicular traffic)</td>
</tr>
<tr>
<td><strong>Sign, Double-Faced</strong></td>
<td>Any sign having copy on two (2) faces of equal dimension with an interior angle between the two (2) faces of forty-five degrees (45°) or less.</td>
</tr>
</tbody>
</table>
| **Sign, Electronic Information Center** | A sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. Such signs shall include the following modes of operation:

1. **Static.** Signs which include no animation or effects simulating animation.

2. **Fade.** Signs where static messages are changed by means of varying light intensity, where the first message gradually reduces in intensity to the point of not being visible and the subsequent message gradually increases in intensity to the point of visibility. |
3. **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 visibility simultaneous to the gradual appearance and visibility of the subsequent message.

4. **Travel.** Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.

5. **Scrolling.** Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

<table>
<thead>
<tr>
<th>Sign, Face</th>
<th>The area or display surface used for the message.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign, Flashing</td>
<td>Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by blinking, or any other means, so as to provide constant illumination.</td>
</tr>
<tr>
<td>Sign, Freestanding</td>
<td>Any non-movable sign which is not affixed to a building and is mounted on its own self-supporting structure.</td>
</tr>
<tr>
<td>Sign, Identification</td>
<td>A sign that includes, as copy, only the name of the business, place, organization, building or person it identifies.</td>
</tr>
<tr>
<td>Sign, Illuminated</td>
<td>A sign lighted by or exposed to artificial lighting either by lights on or in the sign, or directed towards the sign.</td>
</tr>
<tr>
<td>Sign, Monument</td>
<td>Any freestanding sign, other than a pole sign, placed upon or supported by the ground (independent of any other structure, except footing).</td>
</tr>
<tr>
<td>Sign, Non-conforming</td>
<td>Any sign which is not allowed under this Article, but which, when first constructed, was legally allowed by the Town of Prescott Valley or the political subdivision then having the control and regulation over construction of signs.</td>
</tr>
<tr>
<td>Sign, Obsolete</td>
<td>Any sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, activity conducted or product available on the premises where such sign is displayed.</td>
</tr>
<tr>
<td>Sign, Off-site, Off-premises</td>
<td>Any sign which directs attention to any business, commodity, service or entertainment/event conducted, sold or offered at a location other than the premises on which the sign is located.</td>
</tr>
<tr>
<td>Sign, Permanent</td>
<td>Any sign which is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position.</td>
</tr>
<tr>
<td>Sign, Pole</td>
<td>A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is above ground level.</td>
</tr>
<tr>
<td>Sign, Portable</td>
<td>A sign that is not permanently affixed to a building, structure or the ground.</td>
</tr>
<tr>
<td>Sign, Roof</td>
<td>A sign erected in any way upon a building or structure which extends above the roof line of the building or structure.</td>
</tr>
<tr>
<td>Sign, Temporary</td>
<td>Any sign (including A-shaped and V-shaped signs) which is designed for short-term use as regulated in this Article.</td>
</tr>
<tr>
<td>Sign, Wall or Wall-mounted</td>
<td>A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the...</td>
</tr>
</tbody>
</table>
supporting structure for and forms the background surface of the sign, and which does not project more than twelve (12) inches from such building or structure.

(Ord. No. 220, Enacted, 12/14/89; Ord. No. 375, Amended, 12/28/95; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 590, Amended, 03/25/04; Ord. No. 648, Amended, 01/26/06; Ord. No. 686, Amended, 05/24/07; Ord. No. 767, Amended, 02/23/12; Ord. No. 771, Amended, 11/08/12; Ord. No. 816, Amended, 05/26/16)


A. Location and Placement of Signs:

1. No sign shall be allowed on any property unless the same is specifically permitted for the applicable zoning district.

2. Every sign and its supporting structure shall be designed and constructed to conform to the provisions of all applicable technical codes.

3. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape, nor shall any sign be attached to a standpipe or fire escape.

4. Signs interfering with Traffic: No sign shall be erected or maintained at or near any intersection of streets in such a manner as to obstruct free and clear vision, or at any location where, by reason of its position, shape, color or illumination, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device mounted on a police or fire protection vehicle; or which makes use of the words “stop”, “look”, “danger”, or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

5. No sign shall be erected or painted upon or attached to any tree, rock or other natural feature, utility pole, utility structure, or any authorized traffic sign, signal or device.

6. In addition to the requirements of Subsections 13-26a-040(A), (C) and (D), every illuminated sign shall be so placed as to prevent any light or reflection from being cast directly on any adjoining residential district.

7. No sign shall be placed or maintained on or in any public right-of-way except for any signs required by a government agency for the protection of public health, safety or general welfare, including without limitation traffic control signs.

B. Design Criteria:
1. Signs are regarded as an integral and complementary element of the overall architectural character of the Town and shall be integrated with the building and landscaping design.

2. All signs, except those consisting of individual letters mounted against a non-differentiated surface, shall have edge treatment or border.

C. Measurement of Signs:

All sign areas shall be measured in accordance with the following:

1. The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any materials or colors forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural elements located outside the limits of the sign and not forming an integral part of the display (such as supports or uprights) shall not be included in determining the area of the sign.

2. The area within the perimeter of the entire illuminated surface of an internally illuminated sign, or that area within the perimeter of an internally illuminated architectural building feature which encompasses sign copy.

3. Multiple Faces of a Single Sign:
   a. If there are two (2) faces to a single sign and the interior angle is forty-five degrees (45°) or less, the entire area shall be the area of one (1) face only; or if the interior angle between the two (2) sign faces is greater than forty-five degrees (45°), the sign area will be the sum of the areas of each face.
   b. If there are three (3) or more faces to a single sign, the area will be the sum of the areas of each face.

4. Area of spherical, free-form, sculptural, and other non-planar signs will be the sum of the area of the sides of the smallest four-sided polyhedron that will encompass the sign structure.

5. All linear occupancy frontage distances shall be measured at sidewalk or grade level immediately adjacent to that portion of the structure being utilized for the occupancy in question.

6. Sign heights shall be measured as follows:
   a. Freestanding Sign: The height of freestanding signs shall be measured as the vertical distance from the nearest adjacent ground level to the top of the sign. The total sign height shall include any monument base, earthen works or other structure
erected to support or ornament the sign.

b. Wall Sign: The height of wall or fascia-mounted signs shall be measured as the vertical distance from the nearest adjacent ground level to the top of the sign (including ornamentation).

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 15/26/88; Ord. No. 220, Ren&Amd, 12/14/89, 13-23-020; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 816, Amended, 05/26/16)

13-23-040 Sign Standards.

A. Building Mounted Sign Standards

<table>
<thead>
<tr>
<th>PURPOSE</th>
<th>ZONING DISTRICTS</th>
<th>MAXIMUM DIMENSIONS</th>
<th>STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Mounted (Non-Residential Use)</td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>2 sq. ft of sign per 1 lineal ft of building frontage adjacent to Front Lot Line.</td>
<td>(1) Sign per front Lot Line</td>
</tr>
<tr>
<td>Directory</td>
<td>R-2, RCU, RS, C-1, C-2, C-3, PM, M-1, M-2</td>
<td>16 sq. ft 6 ft high</td>
<td>(1) Building mounted only. No advertising copy.</td>
</tr>
<tr>
<td>Directional</td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>24 sq. ft 6 ft high</td>
<td>(1) Building mounted only. No advertising copy.</td>
</tr>
<tr>
<td>Electronic Information Center</td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>4 sq. ft 5 ft high</td>
<td>Per Zoning Approval.</td>
</tr>
</tbody>
</table>

Electronic Information Center

2 sq. ft of sign per 1 linear ft of building frontage.

Individual sign areas are limited to two hundred (200) sq. ft.

In the case of buildings which front on more than one street allowable signage must be placed on the side of the building on which it is calculated. More than one building-mounted sign is permitted, provided that the total signage does not exceed the maximum square footage allotment. No building-mounted sign shall project more than two (2) feet from the building or structure to which it is attached.

A Use Permit, subject to Use Permit application and
hearing procedures set forth under Section 13-21-110, shall be required for Electronic Information Centers.

| Shopping Centers (3 or more businesses) | C-1, C-2, C-3, PM, M-1, M-2 | 2 sq. ft of sign per 1 linear ft of building frontage along the street side of the building. | In the case of buildings which front on more than one street allowable signage must be placed on the side of the building on which it is calculated. |

1. No more than ½ of the allowable signage as calculated for the building frontage may be placed on any other one side of the building.

2. On a corner lot, the signage calculated for the building frontage may be placed on the second street side. If so placed, no greater than one half of the frontage allocation shall be place on the building frontage. Signage on the second street side shall not include Electronic Information Centers.

3. Businesses which have three or more street fronts shall not be allocated additional signage beyond the first two streets.

4. If the main entrance to a business does not face any roadway, the tenant shall be allowed two (2) square feet of signage per one (1) linear foot of building frontage on the main entrance side of the building.

B. Freestanding Sign Standards

<table>
<thead>
<tr>
<th>PURPOSE</th>
<th>ZONING DISTRICTS</th>
<th>MAXIMUM DIMENSIONS</th>
<th>STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directional</td>
<td>R1L, R1M, R1MH, R-2, RCU, RS</td>
<td>4 sq. ft 5 ft high</td>
<td>Per zoning approval.</td>
</tr>
<tr>
<td></td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>4 sq. ft 5 ft high</td>
<td>Per zoning approval.</td>
</tr>
<tr>
<td>Flags</td>
<td>R1L, R1M, R1MH, R-2, RCU, RS</td>
<td>24 sq. ft</td>
<td>(1) per master planned community of 50 acres or more. (2) per model home/model home complex not to exceed aggregate of 24 sq. ft. *See “Exceptions” 13-23-050.A</td>
</tr>
<tr>
<td></td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>24 sq. ft</td>
<td>(1) per project/site</td>
</tr>
<tr>
<td>Integrated Development</td>
<td>Any Use District</td>
<td>300 sq. ft. 30 ft high</td>
<td>25-50 acres</td>
</tr>
<tr>
<td>Project</td>
<td>150 sq. ft. 25 ft high</td>
<td>(1) sign structure per signed State Highway or Interstate Highway</td>
<td></td>
</tr>
<tr>
<td>---------------------------------</td>
<td>------------------------</td>
<td>-------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>400 sq. ft. 40 ft high</td>
<td>(1) additional freestanding sign structure per additional signed State Route entrance access</td>
<td></td>
</tr>
<tr>
<td></td>
<td>200 sq. ft. 30 ft high</td>
<td>*Subject to approval of a Comprehensive Sign Package</td>
<td></td>
</tr>
</tbody>
</table>

- Over 50 acres

| Accessory Drive-thru-signage    | C-1, C-2, C-3, PM, M-1, M-2 | 32 sq. ft 6 ft high | (1) per drive-in and placed so that it is not visible from the right-of-way. |

| Off-site, Directional Signs     | 32 sq. ft 8 ft high | (2) Used only in “Specific Plan Developments” of 50 acres or more under ARS 9-461. Must be removed within 60 days of 80% of the lots being sold within the development. |

| Off-site, Directory             | Individual sign areas are limited to 100 sq. ft. and sign height is limited to 8 ft. | Allowed only as part of the Prescott Valley Parkway Redevelopment Plan. Two (2) off-site signs may be erected located not less than three hundred (300) linear feet apart. The signs may be double-faced so that the Directory is visible to travelers going either direction on Highway 69. |

<p>| Portable/Sandwich               | C-1, C-2, C-3, PM, M-1, M-2 | 16 sq. ft 5 ft high | (1) per lot to be removed at the end of each business |</p>
<table>
<thead>
<tr>
<th>Boards</th>
<th>Property Identification</th>
<th>day.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R1L, R1M, R1MH</td>
<td>4 sq. ft (1) per residence</td>
</tr>
<tr>
<td></td>
<td>R-2, RS, RCU</td>
<td>32 sq. ft 6 ft high (1) per project/site, if there are (2) entrances to the site on different streets (2) signs may be allowed with an aggregate area of 32 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>50 sq. ft 20 ft high, except that freestanding signs located in a Highway/Free way Interchange Area (13-23-030) shall not exceed a height of thirty (30') feet or, shall not exceed a height twenty (20') feet above the highest roadway bed elevation in the Highway/Free way Interchange Area. (1) per project/site</td>
</tr>
<tr>
<td>Shopping Centers</td>
<td>C-1, C-2, C-3,</td>
<td>50 sq. ft* 90 sq. ft* 130 sq. ft* 170 sq. ft* 200 sq. ft*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>*aggregate sign areas (1) sign per shopping center (2) signs per planned area development of 50 acres or more. No more than (1) sign per arterial roadway with a maximum of (2) per project. 2-5 units/tenants 6-9 units/tenants 10-13 units/tenants 14-17 units/tenants 20 or more units/tenants No other monument or pole signs shall be allowed in lieu of a shopping center sign.</td>
</tr>
</tbody>
</table>
No single sign may exceed 100 sq. ft; however multiple signs may be used for the total aggregate signage allowed.

<table>
<thead>
<tr>
<th>Subdivisions</th>
<th>All Districts</th>
<th>Maximum Dimensions</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>24 sq. ft 5 ft high</td>
<td>(2) per entry for planned area developments of 50 acres or less</td>
</tr>
<tr>
<td></td>
<td></td>
<td>32 sq. ft 8 ft high</td>
<td>(2) per entry for planned area developments of 50 acres or more</td>
</tr>
</tbody>
</table>

* See, “Flags”
* See, “Directional Signs”
* See, “Coming Soon Sign”

1. Freestanding monument signs shall not exceed a maximum height of 8 ft.
2. Freestanding pole signs shall be a minimum of 7 ft high and a maximum of 20 ft high.
3. With the exception of Off-Site Directory signs, all freestanding signs shall be a minimum of 6 feet from the property line to the closest projection of the sign.

### C. Temporary Sign Standards

<table>
<thead>
<tr>
<th>PURPOSE</th>
<th>ZONING DISTRICTS</th>
<th>MAXIMUM DIMENSIONS</th>
<th>STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>R1L, R1M, R1MH, R-2, RCU, RS</td>
<td>32 sq. ft 8 ft high</td>
<td>1 per new subdivision; 2 per master-planned community (50 acres or more); on-site only</td>
</tr>
<tr>
<td>Signs Located on Construction Sites</td>
<td>R1L, R1M, R1MH, R-2, RCU, RS</td>
<td>24 sq. ft 8 ft high</td>
<td>1 per project or construction site; if more than 1 street entrance or project is 50 acres or more, then 2 per project or construction site with an aggregate area of 32 sq. ft</td>
</tr>
<tr>
<td></td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>32 sq. ft 8 ft. high</td>
<td>1 per project or construction site; if more than 300 ft of street frontage, then 2 per project or construction site</td>
</tr>
<tr>
<td>Banners</td>
<td>RS, C-1, C-2, C-3, PM, M-1, M-2</td>
<td>32 sq. ft/6 ft high</td>
<td>6 times per year for a maximum of 4 consecutive days. A minimum of 14 days shall pass between each</td>
</tr>
</tbody>
</table>
### Inflatable Objects

<table>
<thead>
<tr>
<th>Districts</th>
<th>Height Limit</th>
<th>Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS, C-1, C-2, C-3, PM, M-1, M-2</td>
<td>20 ft high maximum</td>
<td>1 fixed inflatable object per business address. Inflatable Objects shall be permitted only twice (2) per year at three (3) day intervals. Inflatable Objects shall not be roof-mounted and shall be securely fastened to a permanent structure and/or proper ground staking. Inflatable Objects shall be placed on private property a minimum of (6) ft. back from any property line to the closest point of the inflatable. No inflatable shall be placed in or on any public right of way and shall not impede pedestrian or vehicular visibility or traffic. Separate permit required.</td>
</tr>
</tbody>
</table>

### Signs in Residential Zones

<table>
<thead>
<tr>
<th>Districts</th>
<th>Size Limit</th>
<th>Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Districts</td>
<td>6 ft high, 4 sq. ft</td>
<td>Maximum of 1 sign per lot and 1 off-site sign per turning movement (provided that such off-site sign must be placed on private property, subject to the express permission of the property owner) beginning at residence of origin and continuing to (1) entrance of master-planned or clearly-defined subdivision, (2) main road, or (3) maximum 1.5 miles; maximum 3 days during daylight hours. No illuminated signs; no signs within public rights-of-way or attached to trees, fences, utility poles, light posts, street signs, or other public facilities; no sign permit required.</td>
</tr>
</tbody>
</table>
13-23-050 Exceptions.

The provisions of this Article, except Subparagraph 13-23-030 (A) (4), Subsection 13-23-060(B) and Subparagraph 13-23-110(A)(4), shall not apply to:

A. Flags, pennants and insignias of any national, state or other political unit.

B. Tablets, grave markers, headstones, statuary or remembrances of persons, buildings, events, and dates of erection, which are non-commercial in nature.

C. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holidays or events.

D. The erection, construction and maintenance of official traffic, fire and police signs, signals, devices and markings of the State of Arizona, the Town of Prescott Valley, or other authorized public agencies, or the posting of notices as required by law; provided that such signs do not constitute a traffic or safety hazard.

13-23-060 Prohibited Signs.

It shall be unlawful for any person to erect, display or maintain a sign or advertising structure falling within any of the following descriptions:

A. Animated or flashing signs (excepting clocks, barber poles, public service information signs, time or temperature signs, and Electronic Information Centers which otherwise comply with Subsections 13-26a-040(A), (C) and (D) of this Code).

B. Signs which are obscene, hazardous to traffic, imitative of official government signs (i.e. "stop", "danger", "caution", etc.) or obstructive to visibility so as to create a hazard to the public.

C. Any sign emitting sound or emitting any substance.

D. Windblown signs such as posters, banners, pennants, streamers, balloons or other inflated objects, except as provided for in Section 13-23-040(C). The tacking, painting, pasting or otherwise affixing of signs or posters of a miscellaneous character, visible from a public right-of-way, on the walls or buildings, sheds, trees, fences, utility poles or other structures, or upon vehicles where such vehicles are used primarily as support for such signs, is prohibited.
E. Portable signs, except the following:

1. Business identification signs which are painted on or permanently affixed to an operable vehicle which is intended to be operated the highways on a regular basis and is not intended to be parked on the business premises in order to provide advertising in addition to or in place of signage allowed by this Article.

2. Those permitted in Subsection 13-23-040(B).

F. Signs mounted on or against a vehicle when used for the purpose of providing stationary, permanent, or semi-permanent advertising or identification on or near the premise referred to by such signs.

G. Off-site signs, including billboards (except as permitted in Sections 13-23-040 and 13-23-140 of this Article).

H. Roof signs.

(Ord. No. 220, Enacted, 12/14/89; Ord. No. 276, Amended, 06/11/92; Ord. No. 521, Amended, 05/09/02; Ord. No. 529, Amended, 07/25/02; Ord. No. 542, Amended, 04/10/03; Ord. No. 648, Amended, 01/26/06; Ord. No. 689, Amended, 06/21/07; Ord. No. 816, Amended, 05/26/16)

13-23-070 Design Specifications.

A. General Compliance with International Building Code: All signs shall comply with the appropriate detailed provisions of the International Building Code relating to design, structural members, and connections.

B. Electric Signs: All electric signs shall conform in design and construction to the appropriate sections of the current National Electric Code and other requirements as may be deemed necessary by the Building Official.

C. Materials: Materials of construction for signs and sign structures shall be of the quality and grade as specified in the International Building Code.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-22-020, 13-22-050; Ord. No. 63, Amended, 11/12/81; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 220, Ren&Amd, 12/14/89, 13-23-040; Ord. No. 375, Amended, 12/28/95; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 590, Amended, 03/25/04)

13-23-080 Maintenance of Signs.

A. Maintenance and Repair: All signs shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of such sign. All cracked, broken or missing sign faces and non-functioning interior lamps shall be repaired or replaced within forty-five (45) working days following the receipt of notification from the Zoning Inspector that the sign requires repair or maintenance.
B. Obsolete or Abandoned Signs:

1. Any sign which is located on property which becomes vacant and unoccupied for a period of six (6) months or more, or any sign which was erected for an occupant or business unrelated to the present occupant or his business, or a sign which pertains to a time or event which no longer applies, shall be deemed to have been abandoned.

2. The owner of the property, his agent or person having the beneficial use of the property or structure upon which the sign is erected, shall remove the abandoned sign within six (6) months of the date of notification from the Zoning Inspector that the sign is obsolete.

3. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more.

(Ord. No. 220, Enacted, 12/15/89; Ord. No. 542, Rep&ReEn, 04/10/03)

13-23-090 Non-Conforming Signs.

A. A legal non-conforming sign may not be altered in any manner not in conformance with this Article; however, the sign(s) shall be maintained as required by Subsection 13-23-080(A) of this Article.

B. A legal non-conforming sign may be utilized in perpetuity, except as noted below:

1. Whenever the use of a given building or premise changes to another use allowed in the respective zoning district, all non-conforming signs on the building and/or premise shall be modified to bring it into conformance with these regulations.

2. Non-conforming signs shall be brought into conformance upon major additions, alterations or more than fifty percent (50%) destruction by fire or other causes of the building or premise upon which the non-conforming sign(s) are located.

(Ord. No. 220, Enacted, 12/14/89; Ord. No. 542, Rep&ReEn, 04/10/03)

13-23-100 Permits.

A. Permits Required:

1. It shall be unlawful for any person to display, install, alter, relocate or replace any sign without first obtaining a permit to do such work.
2. **Signs not requiring permits:** Sign permits shall not be required for name plate signs, temporary signs (except for banners and inflatable objects pursuant to Section 13-23-040(C)), copy changes on reader panels, or for minor repairs or repainting of any permitted sign.

3. **Applications for permit:**
   a. The application for permit shall be made by the owner, tenant, or lessee of the property for which the sign is proposed, or his authorized agent or contractor licensed by the State of Arizona. Applications shall be made in writing on forms furnished by the Planning and Zoning Department and shall be signed by the applicant.
   b. The application for permit shall include:
      1. Site plan indicating the location of the sign in relation to right-of-way, easements, buildings and driveways.
      2. Drawings indicating the dimensions of the sign, sign copy, materials and method of construction, and attachment to the building.
      3. The address of the proposed sign location, the owner of the sign, the owner of the property, and the person or firm erecting the sign, and an estimate of the cost of the work.
   c. An approved insignia shall be placed on all signs at the time of final inspection by the inspector.

4. **Sign permit fee schedule:**
   a. Permit fees: There shall be a charge of one and one-half percent (1\(\frac{1}{2}\)) of the value of the sign plus fifteen cents (15) per square foot or fifteen dollars ($15.00), whichever is greater.
   b. Double fees: The sign permit fees established in Subparagraph 13-23-100(A)(4) (a) above shall be doubled in the event that any sign is installed prior to the issuance of a sign permit.

(Ord. No. 220, Enacted, 12/14/89; Ord. No. 375, Amended, 12/28/95; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 816, Amended, 05/26/16)

13-23-110 **Enforcement.**

A. **Enforcement:**
   1. The zoning inspector is responsible for the enforcement of this Article.
2. Unauthorized signs may be removed from any public right-of-way by the Zoning Inspector, except as otherwise provided by law. Such signs will be impounded and will be disposed of in thirty (30) days if not claimed by the owner.

3. The installation, erection or display of any sign in violation of this Article is hereby declared unlawful.

4. No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be promptly removed or repaired by the owner of the sign or the owner of the premises. For those signs as herein described whose ownership cannot be identified, the zoning inspector shall, immediately and without notice, remove or cause to be removed any such sign, except as otherwise provided herein.

B. Penalty - Enforcement:

1. Any person, entity or corporation which fails to maintain a sign, or builds, erects, paints, replaces, repairs, alters or otherwise places a sign in violation of the requirements of this Article is guilty of a class 3 misdemeanor.

2. The owner of any sign and the person or entity who assists a sign owner in altering or erecting a sign in violation of the provisions of this Article shall be equally responsible and culpable for such violations.

3. Except as otherwise provided herein, each day that a sign is illegally erected, constructed, reconstructed, altered or maintained shall not be considered a separate offense unless the violation constitutes an immediate threat to the health and safety of the general public, as determined by the zoning inspector.

13-23-120 Liability.

The provisions of this Article shall not be construed to relieve or to limit in any way the responsibility or liability of any person, firm or corporation which erects or owns any sign for personal injury or property damage caused by the sign, nor shall the provisions of this Article be construed to impose upon the Town of Prescott Valley, its officers, or its employees, any responsibility or liability by reason of the approval of any sign under the provisions of this Article.

13-23-130 Appeal.

All rights enumerated in Section 13-29-050 of the Zoning Code are applicable to this Article.
regulating signs.

(Ord. No. 220, Enacted, 12/14/89; Ord. No. 542, Rep&ReEn, 04/10/03)

13-23-140  Billboard Regulations.

A.  Code Conformance:  It is unlawful to construct, erect, alter, relocate or use any billboard sign in violation of this Section, except as provided by Subsection B of this Section.  If any provision of this Section is in conflict with the provisions of any other Section of the Prescott Valley Town Code, the provisions of this Section shall prevail.

The Zoning Inspector shall issue a citation and file an action involving all violations of this Section.  Such an action shall initially be filed with a court having jurisdiction to impose all penalties sought by the action.  Only the superior court has jurisdiction to order removal, abatement, reconfiguration or relocation of a billboard sign.  Notwithstanding any other law, each day that a billboard sign is illegally erected, constructed, reconstructed, altered or maintained shall not be considered a separate offense unless the violation constitutes an immediate threat to the health and safety of the general public.

B.  Non-Conforming Billboard Sign:

1.  Any billboard sign constructed prior to September 28, 1980 (or the effective date of Ordinance No. 33 which first established billboard regulations for the Town), or subject to the provisions of this Section by reason of annexation into the Town of Prescott Valley, which sign was erected in conformance with all ordinances and codes existing at the time of construction but is not now in conformance with the provisions of this Section, shall be designated a "non-conforming billboard sign" and may be continued in use, except under the following conditions:

a.  When such sign creates a traffic hazard due to any of the following:

   (1)  Due to its position, shape, color, copy, format or illumination, such sign obstructs the view of or causes confusion with an official traffic sign, signal or device, or with any other official sign.

   (2)  When such sign obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, alley or from another thoroughfare.

   (3)  When such sign in any other way causes an unsafe obstruction for motor vehicle operators.

b.  When the costs of reconstruction or repair of such sign by reason of damage from any source, exceeds fifty percent (50%) of the then current replacement costs for damage incurred from any source.
c. When such non-conforming billboard sign is structurally altered, re-erected or replaced (unless such structural alteration, re-erection or replacement shall comply with the requirements of this Section).

d. When non-conforming outdoor light fixtures on such billboard are required to be brought into compliance with the provisions of Article 13-26a, pursuant to Subsection 13-26a-020(A).

C. Plans and Specifications:

1. Size: No sign structure face area, or combination of sign structure face areas, shall exceed two hundred (200) square feet in one (1) direction, except that back-to-back or V-shaped signs having an interior angle of forty-five degrees (45°) or less may have a maximum area of two hundred (200) square feet on each face. The maximum width shall not exceed twenty (20) feet, and the minimum height from the ground to the actual sign shall not be less than ten (10) feet.

2. Illumination:

a. Signs may be illuminated pursuant to this Section, but such illumination shall comply with Subsections 13-26a-040(A), (C) and (D) of this Code, and shall not be intermittent, flashing, scintillating, animated or of varying intensity. If located in the same line of vision as a traffic control signal, no red, green or yellow illumination shall be used.

b. In addition to compliance with the requirements of Subsections 13-26a-040(A), (C) and (D), the source of illumination for signs shall be so oriented or shielded so that it is not visible from any residential use or any public thoroughfare.

c. On any lot adjacent to a residential district or separated therefrom only by a street or alley, any such illuminated sign structure must be placed in such a manner that the face of the sign is located behind the greater of either the existing or the required setbacks of adjacent residential lots (so that no portion of the sign face is visible from the adjacent residential lots at or in front of those residential setbacks), in addition to compliance with Subsections 13-26a-040(A), (C) and (D) of this Code.


4. Design:

a. All billboard signs shall be designed in accordance with the Building Code of the Town of Prescott Valley.

b. The engineered plans for all billboard signs must accompany the application for a building permit and are subject to approval by the Building Department prior to the issuance of a building permit.
c. No such sign structure shall emit sound.

D. Locations:

1. Billboard signs may be located in the PM (Performance Manufacturing) District, subject to the provisions of this Section.

   a. A billboard sign shall not be located within four hundred (400) feet of any other billboard sign on the same street.

   b. A billboard sign shall not be located closer than six hundred (600) feet to the right-of-way line of any freeway except that, at an interchange of a freeway and an arterial street where the arterial street and the freeway cross at a ninety degree (90°) angle, billboard signs shall not be located closer than six hundred (600) feet from the center line of the freeway.

   c. A billboard sign shall be set back a minimum of fifty-five (55) feet from the center line of an arterial street. If the street should be increased to a width greater than one hundred ten (110) feet, the billboard shall be moved at the sign owner's expense so as to be at least a distance equal to one-half (1/2) of the total ultimate right-of-way width from the center line of said arterial street.

   d. If the proposed billboard sign structure is within one hundred (100) feet of any existing building or buildings, no part of such sign structure shall be closer to the right-of-way line than the front line of the nearest building within one hundred (100) feet; and further provided that, when such sign structure is located between two (2) buildings that are within one hundred (100) feet of the advertising structure, no part of said structure shall be erected closer to any street line than an imaginary line drawn from the nearest front corner of one building to the nearest adjacent corner of the second building. When a building is constructed within one hundred (100) feet of an existing billboard sign, such billboard sign shall be relocated at the sign owner's expense so as to comply with the provisions of this Subparagraph.

   e. Such sign structures must maintain a side yard setback from any residential district or residential use equal to that of the residential district or half of the sign structure height, whichever is the greater.

   f. No such sign structure shall be erected in any block in which the front third of any lots or parcels of land used for residential purposes comprise fifty percent (50%) or more of the block frontage. For the purpose of this Section, a corner lot shall be considered to be in that block on which it fronts.

   g. Notwithstanding any other requirement herein, no billboard sign shall be located within the Special Gateways/Highway Corridors of the Town
Prescott Valley, Arizona

as defined in this Chapter.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 33, Amended, 08/28/80; Ord. No. 178, Ren&Amd, 05/26/88, 14-01-050, 060, 070 & 080; Ord. No. 220, Ren&Amd, 12/14/89, 13-23-070; Ord. No. 276, Amended, 06/11/92; Ord. No. 375, Amended, 12/28/95; Ord. No. 403, Amended, 10/24/96; Ord. No. 521, Amended, 05/09/02; Ord. No. 539, Amended, 02/27/03; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 689, Rep&ReEn, 06/21/07)

13-23-150 Comprehensive Sign Package.

A Comprehensive Sign Package is intended for coordinated developments over twenty-five (25) acres which can be defined as Shopping Centers, Planned Area developments (PADs) or Integrated Development Project (IDP) comprising properties as a defined geographical area under a common or joint ownership.

Application packets for Comprehensive Sign Packages may be obtained from the Community Development Department. Applications approved under this section shall be evaluated based upon the following criteria and will be approved by a separate Resolution of the Town Council or in conjunction with approval of a Final Development Plan:

1. Placement. All signs shall be placed where they are sufficiently visible and readable for their function. Factors to be considered shall include the purpose of the sign, its location relative to traffic movement and access points, site features, structures, and sign orientation relative to viewing distances and viewing angles. In commercial centers in which tenants are in locations having little or no street visibility, identification wall signs may be placed on walls of the tenants’ building.

2. Quantity. The number of signs that may be approved within any development shall not be greater than that required to provide project identification and entry signs, internal circulation and directional information to destinations and development subareas, and business identification. Factors to be considered shall include the size of the development, the number of development subareas, and the integration of sign functions.

3. Size. All signs shall be no larger than necessary for visibility and readability. Factors to be considered in determining appropriate size shall include topography, volume of traffic, speed of traffic, visibility range, proximity to adjacent uses, amount of sign copy, placement of display (location and height), lettering style and the presence of distracting influences.

Specific justification must be made if a request is submitted for a freestanding or wall sign to exceed by more than 50 percent any maximum height standard or by 25 percent any maximum area standard prescribed under this Article. Integrated Development Projects may exceed by more than 50 percent any maximum height standard or by 25 percent any maximum area standard for projects comprising 25 - 50 acres and may exceed up to 100 percent any maximum height standard or by 100 percent any maximum area standard.
4. Evaluation Criteria. In reviewing Comprehensive Sign Packages staff shall consider the following:

  a. The views of or from adjacent properties are not impaired;

  b. The signs do not interfere with public utilities, government uses, transportation, landscaping or other relevant factors;

  c. The width of the street, the traffic volume, and the traffic speed warrant the proposed signage;

  d. The signs do not pose a hazard to public safety.

Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the Community Development Director.

(Ord. No. 220, Enacted, 12/14/89; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 771, Amended, 11/08/12)
Article 13-24  OFF-STREET PARKING REQUIREMENTS

13-24-010  Purpose.

The purpose of this Article is to alleviate or prevent congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking of motor vehicles in accordance with the use to which the property is put. These requirements are designed to encourage effectively developed parking areas which provide sufficient quantities of parking spaces with ample areas for automobile maneuvering. It is the further purpose of this Article to place upon the property owner the primary responsibility for relieving public streets of the burden of on-street parking.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-23-010; Ord. No. 178, Rep&ReEn, 05/26/88)

13-24-020  General Regulations.

A.  Except in the Agricultural districts, no building permit shall be issued nor use operated until the applicant has presented satisfactory evidence to the Town that he owns or has otherwise available for his use sufficient property to provide the parking required as specified in this Article.

B.  Additions and Change of Occupancy.  Except in the Agricultural districts, the standards for providing off-street parking shall apply at the time of the erection of any main building.  With the same exception, these standards shall also be complied with when an existing building is altered or enlarged, or where the use is intensified by a change of occupancy, or by the addition of floor area, seating capacity, or seats.

C.  Maintenance of Existing Parking.  Off-street parking being maintained in connection with any existing main building or use shall be maintained so long as said main building or use remains; provided, however, that this regulation shall not require the maintenance of more parking space than is required herein for a new building or use.

D.  Non-conforming Parking.  Where automobile parking space is provided and maintained in connection with any existing main building or use as of September 4, 1980 and is insufficient to meet the requirements for the use with which it is associated, or where no such parking has been provided, then said building or
structure may be enlarged or extended only if automobile parking spaces are provided for said enlargement, extension or addition to the standards set forth in these regulations. No existing parking may be counted as meeting this requirement unless it exceeds the requirements for the original building, and then only that excess portion may be counted.

E. Combination of Uses. Where there is a combination of uses on a lot, the total parking requirement shall be the sum of such requirements for the various uses computed separately.

F. Collective Action Relative to Parking. This Chapter shall not be construed to prevent the joint use of parking spaces for two (2) or more buildings or uses if the total of such spaces when used together is not less than the sum of spaces required for the various individual buildings or uses computed separately.

G. Recreational and Commercial Vehicles.

1. In residential districts, recreational vehicles and single axle utility trailers shall not be stored in the required front yard or exterior side yard (that side yard abutting a street). For the purposes of this subparagraph (1), the term "recreational vehicle" includes travel trailers, motor homes, busses, pickup trucks with an installed camper which extends over the cab, unmounted camper shells, boats, boat trailers, off-road vehicles without an enclosed driver and passenger compartment, and aircraft.

2. Residential properties unable to accommodate a recreational vehicle within the rear or interior side yard may temporarily park one (1) recreational vehicle within the front or exterior side yard for loading and unloading purposes only for a period not to exceed forty-eight (48) hours (i.e. one day for loading and one day for unloading) in any one calendar month. Recreational vehicles shall not be parked within the street right-of-way, and shall not create a sight safety problem for any neighbor.

3. The parking, except for loading or unloading for a reasonable time, of any commercial vehicle of more than one (1) ton rated capacity on any lot in a residential district shall be considered a commercial use and is prohibited.

4. The parking of more than one (1) vehicle of not more than one (1) ton rated capacity, customarily in commercial use (such as delivery vans, flat bed and stake bed trucks, or trucks carrying a visible full or partial load, including but not limited to tanks, vehicles, building materials, trash or garbage during the time parked) shall be deemed a commercial use and is prohibited.

5. The term "on any residential lot" as used throughout this Subsection 13-24-020(G), includes parking in the open, in carports, and where only tarpaulins or other temporary means are used to shelter or conceal; the provisions of this Subsection 13-24-020(G) do not apply where parking or storage is within a completely enclosed permanent structure.

6. The parking or storage of backhoes, dump trucks, road graders, semi-truck
tractors and trailers, flatbed or enclosed trailers (other than camping, single axle utility or travel trailers), self-propelled industrial equipment such as tanks, pumps, machinery and other large equipment not customarily in residential use is prohibited except where active construction is in progress.

7. Any person, firm or corporation found guilty of violating any provision of this Subsection 13-24-020(G) shall be guilty of a misdemeanor. Upon conviction, the offense shall be treated as a class 3 misdemeanor. Each day such violation is permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

H. Handicapped Accessible Parking.

1. At the time of application for a building permit for a commercial, industrial or multi-family use, the Zoning Inspector shall determine the number of off-street parking spaces required, according to the following standards:

   a. Handicapped-accessible parking spaces for multiple-family housing shall be provided as follows:

      (1) Where parking is provided for all residents, one (1) accessible parking space shall be provided for each accessible dwelling unit.

      (2) Where parking is provided for only a portion of the residents, an accessible parking space shall be provided on request of the occupant of an accessible dwelling unit.

      (3) Where parking is provided for visitors, two percent (2%) of the spaces, or at least one (1) space, shall be accessible.

   b. Handicapped-accessible parking spaces for health care facilities shall be provided as follows:

      (1) At facilities providing medical care and other services for persons with mobility impairments: the number of parking spaces required in Subparagraph H(1)(c) herein.

      (2) At outpatient units and facilities: ten percent (10%) of the total number of parking spaces provided serving each such outpatient unit or facility.

      (3) Units and facilities that specialize in treatment or services for persons with mobility impairments: twenty percent (20%) of the total number of parking spaces provided serving each such unit or facility.

   c. Handicapped-accessible parking spaces for all other facilities shall be provided as follows:
Total Parking | Required Number of Accessible Spaces
---|---
1 to 25 | 1
26 to 50 | 2
51 to 75 | 3
76 to 100 | 4
101 to 150 | 5
151 to 200 | 6
201 to 300 | 8
301 to 400 | 10
401 to 500 | 12
501 to 1000 | 2% of Total
1001 and more | 20 + 1 per each 100 over 1000

2. Each handicapped-accessible parking space shall meet the following minimum requirements for size: width of eleven (11) feet and length of twenty (20) feet, with an adjacent access aisle on the right side five (5) feet in width. Two (2) accessible parking spaces may share a single five (5) foot wide access aisle. Every access aisle shall lead directly to a curb ramp and accessible route of travel.

3. All handicapped-accessible parking spaces shall be prominently outlined on all four (4) sides and shall have the international symbol of accessibility (see diagram) displayed on the ground within each space. The access aisle shall be included within the outlined area. The color scheme of the accessible parking space shall contrast with that of the surrounding regular parking.

Furthermore, all handicapped-accessible parking spaces shall be identified by a sign on a stationary post or object. These signs shall not be obscured by a vehicle parked in the space. The bottom of the sign shall be located not less than three (3) feet nor more than six (6) feet above the grade and shall be visible directly in front of the parking space. Accessible parking spaces shall be designated as reserved for the physically disabled by a sign showing the international symbol of accessibility in any color scheme on a contrasting background. Such signs must, at minimum, display the words "reserved parking" or "parking only".
4. Handicapped-accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In facilities with multiple accessible building entrances with adjacent parking, accessible parking spaces shall be dispersed and located near accessible entrances. Wherever practical, the accessible route of travel shall not cross lanes for vehicular traffic. Where crossing vehicle traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk.

Where parking is provided in a parking garage or under shade canopies, the ratio of covered to uncovered handicapped-accessible parking spaces shall not be less than the ratio of covered to uncovered non-accessible parking spaces. In parking garages, not less than twenty percent (20%) of the accessible spaces shall be designated for high-profile vehicles, with a minimum headroom clearance of nine (9) feet six (6) inches provided in all parking, maneuvering and circulation areas serving such spaces. Special signage shall be provided to identify high-profile accessible parking spaces and to direct users to the location of both high-profile and standard height accessible parking spaces, except when all accessible spaces are high-profile spaces.

5. Handicapped-accessible parking spaces and access aisles shall be level, with surface slopes not exceeding 1:50 (2%) in all directions. Access aisles shall be constructed so that the ground surface is stable, firm, and slip-resistant. Such access aisles shall not be constructed with surfaces of loose sand, gravel, wet clay, cobblestones, or similar material.

6. Whenever a parking area built before the effective date of this Subsection (as amended) does not have sufficient accessible parking spaces to comply with this Subsection (as amended), existing non-accessible parking spaces may be combined and converted to accessible parking spaces and associated access aisles, provided that the overall reduction in total parking spaces does not exceed five percent (5%) of the off-street parking spaces otherwise required by this Code.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 93, Amended, 02/09/84; Ord. No. 153, Amended, 07/02/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 181, Amended, 08/11/88; Ord. No. 285, Amended, 10/22/92; Ord. No. 399, Amended, 10/10/96; Ord. No. 650, Amended, 01/26/06)
13-24-030 Location of Parking.

A. Parking for all residential district uses shall be provided on the same lot or on a contiguous lot so zoned.

B. Parking for commercial or industrial district uses shall be provided on the same lot as the use they are intended to serve, or within three hundred (300) feet thereof on property so zoned.

C. Such off-street parking may be provided on a joint basis, provided all such supplied parking serves the minimum requirements for the sum of all uses served except in those instances where a mixed-use shared parking program has been approved pursuant to Section 13-24-070.

D. Any required yards may be used for parking or loading except as may be specifically prohibited by the district provisions.

E. Off-site parking on Town streets may be included for required parking if developed in conjunction with a comprehensive final development plan in the PAD District and approved by the Town Council as part of that final development plan.

F. Other off-site parking in the Town right-of-way may be included for required parking if such parking and the use is part of an approved Improvement District or otherwise approved by a development agreement with the Town.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-23-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 564, 07/10/03)

13-24-040 Design and Installation of Parking Facilities.

Parking areas permitted (or required) under the provisions of this Chapter (except such parking accessory to dwelling units) shall adhere to the following provisions:

A. Each parking space shall consist of an area of not less than nine (9) feet by twenty (20) feet (exclusive of drive-ways required to make such space accessible from public streets or alleys).

B. Off-street parking areas, necessary driveways and maneuvering areas, except detached single-family residential uses (but including model homes as defined in this Code), shall be improved with a permanent dust-free pavement, properly graded to prevent impoundment of surface water, permanently striped and maintained in a manner satisfactory to the Town Engineer.

C. All driveways shall be of sufficient width to permit access into spaces, but in no case less than twelve (12) feet for one-way and twenty-four (24) feet for two-way travel.

D. All off-street automobile parking facilities shall be designed with appropriate means of
vehicular access to a street, alley or public thoroughfare, as well as necessary maneuvering areas such as driveways. Whenever possible, the parking facility shall be designed so that vehicles exiting therefrom will not be required to back into any street. Maneuvering areas adjacent to parking spaces shall be designed so as not to disrupt traffic on public roadways, and arranged in accordance with the design standards set forth in the diagrams contained in this Section.

E. Protective screening shall be provided to adjacent residentially-zoned lots within two hundred (200) feet:

1. Where public parking areas front, side or rear on a street which is a boundary with a residential district, a solid wall or screen four (4) feet in height shall be erected.

2. Where such parking areas side or rear directly on a residential district, a solid wall or screen six (6) feet in height shall be installed on the district boundary line [said wall to be reduced to four (4) feet in height within the front yard area of the abutting residential district].

F. A minimum of ten percent (10%) of all parking lot areas shall be landscaped in accordance with the provisions of Article 13-26 "Landscaping Requirements".

G. In addition to complying with the requirements of Subsections 13-26a-040(A), (C) and (D) of this Code, any lights used to illuminate said parking area shall be so arranged and screened as to reflect the light away from adjoining lots in residential districts and from streets. Commercial lots or customer parking facilities (other than that area lying between a street and the principal building) shall require illumination.
13-24-050 Off-Street Parking Requirements (Minimum).

A. Definition of Floor Area:

1. Floor area shall mean the gross floor area and/or the open land area needed for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not mean floors or parts of floors used principally for non-public purposes such as storage, automobile parking, incidental repair, processing or packaging of merchandise, show windows, offices incidental to the management or maintenance of stores or buildings, or restrooms or other accessory space.

2. Where parking spaces are referenced to seats, each eighteen (18) inches of width shall be deemed as one (1) seat. Where there is uncertainty as to which of the herein enumerated categories of parking requirements any use falls, the Zoning Inspector's decision shall stand unless modified by the Board of
B. Requirements: Except in the Agricultural districts, for every structure or part thereof hereafter erected, or for any building converted to such uses or occupancy, or any addition thereto, there shall be provided on the premises, accessible off-street parking as set forth in the following:

1. Residential Use:
   a. One (1) or two (2) family residences 2 per dwelling unit
   b. Multiple family dwellings
      Efficiency and one (1) bedroom units 1 1/2 per dwelling unit
      Two (2) or more bedrooms 2 per dwelling unit
   c. Rooming houses, fraternities, sororities, vacation rental/short-term rental
   d. Mobile/manufactured home parks and subdivisions 2 per dwelling unit
   e. Model homes 5 per dwelling unit

2. Hotels, Motels:
   Spaces Required:
   1 per guest room plus 1 per 3 employees plus additional parking spaces as required for any supplementary use that generates parking needs such as bars, restaurants, convention rooms, etc.

3. Institutional Uses:
   a. Hospitals
   b. Sanitariums, convalescent and nursing homes, children's homes, homes

Spaces Required:
1 per 3 beds plus 1 per staff physician
1 per 3 beds plus 1 per employee
for the aged

4. Offices and Clinic Uses:
   a. Offices, banks, savings and loan agencies 1 per 200 sq. ft. of usable floor area plus 1 space per employee
   b. Medical and dental offices and clinics 1 per 200 sq. ft. of gross floor area

5. Places of Public Assembly:
   a. Auditoriums, exhibition halls, theaters, convention facilities, meeting rooms 1 per every 3 persons for which seating is provided
   b. Churches 1 per every 3 persons for which seating is provided

6. Commercial Recreation:
   a. Skating rinks, dance halls, dance studios 1 per 100 sq. ft. of usable floor area
   b. Bowling alleys 4 per lane plus 1 per 5 seats in gallery, plus 1 per 2 employees
   c. Billiard parlors 2 per billiard table plus 1 per employee
   d. Gymnasiums, health studios 1 per 400 sq. ft. of usable floor area plus 1 per 2 employees
   e. Private golf clubs, swimming clubs, tennis clubs and similar 1 space per 1 1/2 member families

7. Commercial Sales and Service:
   a. Restaurants, bars, cocktail lounges 1 per 50 sq. ft. of usable floor area plus 1 per 2 employees
   b. Drive-in food or drink places with 1 per 50 sq. ft. of
Prescott Valley, Arizona

on-site consumption usable floor area

c. Mortuaries, funeral homes 1 per 3 seats plus 1 per official vehicle

d. Self-service laundries and dry cleaners 1 per 2 machines

e. Open air businesses, swap meets, mini-golf 1 per 1000 sq. ft. of open business area

f. Building material yards, plant nurseries, equipment or sales yards and similar 1 per 300 sq. ft. of sales and display area

g. New and used car lots 1 per 1000 sq. ft. of outdoor vehicle display area plus 1 per 200 sq. ft. of indoor floor area

h. Automobile service stations 3 per bay

i. Carwash 1 per employee, plus reserve space equal to five times the wash line capacity

j. Planned shopping centers under unified control Requirements for all uses elsewhere specified herein

k. Motor vehicle and machinery sales, auto repair shops 3 per service bay or 1 per 500 sq. ft. of floor area

l. Barber shops, beauty shops 2 per chair

m. Furniture and appliance stores, household equipment 1 per 800 sq. ft. of usable floor area

n. Supermarkets, drug stores 1 per 150 sq. ft. of usable floor area

o. Retail establishments not elsewhere listed 1 per 150 sq. ft. of usable floor area

p. Bus depots 1 per 150 sq. ft. of waiting area

q. Video rental outlets 1 per 200 sq. ft. of gross floor area
8. Public and Quasi-Public Uses:

a. Elementary and intermediate schools 1 per employee plus 1 per 10 students

b. High schools 1 per 5 students plus 1 per employee

c. Junior colleges, colleges, universities 1 per 3 students plus 1 per employee

d. Trade schools 1 per 5 students plus 1 per employee

e. Golf courses - public 5 per hole plus 1 per employee

f. Post Offices 1 per 200 sq. ft. gross of area plus 1 per employee

g. Parks, public or private park area 3 per each acre of

9. Wholesaling and Warehousing Uses:

Spaces Required:
1 per employee

10. Manufacturing and Industrial Uses:

Spaces Required:
1 per 2 employees

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-23-010; Ord. No. 151, Amended, 07/02/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 279, Amended, 06/25/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 381, Amended, 03/28/96; Ord. No. 399, Amended, 10/10/96; Ord. No. 809, Amended, 09/24/15; Ord. No. 820, Amended, 09/22/16)

13-24-060 Off-Street Loading Requirements.

A. Applicability: In all zoning districts (except the Agricultural districts), for every building or part thereof erected or enlarged after August 2, 1987 which is occupied by a use receiving or distributing 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 shall not be considered as satisfying requirements for off-street parking space.

B. Schedule of Loading Space Requirements:
Prescott Valley, Arizona

<table>
<thead>
<tr>
<th>Total Floor Area of Building</th>
<th>Number of Loading Space(s) Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>20,000 sq. ft. to 30,000 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td>30,000 sq. ft. to 50,000 sq. ft.</td>
<td>2</td>
</tr>
<tr>
<td>for each 100,000 additional sq. ft.</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

C. Location: Required off-street loading space shall not be permitted in any front yard, nor in any required side yard except in a non-residential district where a side yard abuts an alley. Off-street loading space may occupy all or any part of a required rear yard except as otherwise provided herein, and may be partially or entirely enclosed within a building.

D. Alleys: Where a building or use in a non-residential district abuts an alley, such alley may be used as maneuvering space for loading and unloading spaces; provided, however that no alley abutting any residential district may be so used.

E. Size: Every required off-street loading space shall have a minimum width of twelve (12) feet, a minimum length of forty-five (45) feet, and a minimum height of fourteen (14) feet exclusive of access aisles and maneuvering space.

(Ord. No. 152, Enacted, 07/02/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 399, Amended, 10/10/96)

13-24-070 Mixed Use Shared Parking Reductions.

A. Notwithstanding any other parking requirements set forth in this Code, a mixed-use shared parking program (“shared parking program”) may be applied where mixed-uses are proposed and the mix of uses creates staggered peak periods of parking demand. A shared parking program allows the property developer to use parking spaces more efficiently by allowing the same spaces to be “shared” by various land uses, thus reducing the total amount of required parking. A shared parking program may include parking on the same site or different sites subject to the provisions herein. In no case shall a shared parking program include the parking spaces required for residential uses.

B. The Community Development Director (“Director”) may approve a shared parking program upon application of a developer provided that: 1) pedestrian access is provided to and from the parking area and the building; and 2) all other requirements set forth herein are met.

C. Parking spaces that are reserved for a specific business purpose (e.g., reserved for doctors only) or designated and marked for use by handicapped persons shall not be counted toward meeting the shared parking requirements.

D. Those wishing to apply for a shared parking program must demonstrate to the Director the feasibility of shared parking pursuant to subparagraphs (F) & (G) of this Section. The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be twenty percent (20%).

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E. Shared parking spaces may be located on a different lot than the use which it serves only where the following conditions are met:

1. The parking is located no more than 300 feet from the use that it serves. The distance between the use and the parking lot shall be measured following a reasonable and safe walking route from the main entrance of the use to the nearest parking lot;

2. The applicant(s) for a building permit or certificate of occupancy for the use which is to be served by a shared parking program shall submit a copy of a written agreement pursuant to subparagraph (H) of this Section along with his or her application for such permit or certificate.

3. There is no substantial conflict in the operating hours of the buildings served by the shared parking program.

F. Shared Parking Study: Determination of the shared parking requirements may be determined by use of the Mixed Use Shared Parking Calculation method set forth in subparagraph (G) below, or the Director may require a more detailed study which clearly establishes which uses will utilize the shared spaces at different times of the day, week, month or year. The study shall:

1. Be based on the Urban Land Institute’s shared parking study methodology or other generally accepted methodology;

2. Address the size and type of activities, the composition of tenants, the rate of turnover for proposed shared spaces and the anticipated peak parking and traffic loads;

3. Provide for a reduction by not more than 20% of the combined parking required for each use;

4. Provide for no reduction in the number of spaces reserved for persons with disabilities or for a specific business purpose as described above;

5. Provide a plan to convert the reserved space to parking area; and

6. Be reviewed and approved by the Planning Director and the Town Engineer.

G. Parking Credit Schedule Chart for Mixed Use Shared Parking Calculation: The minimum number of parking spaces required for a shared parking plan may be determined by multiplying the minimum parking requirements for each individual use by appropriate percentage (as set forth below in the parking credit schedule chart-shared parking) for each of the five designated time periods and then add the resulting sums from each vertical column. The column total having the highest total value is the minimum shared parking space requirement for that combination of land uses.

<table>
<thead>
<tr>
<th></th>
<th>Weekday</th>
<th>Weekend</th>
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<tbody>
<tr>
<td>Midnight</td>
<td>7 a.m.</td>
<td>5 p.m.</td>
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### USES

<table>
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<tr>
<th>Uses</th>
<th>7 a.m.</th>
<th>5 p.m.</th>
<th>Midnight</th>
<th>6 p.m.</th>
<th>Midnight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office/Industrial</td>
<td>5%</td>
<td>100%</td>
<td>10%</td>
<td>10%</td>
<td>5%</td>
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<tr>
<td>Comm. Retail</td>
<td>5%</td>
<td>90%</td>
<td>50%</td>
<td>100%</td>
<td>70%</td>
</tr>
<tr>
<td>Hotel</td>
<td>70%</td>
<td>70%</td>
<td>00%</td>
<td>70%</td>
<td>100%</td>
</tr>
<tr>
<td>Restaurant</td>
<td>10%</td>
<td>50%</td>
<td>100%</td>
<td>50%</td>
<td>100%</td>
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<tr>
<td>Restaurant associated with hotel</td>
<td>10%</td>
<td>50%</td>
<td>60%</td>
<td>50%</td>
<td>60%</td>
</tr>
<tr>
<td>Ent./Recre. (theaters, bowling alleys, cocktail lounge, and similar)</td>
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<td>40%</td>
<td>100%</td>
<td>80%</td>
<td>100%</td>
</tr>
<tr>
<td>Day Care Facilities</td>
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<td>100%</td>
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<td>5%</td>
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<tr>
<td>All Other</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
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### H. Agreement For Shared Parking Plan:

The developer(s) applying for a shared parking program in accordance with this Section shall submit a written agreement approved by the Town Attorney requiring that the parking spaces shall be maintained as long as the uses requiring the parking exist or unless the require parking is provided elsewhere in accordance with the provisions of this Section. Such written agreement shall be recorded by the developer(s) with the Yavapai County Recorder’s Office prior to the issuance of a building permit or certificate of occupancy, and a copy filed in the project review file. The agreement shall, at a minimum:

1. List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
2. Provide a legal description of the land;
3. Include a site plan showing the area of the parking parcel and open space reserved area which would provide for future parking;
4. Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
5. Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
6. Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses;

7. Describe the obligations of each party, including the maintenance responsibility to retain and develop reserved open space for additional parking spaces if the need arises;

8. Incorporate the shared parking study, if applicable, by reference; and

9. Describe the method by which the covenant shall, if necessary, be revised.

I. In the event a use in mixed-use projects is changed, the application for the new business license (pursuant to Section 8-02-100) related to the changed use must be accompanied by evidence that the parking necessary for the new mix of uses does not exceed the amount that was required by the previous mix of uses.

(Ord. No. 564, Enacted, 07/10/03)
Article 13-25 MOBILE/MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS

13-25-010 Purpose.
This Section is intended to provide standards for the design and establishment of temporary or long-term parking and occupancy areas for mobile homes, manufactured homes, and recreational vehicles. Principal uses in addition to the aforementioned include recreational and community facilities to be used by non-permanent occupants. Mobile/manufactured home parks and recreational vehicle parks are normally operated by a commercial enterprise charging a fee for the rental of a space within the park.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-24-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92)

13-25-020 Density Requirements.
The density formula for the D3 District shall be applied in determining the combined total of mobile homes, manufactured homes, recreational vehicles, or any permitted non-residential uses that may be located within any one (1) park, provided that:

A. Each mobile/manufactured home space shall have an area of not less than three thousand (3,000) square feet and a width of not less than thirty-six (36) feet.

B. Each recreational vehicle space shall have an area of not less than one thousand eight hundred (1,800) square feet and a width of not less than twenty-five (25) feet.

C. Recreational vehicle spaces shall not be permitted in mobile/manufactured home parks.

D. The height of the buildings within a mobile/manufactured home park or recreational vehicle park shall not exceed two (2) stories nor thirty-five (35) feet.

E. Maximum coverage, including buildings, mobile homes, manufactured homes, recreational vehicles, and paved areas shall not exceed sixty percent (60%) of the area within a park.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-24-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92)
13-25-030 Yards and Spacing.

The minimum distance from any portion of the mobile home, manufactured home, recreational vehicle or its accessory structures from the following lines shall be as follows:

A. Mobile/Manufactured Home Parks

1. From front space line: eight (8) feet from the nearest edge of an interior drive or roadway.

2. From rear space line: five (5) feet.

3. From other space boundaries not in common with the edge of an interior drive or roadway: five (5) feet.

4. From an exterior boundary of the park abutting public streets: twenty (20) feet; from all other exterior park boundaries: ten (10) feet.

5. From another mobile or manufactured home, or accessory structure on an adjoining mobile/ manufactured home space: ten (10) feet.

B. Recreational Vehicle Parks

1. From front space line: five (5) feet from the nearest edge of an interior drive or roadway.

2. From the rear space line: five (5) feet.

3. From other space boundaries not in common with the edge of an interior drive or roadway: five (5) feet.

4. From an exterior boundary of the park abutting public streets: twenty (20) feet; from all other exterior park boundaries: ten (10) feet.

5. From another recreational vehicle or accessory structure on an adjoining recreational vehicle space: ten (10) feet.

6. The location of mobile homes or manufactured homes on recreational vehicle spaces is prohibited.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-24-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92)

13-25-040 Park Site Design Requirements.

A. Each parcel of land used for a mobile/manufactured home park or recreational vehicle park shall have a minimum area of three (3) acres.

B. Interior drives or roadways within a mobile/manufactured home park or recreational
vehicle park shall be paved to a minimum width of not less than twenty-two (22) feet.

C. A minimum of two (2) vehicular entrances shall be provided for each park, one (1) entrance of which may be kept closed to the general public if provision is made for emergency access.

D. Street lighting shall be provided along park streets for the safety of pedestrians and shall comply with the outdoor lighting provisions of Article 13-26a and Article 13-26 of this Code.

E. Service buildings to house toilet, bathing and other sanitation facilities shall be provided as required by the Yavapai County Health Department.

F. All mobile/manufactured home spaces or recreational vehicle spaces shall be connected to an approved sewage disposal facility.

G. All utility lines, cable TV and electric transmission lines under twelve thousand (12,000) volts shall be placed underground within a park. Each park space shall be provided with water, electric, telephone and gas lines, if needed. An approved fire protection system shall be installed by the developer.

H. Refuse collection areas shall be central and screened from public view in compliance with Article 13-26 of this Chapter.

I. Recreational vehicle storage areas, if provided in mobile/manufactured home parks, shall be at the minimum ratio of fifty (50) square feet of land for each mobile/manufactured home space. If no such storage areas are provided, recreational vehicles shall not be stored at mobile/manufactured home parks.

J. The total area set aside for recreation shall not be less than ten percent (10%) of the area within a mobile/manufactured home park or recreational vehicle park, and one or more recreational areas, having not less than three thousand (3,000) square feet in area, shall be set aside within such parks.

K. Mobile/manufactured home parks and recreational vehicle parks shall be screened in an attractive manner from surrounding lots by a solid fence, wall or suitable planting as follows:

1. Not less than four (4) feet in height nor more than six (6) feet in height when located in a front yard or street side yard.

2. Six (6) feet in height when located in any other yard.

3. When adjacent to any single-family residential district, in compliance with the requirements of Article 13-26 of this Chapter.

L. Landscaping shall be installed in accordance with Article 13-26.

M. Signs shall be permitted in accordance with Article 13-23.
N. A minimum of two (2) off-street parking spaces shall be provided for each mobile home or manufactured home, and a minimum of one (1) off-street parking space shall be provided for each recreational vehicle. Parking spaces shall be surfaced with dust-free materials. Guest parking shall be provided at a ratio of one (1) parking space for each five (5) mobile/manufactured home spaces or recreational vehicle spaces.

O. No mobile/manufactured home spaces or recreational vehicle spaces shall be occupied unless and until thirty percent (30%) of the total planned [or ten (10) spaces, whichever is greater] shall have been completely prepared and equipped for use in all respects, including drives and community facilities.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-24-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 392, Amended, 06/27/96; Ord. No. 521, Amended, 05/09/02)
Article 13-26  SITE DEVELOPMENT STANDARDS

13-26-010  Purpose.
13-26-020  Applicability.
13-26-030  How the Site Development Standards are Reviewed, Installed and Maintained.
13-26-050  Screening Provisions.
13-26-060  Prescott Valley Recommended Species List.
13-26-070  Nuisance and Hazards Provisions.
13-26-080  Topography.

13-26-010  Purpose.

A. Intent and Purpose:

1. This Article is intended to help achieve the overall land use and image objectives of the Prescott Valley General Plan.

2. The purpose of this Article is:
   a. To enhance the community's general welfare through the promotion of attractive site appearances;
   b. To reduce erosion, dust and glare; and
   c. To screen unattractive or incompatible uses.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-25-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Rep&ReEn, 06/27/96; Ord. No. 630, Amended, 06/30/05)

13-26-020  Applicability.

A. Generally:

The provisions of this Article apply to all new buildings and uses, and to all additions to existing buildings and uses which are larger than twenty-five percent (25%) of the existing building or use in all zoning districts and overlay districts.

New uses and additions to existing uses as noted in Subparagraph 13-26-020(A)(1) above mean any new or expanded use of an existing building or premises that requires the addition of parking spaces, pursuant to the off-street parking requirements of this Chapter, in an amount equal to or greater than twenty-five percent (25%) of the required parking for the previous occupancy.
B. Single-Family Residential Districts: A single-family residence (including site-built buildings, factory-built buildings, and manufactured homes) on its own individual lot in a single-family residential or multiple-dwelling district and not a part of a Planned Area Development or other overlay district, is subject only to the following provisions:


2. Subsection 13-26-050(D)(5), Satellite Dishes, Heating Fuel Tanks and Trash Dumpsters; and Article 13-26a, Outdoor Lighting Requirements.

3. Article 13-26a, Outdoor Lighting Requirements.

C. Agricultural Districts: Uses in the agricultural districts are subject only to the provisions in Article 13-26a and in Section 13-26-070.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-25-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 392, Rep&ReEn, 06/27/96; Ord. No. 399, Amended, 10/10/96; Ord. No. 521, Amended, 05/09/02; Ord. No. 630, Amended, 06/30/05)

13-26-030 How the Site Development Standards are Reviewed, Installed and Maintained.

A. Site Plan Review and Installation:

1. A “Site Plan” is a drawing, prepared to scale, which accurately depicts the locations and sizes of buildings, walls, lighting devices, and other structures; areas, types, and sizes of landscaping; areas for refuse collection, storage, parking, loading, vehicular access, and walkways; property lines and ultimate street rights-of-way; and that portion of rights-of-way to be landscaped or otherwise improved.

2. Prior to issuance of a building permit, a Site Plan drawn in detail and fully dimensioned to reflect compliance with all standards required in this Article and other articles of this Code, shall be submitted for the Town staff's review. When the Town staff determines that the Plan meets full compliance with all development standards and Code requirements, the Site Plan shall be approved.

3. Prior to issuance of an occupancy permit, all site development standards for screening, parking, loading, and driveway areas, and on-site and off-site landscaping with automatic irrigation systems (as required), shall be installed in accordance with the approved Site Plan. In lieu of such installation, where weather conditions warrant a delay [but for no more than six (6) months], a cash deposit or bond or letter of credit from an approved bank, naming the Town as beneficiary, in an amount which guarantees the complete installation of such site development standards, shall be filed with the Town.

B. Maintenance of Site Development Standards:
1. "Maintenance" is on-going repair, replacement, painting, trimming, mowing, pruning, weeding, watering, and other activities for the consistent upkeep of an attractive appearance.

2. All screening, lighting, on-site landscaping, and off-site landscaping shall be maintained by the owner, an owners' association, or the lessee of the site.

3. Approved and installed landscaped areas shall be maintained and shall not be used for vehicle parking, storage, or display of merchandise.

4. Areas designated for on-site detention of drainage water shall be maintained and used solely for that purpose.

5. Dead plants, trees, shrubs or ground covers; and damaged landscaping, irrigation devices or screening walls, shall be replaced in accordance with the approved Site Plan.

6. All of the site and land between the property line and the shoulder of the roadway shall be kept free of litter, weeds and trash.

7. Failure to maintain site development standards shall constitute a violation of this Article and shall be subject to the penalties prescribed in Article 13-31 of this Chapter.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-25-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 392, Rep&ReEn, 06/27/96; Ord. No. 563, Amended, 07/10/03)


A. The Purpose of Landscaping Provisions: The purpose of requiring landscaping is to provide for minimum standards which will beautify buildings and uses, screen unattractive areas, provide for safer vehicular movement, and encourage the development of a more attractive Prescott Valley image and streetscape.

B. Landscaping Defined:

1. The combination of living plants, trees, shrubs, vines, and ground covers used for creating an attractive appearance;

2. Inorganic ground covers, such as river rock and decorative stone, used in combination with living plants, trees, shrubs, and ground covers to create an attractive appearance; or

3. Plazas, patios, decorative courtyards, and other areas reserved for pedestrian use, water features, and public art, in combination with living plants, trees, shrubs, and ground covers, except that other paved surfaces are not included
in this definition.

C. Basic Landscaping Requirements Include:

1. Installation of automatic irrigation systems of sufficient size and type to support and maintain all living landscaping materials, except that automatic irrigation systems are not required for undisturbed areas of native grasses and vegetation;

2. Installation of living landscaping selected from those specified in Subsection 13-26-060, Prescott Valley Recommended Species List, similar species recommended in Sunset Western Garden Book applicable to the Prescott Valley region, or other drought tolerant plants acclimated to the Prescott Valley region; and

3. Continued maintenance of all landscaping materials as required in Subsection 13-26-030(B) of this Article;

D. On-site Landscaping Standards Along Street Frontages:

1. Landscape Area: In all cases there shall be at least a ten-foot (10’) wide landscaped border running continuously and contiguously with each street, except that lots in the multiple-dwelling district (R2) may reduce the minimum width of required landscaping borders to seven (7) feet.

2. On-site Landscaping Border Requirements:

   a. At least one (1) tree of minimum 15-gallon size for every thirty (30) lineal feet, or fraction thereof, of all adjacent street frontages;

      (1) Clustering of trees and shrubs is encouraged to create an attractive appearance in accordance with the requirements of this Section and to allow certain portions of a building to be visible. To achieve this objective, trees may be moved within the required landscape area; however the distance between trees should not exceed fifty (50) feet.

   b. At least one (1) 5-gallon shrub and four (4) one-gallon shrubs for every 100 square feet of total required landscape border area;

      (1) Five (5) one-gallon shrubs may be substituted for a single 5-gallon shrub for up to one-third of the number of 5-gallon shrubs required herein. The maximum distance between shrubs shall not exceed ten (10) feet.

   c. Sufficient inorganic or organic ground cover materials (in addition to shrub requirements) to completely control erosion and dust in the landscaped area;
Undisturbed native grasses or re-seeded native grasses shall qualify as ground cover material.

d. The required on-site landscaping borders along street frontages shall not be obscured by walls exceeding one (1) foot in height [i.e. walls exceeding one (1) foot shall be located at least seven (7) feet from the property line within the landscaping border];

e. Landscaping borders for vehicle parking areas shall be subject to the provisions set forth in Section 13-26-040(I); and

f. Water detention basins may be located within the on-site landscaping frontage area if containing landscaping and slopes not exceeding 2:1.

E. Other On-Site Landscaping Requirements:

1. Undeveloped areas in all districts (except single-family residential district and approved screened storage or yard areas) extending beyond a required landscape border and which are not occupied by parking areas or structures shall contain additional inorganic ground cover materials to completely control erosion and dust. Undisturbed native grasses or re-seeded grasses may be applied.

2. Commercial Districts: The area between a required landscape border and a commercial or industrial building frontage shall contain the following landscaping.

   a. One (1) tree per 500 square feet of area.

   b. At least one (1) 5-gallon shrub per 100 square feet of total undeveloped area.

   c. Three (3) one-gallon shrubs may be substituted for a 5-gallon shrub for up to one-half of the 5-gallon shrub requirement.

3. Multi-Family Uses, Mobile/Manufactured Home Parks and Recreational Vehicle Parks:

   Properties zoned for multiple-family residential uses, mobile/manufactured home park or recreational vehicle parks shall contain at least one (1) 15-gallon tree and two (2) 5-gallon shrubs in addition to ground cover materials for each residential dwelling unit on the ground floor, and such landscaping is to be located in open courtyards and rear yards for use and enjoyment by the residents.

F. Types:

1. Trees planted within the first ten (10) feet of the property shall be selected from those specified in Subsection 13-26-060(A), and living plants, shrubs,
vines, and ground covers shall be selected from those specified in Subsection 13-26-060(C) of this Article.

2. Trees to be placed adjacent to pedestrian areas with sidewalks existing or planned shall be selected from those specified in Subsection 13-26-060(A).

3. Trees to be placed in other non-pedestrian street frontages may be a 50/50 mix of deciduous and evergreen trees and shall be selected from those specified in the “Deciduous Trees” and “Evergreen Tree” lists of Subsection 13-26-060(C). Landscaping may be located anywhere within the front twenty (20) feet of the street frontage to allow plantings to be staggered.

4. Trees placed on Public Lands (PL) shall be approved by the director.

5. Trees in PADs (pursuant to Article 13-19) will follow these guidelines unless approved as part of the Final Development Plan approval process.

G. Landscaping Standards for Vehicle Parking and Separation:

1. In addition to the landscaping border requirements set forth in Subsection 13-26-040(D), a minimum of ten percent (10%) of all parking lot areas, including parking and maneuvering spaces, access aisles, and driveways, shall be landscaped with living plants, trees, shrubs, and ground covers. The 10% landscaped area may include any parking island landscape area described below.

2. Landscaping Islands in Parking Areas:
   a. In parking areas, islands are to be installed with a minimum width of seven (7) feet running the full length of a contiguous parking space or, in an alternative design variation [ranging seventeen (17) feet to twenty
(20) feet], so that a minimum seven foot (7') width is maintained in the area of street installation;

b. A ratio of one (1) island is to be installed for every twelve (12) parking spaces, and in no instance shall more than eleven (11) contiguous parking spaces be installed in a row without the placement of a landscaped island, except as noted below.

c. Each island shall contain a minimum for each parking space length of one (1) 15-gallon tree and two (2) 5-gallon shrubs (which shall be kept trimmed so as to not exceed thirty-six (36) inches in height), and ground cover materials sufficient to control dust and erosion. However,

(1) An on-site landscaping border may substitute for a parking island where parking spaces abut it;

(2) Parking lots with over one hundred (100) spaces may install one landscaped island for every fifteen (15) parking spaces; and

(3) Parking lots in manufacturing and industrial zoning districts may install one (1) landscaped island for every twenty-five (25) parking spaces.

3. Vehicles Overhanging Landscaping:

a. Where the front end of parking spaces abut a landscaped area, wheel stops or concrete curbs shall be installed to limit vehicle overhang of the landscaped area to no more than thirty (30) inches;

b. Ground cover shall be installed within the allowable overhang area; and

c. Trees and shrubs shall be located beyond the allowable overhang area.
4. Traffic Visibility:
   a. Trees planted in parking areas and near driveways shall be of a species commonly and customarily pruned so as to allow visibility to drivers while providing a shade canopy above; and
   b. Wide-base spreading evergreens are prohibited where they may interfere with traffic visibility.
   c. Shrubs, ground covers, and other landscaping material may not exceed eighteen (18) inches in height from grade within any street corner or driveway intersection and any street area within a 40 foot triangle consistent with YAG Standard detail.

H. Buffering of Parking Areas:
   1. In addition to the landscape requirements of Subsection 13-26-040(G), all parking areas with more than eight (8) spaces shall be buffered from street view by one, or a combination, of the following:
      a. Decorative solid, one hundred percent (100%) obscuring screening walls of materials, finishes and construction design compatible with the primary building on the site; or
      b. Dense landscaping of hedge shrubbery of such size and quantity as to completely obscure views within two (2) years after planting. The minimum height of hedge shrubbery plantings installed for parking buffering shall be at least 18-inches in height and provide a 50 percent density coverage and shall reach a minimum height of 36-inches and provide 100 percent screening density within two (2) years. The species shall be selected from those specified in 13-26-060(B).
      c. Earthen berms with a maximum slope of 2:1 and entirely covered with landscaping materials, including ground covers, vines and shrubs.

Where screening is provided by a solid wall for parking abutting it, the wall may be located three (3) feet into a landscaped border to allow for automobile overhangs or door swing area, as long as a minimum of seven (7) feet of
2. All buffering devices described above shall be of a minimum height of three (3) feet and a maximum height of four (4) feet above the finished grade of the parking area or roadway, whichever is higher.

3. For businesses principally engaged in the outdoor sale of boats, cars, trucks and recreational vehicles, the minimum height of the buffering devices required above may be reduced to one-and-one-half (1 1/2) feet where the finished grade of the display parking area is at least two (2) feet higher in elevation than that of the contiguous roadway, to allow visibility of display merchandise.

4. Where any parking lot area is situated across a street from a residential district:
   a. It shall be screened by a solid, one hundred percent (100%) obscuring screening wall, four (4) feet in height, above the finished grade of the parking area or roadway, whichever is higher; and
   b. Such wall shall be installed between the required landscaped border and the parking area, and may encroach into the landscaped border not more than three (3) feet as specified in Subparagraph 13-26-040(H)(1) above.
I. Off-Site Landscaping Standards:

1. Area Locations: The area between the property line and the shoulder of the roadway shall be landscaped continuously, except that such landscaped area may be interrupted by paved driveways and drainage ditches. Note, however, that drainage ditches are to be kept free of weeds, litter and other debris. Furthermore, all plans for structures within the right-of-way are subject to approval by the Public Works Director.

2. Types of Landscaped Material:
   a. Ground cover, of organic or inorganic materials, or in combination as previously specified in Subparagraph 13-26-040(D), in sufficient quantity to completely control erosion and dust within the area.

   (1) Undisturbed native grass areas may fulfill these off-site landscaping requirements; but

   (2) Trees, large shrubs, and hedges are not permitted, except in areas where maximum street construction widths are established by the Town Engineer.

3. Rights-of-Way Landscaping Within Subdivisions: Landscaping along rights-of-way and within medians in residential PAD subdivisions shall meet the basic landscaping requirements set forth in Subsection 13-26-040(C) and shall be reviewed by the Public Works Department to ensure plantings will not require extensive maintenance or water consumption. Such landscaping shall be approved as part of a Final Development Plan.

J. Exemptions:

1. Town Center Development and development in other Planned Area Development (PAD) districts utilizing street frontage building design (e.g. "Main Street"), or other innovative designs, may modify the landscaping border
requirements set forth herein when such landscaping is incorporated into a
design package and approved in conjunction with a Final Development Plan
pursuant to Section 13-19-060(D).

2. Approved screened-in storage areas for industrial districts and areas inside
approved fenced yards for multi-family districts are exempt from all ground
cover planting requirements; however, such districts shall at all times comply
with any applicable dust control requirements.

3. On-site areas approved for future development are exempt from the
landscaping requirements of this section but shall at all times comply with the
ground cover requirements to control erosion and dust.

4. Legal substandard lots created with an approved subdivision plat prior to 1979
will be subject to the following exceptions:

a. The total square footage of the required street frontage landscaping
may be distributed within the front of the building line along the front
and side lot lines in a width no less than five (5) feet. There shall be no
less than a five-foot landscape border along the front of the property.
Quantities shall be based on the amount of street frontage.
A. The Purpose of Screening Provisions: In conjunction with Subsection 13-26-010(A), the purpose of screening provisions is to separate incompatible uses, conceal objectionable areas, and buffer intense activities.

B. Definitions:

1. "Screening Walls and Devices", generally, are any structures intended to fully or partially conceal activities, storage, refuse, loading, parking areas, and mechanical equipment from view, or to separate incompatible uses. They include structures constructed of masonry units, wood, stone, earthen berms, and landscaping. However, wood fences and walls do not include structures constructed of plywood, pressboard, particleboard, chipboard, masonite or other similar manufactured materials.

2. "Solid Screen Wall" is a screening wall that obscures one-hundred percent (100%) of the enclosed activities or uses and shall be six (6) feet in height unless approved by the Board of Adjustment to be up to eight (8) feet in height.

3. "85% Screen Walls", defined for this Chapter to allow partial surveillance, are screening walls of masonry, wood or slatted chain-link fencing, so constructed as to completely block at least eighty-five percent (85%) of the view of enclosed activities or uses from adjacent real property that is approximately at the same elevation as the activity or use. Such screening is only allowed for commercial districts that are adjacent to other commercial districts.

C. Basic Requirements for All Types of Screening:

1. The height of screening walls and devices are measured from the highest finished adjacent grade of the element to be screened.

2. Openings in screening walls and buffer landscaping, no greater than six (6) feet in width for the facilitation of pedestrian and bicyclist traffic, are required where appropriate.

3. All required walls shall be located on-site and shall be reduced in height to no more than three (3) feet if there is potential of obstructing vision for vehicular traffic.

4. All screening walls and fences shall comply with the other articles of this Chapter, whichever provisions are more restrictive.

D. Screening of Refuse, Storage, Loading Docks, and Mechanical Equipment:

1. Refuse Collection Areas:
   
   a. Refuse collection areas and equipment shall be screened on three (3) sides by solid, one hundred percent (100%) obscuring screening walls, six (6) feet in height; and
b. Where the front of a refuse collection area faces a street or entry way into a site, such refuse collection area front shall be enclosed by opaque gates attached to the screening walls required above.

2. Outdoor Storage Areas:

a. Outdoor storage of materials, equipment, vehicles or trailers shall be screened from view by screen walls of at least six (6) feet and not more than eight (8) feet in height; and

b. Stacking of materials or equipment above the height of the screening walls is prohibited, except that vehicles greater in height than eight (8) feet may protrude above the screening wall.

3. Loading Dock Areas and Overhead Bay Doors:

a. Loading, delivery or service areas shall be oriented away from public streets or be screened by six-foot (6') high screen walls with adjacent screening landscaping;

b. Loading, delivery or service areas shall be screened from contiguous residential districts by six-foot (6') high screen walls and screening trees and landscaping as required in Subsection 13-26-040(F) of this Article; and

c. In addition to loading, delivery or service areas, all overhead bay doors shall be oriented away from major streets, highways, and contiguous residential districts, or shall be screened by six-foot (6') high screen walls with adjacent screening trees and landscaping as required in Subsection 13-26-040(F) of this Article.

d. Legal substandard lots created with an approved subdivision plat prior to 1979 will be subject to the following exceptions:

   (1) The requirements of Section 13-26-050(D)(3)(c) shall not be applied to legal non-conforming lots in RS and C1 districts where to do so would create undue hardship. In the event an overhead bay door must be oriented toward a major street, highway or contiguous residential district, said overhead bay door shall be no greater than twelve (12) feet in height. Additionally, the overhead bay door shall be screened by installing one of the following:

   (2) Building frontage landscaping installed adjacent to the overhead bay doors pursuant to Section 13-26-040(D), or

   (3) An awning above the overhead bay doors to create a visual break
4. Outdoor Mechanical Equipment:
   a. Ground-mounted mechanical equipment shall be screened from view by screen walls, on all sides, of a height equal to or greater than the mechanical equipment;
   b. Roof-mounted mechanical equipment shall be concealed on all sides by screening devices, equal to or greater in height than the mechanical equipment. Such screening devices shall be, or appear to be, an integral part of the building upon which they are mounted; and
   c. Meters, pedestals, and junction boxes for public utilities are excluded from the above screening requirements.

5. Earth Satellite Receiving Dishes, Heating Fuel Tanks, and Trash Dumpsters:
   a. Earth satellite receiving dishes [twenty-five (25) inches in diameter or larger] shall be ground-mounted and located in the rear half of any lot, except that a non-residential use may be permitted to be located on the roof if screened;
   b. Liquid heating fuel storage tanks shall either be located within the rear half of a lot or shall be screened from view by a non-combustible wall, equal to or greater in height than the tank, and enhanced with landscaping; and
   c. Trash dumpsters are prohibited from all single-family residences except as required during construction.

E. Screening of Outdoor Display and Vending Equipment:
   1. Outdoor display of merchandise for other than outdoor businesses (e.g. plant nurseries and car sales) shall be limited to one (1) item per product of those product types that are typically and customarily used in the outdoors (e.g. lawn furniture, bar-b-que grills, etc.). All other outdoor display is prohibited.
   2. Outdoor display of merchandise, as described above, shall be limited to the following locations and hours:
      a. Under the roof overhang of a building; or
      b. Under a freestanding, roofed structure; or
      c. In an open area further from the street and beyond the required on-site landscaping frontage described in Subsection 13-26-040(D) of this
Article, and not within any required parking, water detention or landscaping areas; and

d. Any outdoor display of merchandise located within twenty (20) feet of a street right-of-way shall be buffered by a screening wall or earth berm with landscaping to a height of three (3) feet [See Subsection 13-26-050(F) below]; and

e. In no case shall any outdoor merchandise be located so as to interfere with vehicular or pedestrian movement, or with ramps for the handicapped; and

f. All outdoor displays shall be removed from the outdoors within one (1) hour after the close of business operations.

3. Outdoor vending machines and newsracks shall be located as follows:

a. Immediately adjacent to the walls of a building; or

b. Within a walled alcove, designed for containment of vending machines and newsracks; and

c. In no case so as to interfere with vehicular or pedestrian traffic or access to ramps for the handicapped.
F. Screening for Protection of Adjacent Properties:

The screening provisions listed below shall apply to developers of non-residential or multiple-family uses, or mobile/manufactured home parks or recreational vehicle parks, as follows:

1. A Solid Screen Wall shall be installed at a height of six (6) feet above the grade of the contiguous property for the following uses:
   
a. Commercial and non-residential uses, when such uses are contiguous to any R1 or R2 residential district or any residential use in an RS district [except where such uses are contiguous to undeveloped property in RCU districts which are designated for high intensity uses in the adopted Prescott Valley General Plan and which are not located within the Civic/Business Center (Section 14) as described in the General Plan and any amendments thereto]; and

b. In the case of Multiple-family residential uses comprised of three (3) or more units and contiguous to an R1 district or single family use in an RS district, or,

   c. Multiple-family residential uses with five (5) or more units or one (1) acre in size being contiguous to any R1 district and/or adjacent to multiple-family use in the R2 or RS district with less than five (5) units.

   d. Mobile/manufactured home parks or recreational vehicle parks when such uses are contiguous to any R1, R2 or RS district or residential use.

2. Screening trees are to be installed in addition to Solid Screen Walls for the following uses and shall include 15-gallon trees planted fifteen (15) feet on center, running the full length of common property lines inside the screen wall and such screening trees shall be of an evergreen (non-deciduous) type selected from Subsection 13-26-060, "Prescott Valley Recommended Species List."
Prescott Valley, Arizona

a. Commercial and multiple-family residential uses where the lots are over one (1) acre in size and when such uses are contiguous to any R1 or R2 residential district or any residential use in an RS district [except where such uses are contiguous to undeveloped property in RCU district which are designated for high intensity uses in the adopted Prescott Valley General Plan and which are not located within the Civic/Business Center (Section 14) as described in the General Plan and any amendments thereto];

G. All walls, fences and other screening devices described in this Section shall be maintained as set forth in Subsection 13-26-030(B) of this Article.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-25-050; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Rep&ReEn, 06/27/96; Ord. No. 563, Amended, 07/10/03; Ord. No. 630, Amended, 06/30/05)

13-26-060 Prescott Valley Recommended Species List.

The following lists comprise selections of living trees, shrubs, vines, and ground covers suggested for installation of landscaping materials as required by this Article and for additional landscaping as desired. The species listed here have been selected based upon experienced hardiness in Prescott Valley's climate and elevation. Native and drought resistant plants are recommended and are so noted by symbol and footnotes.

A. Trees for Pedestrian Streets: In order to create an appearance of consistency and provide shading along pedestrian streets with sidewalks and sand trails, the following species are required for planting within the first ten (10) feet of on-site street frontage yards:

London Plane Sycamore, Honey Locust, Seedless Cottonwood, Chinese Elm, Purple Locust, Arizona (Modesto) Ash

B. Buffering of Parking Lots: The following shrubs should be used to buffer parking lots as stated in Section 13-26-040(H):

Juniper variety, Photinia, Spanish Broom, Mountain Mohagany, Rabbit Bush, Parney Cononeaster

C. Recommended Species List: The following is a list of recommended species of trees, shrubs, vines, groundcovers, perennials, native grasses and lawn grasses. The species of suggested trees and shrubs are divided into "deciduous" and "evergreen" varieties. The evergreen varieties are required for screening trees to buffer dissimilar uses as specified in Subparagraph 13-26-050(F)(2) above:

<table>
<thead>
<tr>
<th>DECIDUOUS TREES</th>
<th>DECIDUOUS SHRUBS</th>
<th>EVERGREEN TREES</th>
<th>EVERGREEN SHRUBS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ash, Arizona</td>
<td>Barberry, Crimson</td>
<td>Arbor Vitae</td>
<td>Agave</td>
</tr>
</tbody>
</table>

13 - 192
| Ash, Mrshall | Beauty Bush | Cedar, Atlas | Apache Plume<sup>12</sup> |
| Ash, Raywood | Buddleia | Cedar, Deodar | Barberry, Evergreen |
| Aspen, Quaking<sup>1</sup> | Common | Cypress, Arizona<sup>12</sup> | Bear Grass<sup>12</sup> |
| Crab, Flowering | Chokecherry<sup>12</sup> | Cypress, Leylandii | Big Sagebrush<sup>12</sup> |
| Fruit Trees | Cotonester, Rock | Fir, White<sup>12</sup> | Cliffrose<sup>12</sup> |
| Goldenrain Tree | Crape Myrtle | Juniper, Alligator<sup>12</sup> | Cotoneaster, Lowfast |
| Locust, Idaho | Curlleaf Mountain | Juniper, Blue Point | Cotoneaster, Parneyi |
| Locust, Moraine | Mahogany<sup>12</sup> | Juniper, Rocky | Dwarf Coyote Brush<sup>12</sup> |
| Locust, New Mexico<sup>1</sup> | False Mock Orange<sup>1</sup> | Juniper, Mountain<sup>12</sup> | Euonymus, Gold |
| Locust, Purple Robe | Fernbush<sup>12</sup> | Juniper, Spartan | Euonymus, Silver |
| Locust, Rubylace | Flowering Almond | Pine, Austrian | Queen |
| Locust, Shademaster | Forsythia | Pine, Bristlecone<sup>12</sup> | Four Wing Salt Bush<sup>12</sup> |
| Locust, Sunburst | Golden Current<sup>1</sup> | Pine, Pinion<sup>12</sup> | Hesperaloe |
| Locust, Thornless Hone | Golden Rabbitbrush<sup>12</sup> | Pine, Scotch | Holly, Blue BoyGirl |
| Maple, Autumn Blaze | Honeysuckle | Sequoia, Giant | Holly, Yaupon |
| Maple, Bigtooth<sup>12</sup> | Tartarian | Spruce, Alberta | Juniper, Blue Carpet |
| Maple, Red Sunset | Lilac | Spruce, Blue<sup>12</sup> | Juniper, Buffalo |
| Maple, Rocky | Mock Orange<sup>1</sup> | Spruce, Colorado | Juniper, Old Gold |
| Mountain<sup>12</sup> | Mountain Mahogany<sup>12</sup> | | Juniper, Seaspray |
| Maple, Silver | New Mexican | EVERGREEN VINES & GROUND COVERS | Juniper, Tam |
| Oak, Emory<sup>1</sup> | Forestiera(Olive)<sup>12</sup> | Bar Harbour | Kinnikinnick<sup>12</sup> |
| Oak, Gambel's<sup>12</sup> | Pampas Grass | Juniper(12") | Nandina, Compact |
| Oak, Pin | Potentilla | Bearberry | Nandina, Standard |
| Olive, Russian<sup>12</sup> | Plum, Cistina | Cotoneaster | Oregon Grape, |
| Pear, Bradford | Quince | Blue Rug Juniper(6") | Compact |
| Flowering | Rose | Creeping Myrtle | Photinia Fraseri |
| Plum, Flowering | Rose of Sharon, Althea | Dragon's Blood Sedum | EVERGREEN SHRUBS (cont.) |
| | | Dwarf Coyote Bush | Pine, Mugho |
| | | Dwarf Periwinkle | Point Leaf |
| | | Emerald Carpet | Manzanita<sup>12</sup> |
| | | Manzanita | Prostrate Rosemary |
| | | English Ivy | Pyrcantha |
| | | Euonymus, | Shrubby Cinquefoil<sup>1</sup> |
| | | Wintercreeper | Sugarbush<sup>12</sup> |
| | | Evergreen Candytuft | Yucca |
| | | Green Santolina | NATIVE GRASSES |
| | | Grey Santolina | Buffalo Grass<sup>12</sup> |
| | | Halls Honeysuckle | Blue Grama<sup>12</sup> |
| | | Dwarf Nandina | Sideoats Grama<sup>12</sup> |
| | | Honeysuckle, Texas | Bent Grass<sup>12</sup> |
| | | Mondo Grass | Weeping Love Grass<sup>12</sup> |
| | | Ornamental | Tall Fescue<sup>12</sup> |
| | | Strawberry | Creeping Red Fescue<sup>12</sup> |
| | | Purple Leaf Winter | LAWN GRASSES |
| | | Creeper | |
13-26-070 Nuisance and Hazards Provisions.

A. Purpose of Nuisance and Hazards Provisions: In conjunction with Subsection 13-26-010(A), the purpose of these provisions is to prohibit or abate conditions which pose potential hazards and nuisances to the general welfare of the Prescott Valley residents and businesses.

B. No use shall be established, maintained or conducted in any district which may cause any of the following nuisances or hazards:

1. Dissemination of smoke, gas, dust, odor or any other atmospheric pollutant outside the building in which the use is conducted, or with respect to a use or any part thereof that is not conducted within a completely enclosed building, any such dissemination whatsoever.

2. Objectionable noise beyond the boundary of the district.

3. Discharge of any wastewater or materials not treated to the minimum treatment standards established by the Town and the Arizona Department of Environmental Quality, and validated by current, approved discharge permits issued by those agencies.

4. Dissemination of glare or vibration beyond the immediate site of the use.

5. Physical hazards by reason of fire, explosion, radioactivity or any similar cause to property in the same or an adjacent district.

13-26-080 Topography.

In order to minimize visual impacts from cuts and fills and excessively high retaining walls, the following standards apply:
A. Single Family Residential Retaining Walls:

Retaining Walls shall not exceed six (6) feet in height in rear and side yards and four (4) feet in height in front yards. If higher retaining walls are required, the use of terraces or stepped walls may be allowed provided that each wall shall not exceed the height limits set forth herein and shall have a minimum horizontal terrace spacing of three (3) feet.

B. Commercial Retaining Walls:

Retaining walls shall not exceed 12 feet in height in rear and side yards and 8 feet in height in front yards. If higher retaining walls are required, the use of terraced or stepped walls may be allowed provided that each wall shall not exceed the height limits set forth herein and shall have a minimum horizontal terrace spacing of three (3) feet which will be landscaped in accordance with the standards below. Any commercial fencing above a retaining wall should be set back at the same three (3) foot terrace standard stated above along with all terraced landscaping provisions stated below. Any commercial fencing above a retaining wall shall be set back at the same three (3) foot terrace standard stated above and shall be landscaped in accordance with the standards below.

1. Landscaping standards shall be those set forth in Section 13-26-040(D)(2) for non-pedestrian street frontage with the exception that the required street trees may be replaced with other shrubs of similar size from the Prescott Valley Species List.

C. Other Grade Changes:

1. All other grade changes and disturbed areas not supported by retaining walls shall be landscaped with groundcover which can include any combination of grasses or shrubs from the Prescott Valley Species List in a minimum ratio of 50 percent living vegetation to 50 percent inorganic groundcover.

2. Any cuts not utilizing a retaining wall that are too steep for vegetation shall have terraced cuts following the same terrace and landscaping guidelines set forth in Subparagraph 13-26-080(B).

(Ord. No. 630, Enacted, 06/30/05)
Article 13-26a  OUTDOOR LIGHTING REQUIREMENTS

13-26a-010 Purpose.

It is the intent of this Article to apply lighting standards consistent with prior Town policy and Council actions in order to ensure minimal light pollution, reduce glare, promote public safety, and retain the enjoyment of Prescott Valley's night-time quality. These provisions are also consistent with prior policy to allow for necessary commercial services and encourage quality development within the Town, particularly the area generally known as the Town Center (Section 14).

(Ord. No. 521, Enacted 05/09/02)

13-26a-020 Exemptions.

A. Existing Fixtures:

1. All existing outdoor light fixtures legally installed in conformance with adopted Town Code provisions in effect at that time, prior to the effective date of any new standards adopted by this Article, are exempt from new requirements of this Article, except that:

a. When existing light fixtures are reconstructed or replaced, such reconstruction or replacement shall be in compliance with this Article.

b. Mercury vapor fixtures shall be reconstructed or replaced in conformance with Subsection 13-26a-040(A)(2)(a).

B. Recreational Facilities. Lighting applications for recreational facilities as defined in Subsection 13-26a-030(A)(13), are exempt from the requirements of this Article. However, such applications shall be designed to utilize internal louvers and external shields to minimize upward light emissions and light trespass, and to reduce light levels to not more than one (1) foot-candle adjacent to any roadway and one-half (.5) foot-candle at any residential property line. Any non-conforming lighting for recreational facilities is subject to a Use Permit granted by the Board of Adjustment.
C. Seasonal Decorations. Seasonal Decorations using typical unshielded low-wattage incandescent lamps shall be permitted in all zoning districts from 15 November thru 15 January. Such lighting shall be extinguished after 11:00 pm or at the closing of business (whichever comes first).

D. Frosted Lamps. Light fixtures emitting not more than 1000 lumens and consisting of a frosted lamp shall be permitted, subject to the light trespass standards of Section 13-26a-060.

E. Temporary Exemptions:

1. Exemptions to the requirements of this Article may be permitted for temporary events such as parades, special civic or public events, special business events, construction, business grand openings, etc. Such exemptions shall be permitted only by approval of the Community Development Director upon written request. Such permit shall be valid for not more than thirty (30) consecutive calendar days from the date thereon. Any individual requesting an exemption for a period greater than thirty (30) consecutive calendar days (or an extension beyond the original 30-day period), shall make application directly to the Board of Adjustment.

(Ord. No. 521, Enacted, 05/09/02)

13-26a-030 Definitions.

A. The following terms apply:

1. "Catalog Cut" means a technical illustration provided by a manufacturer showing the cross-section of the complete fixture.

2. “CCT or Color Correlated Temperature” means the equivalent color of a heated metal object to the accompanying temperature in Kelvin Scale (K).

3. "Fixture Height" means the height measured from the top of a light fixture to the adjacent grade at the base of the support for that light fixture.

4. “Flood Light” means a specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, with a clear or nearly clear glass envelope. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

5. "Foot-Candle (fc)" means one (1) lumen per square foot unit of Illuminance. It is the luminous flux per unit area in the Imperial system. One foot-candle equals approximately 0.1 lux.

6. "Fully-Shielded" means outdoor light fixtures shielded or constructed so that all of the light rays emitted by the fixture are projected below a horizontal plane.
passing through the lowest point on the fixture from which light is emitted. “Fully-Shielded” shall also conform to cutoff guidelines defined by IESNA as “the candlepower per 1000 lumens does not numerically exceed 25 (2.5%) at an angle of 90° above (nadir) horizontal, and 100 (10%) at a vertical angle of 80° above nadir.” Drop or sag lens type fixtures shall not be allowed.

Shielded Fixture Prohibited, Drop or Sag Lenses

7. “Horizontal Foot-Candle (hfc)” means the Illuminance measured by a light meter at the adjacent grade of the fixture or building on which it is attached, unless otherwise specified.


9. “Illuminance” means the intensity of light in a specified direction measured at a specific point.

10. “Individual” means any private individual, tenant, lessee, owner, or any commercial entity including, but not limited to, companies, partnerships, joint ventures or corporations.

11. “Lamp or Bulb” means a source of light.


13. “Light Fixture” means the complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket). Light Fixture shall also mean Luminaire as referenced by IESNA.

14. “Lumen” means a unit measurement to define the total output of light for a particular light fixture or lamp, and is specified by the manufacturer.

15. “Recreational Facilities” means public, municipal or private facilities designed and equipped for the conducting of sports, leisure time activities, and other customary and usual recreational activities. Outdoor Recreational Facilities include, but are not limited to, fields or stadiums for softball, baseball, football, soccer, golf, driving ranges and other “field sports,” and courts for tennis, basketball, volleyball, handball and other “court sports.”


(Ord. No. 521, Enacted, 05/09/02; Ord. No. 832, Amended, 08/10/17)
13-26a-040 Lighting Standards.

A. General lighting standards (unless specified elsewhere):

1. All light fixtures (unless specifically exempted) will be designed and installed as "fully-shielded" as defined in Subsection 13-26a-030(A) (1).

2. Light fixture types shall be regulated as follows:

   a. Installation of new mercury vapor (MV) fixtures was prohibited within the Town as of July 11, 1993 [being one (1) year after the effective date of Ordinance No. 276]. Mercury vapor fixtures shall be prohibited within the Town as an outdoor lighting source as of January 1, 2005.

   b. Metal halide (MH) fixtures shall be allowed for the following applications:

      (1) Approved outdoor merchandise sales display including, but not limited to, automobile sales.

      (2) Building-mounted lighting for accent and entrances installed per Subsection 13-26a-040(B).

      (3) Gas pump island areas under a canopy.

      (4) Main Street as defined in Subsection 13-26a-050 (B).

   c. Incandescent, fluorescent, high pressure sodium (HPS), low pressure sodium (LPS), quartz, and LED fixtures are allowed in all zoning districts, subject to all other provisions of this Article.

   d. Neon fixtures are allowed for accent lighting and shall be limited to a tube length being not more than the length of the building on which they are mounted or as part of an approved sign, and subject to all other provisions of this Article.

   e. Incandescent or arc-type searchlights, beacon lights or similar lighting devices projecting a beam of light into the sky are prohibited unless express permission is obtained from the Town Council. However, nothing herein shall prohibit emergency searchlights or beacons operated pursuant to public authority.

3. Any light fixtures placed in public rights-of-way shall meet the intent of this Article, and the requirements of any other adopted Town policy or standard, and shall first be approved by the Public Works Director.

4. For purposes of this Article, the following rated lamp wattages shall be accepted for lumen levels unless the Zoning Administrator determines, based
on information from the lamp manufacturer, that the lamp emits more or less than stated herein.

Less than 1000 lumens - 60 watt incandescent, 75 watt flood, 25 watt fluorescent.
1000 - 2000 lumens - 100 watt incandescent, 120 watt flood light.
2000 - 4000 lumens - 160 watt flood light, 50 watt HPS, 50 watt MH, 40 watt fluorescent.
4000+ lumens - 100 watt MV, 100 watt MH, 110 watt florescent (48” tube).

B. The installation of building-mounted light fixtures shall be governed by the following:

1. Building-mounted light fixtures shall be HPS, MH or other allowed source, and all such fixtures are subject to the light trespass standards of Section 13-26a-060 and the lighting level standards of Section 13-26a-070.

2. Such light fixtures shall be installed per the following guidelines:

   a. Maximum of fourteen (14) feet in height within eighty (80) feet of, any residential zoning district, or if located across the street from a residential zoning district, and lamps shall not be more than 175 watts.

   b. Maximum of twenty-five (25) feet in height in all other locations, and lamps shall not be more than 250 watts.

3. Building-mounted light fixtures shall be at least fifty (50) feet apart on average. Fixtures that are fully-recessed and mounted under a canopy or other solid overhang portion of a structure are not subject to this spacing standard.

C. The installation of freestanding light fixtures shall be governed by the following:

1. Freestanding light fixtures shall be LED, HPS or LPS only (unless specified elsewhere), and all such fixtures are subject to the light trespass standards of Section 13-26a-060 and the lighting level standards of Section 13-26a-070.

2. Such light fixtures shall be installed per the following guidelines:

   a. Maximum of fourteen (14) feet in height within eighty (80) feet of any residential zoning district, or if located across the street from a residential zoning district, and lamps should not be more than 250 watts.

   b. Maximum of twenty-five (25) feet in height in all other locations and lamps should not be more than 400 watts.

   c. Maximum of thirty-five (35) feet in height in Industrial zoning districts (M1 or M2) when not visible from a highway, and at least 200 feet from a residential use. Lamps should not be more than 400 watts.
3. For purposes of this Article, height shall be measured from the top of a light fixture to the adjacent grade at the base of the support for said fixture.

Light fixtures shall be shielded so that the light source, and direct glare is not visible at a 6’ vertical distance at a residential property line.

D. Topographic Features:

1. Any light fixture installed on a hillside site being more than ten feet (10’) higher than an adjacent roadway, or residential zoning district and visible therefrom, shall be fully shielded (and shall include any internal or additional external shielding) so as to prevent direct glare, and prevent the lamp from being visible from said adjacent roadway, or residential zoning district.

(Ord. No. 521, Enacted, 05/09/02; Ord. No. 832, Amended, 08/10/17)

13-26a-050 Town Center (Section 14) Lighting Standards.

A. Arterial Streets:

1. The illustration in Subsection 13-26a-050(E) below depicts those arterial streets that will utilize the light fixture manufactured by LSI (Model XCN4 3000K) as the “Town Standard” (or a substantially similar fixture as to type and color as approved by the Town Manager).

2. Other arterial streets and rights-of-way may utilize other light fixtures subject to Subsection 13-26a-050(C) below.

3. Pole heights for light fixtures for other arterial streets should be less than twenty-five (25) feet in height, and spacing and illumination levels should enhance security and safety and should encourage pedestrian circulation (subject to approval by the Public Works Director).

B. Main Street:
1. The illustration in Subsection 13-26a-050(E) depicts those "Main Street" areas that will utilize the light fixture manufactured by Lumec (or a substantially similar fixture as to type and color).

2. The height of these fixtures shall match those currently installed on Main Street and the spacing and illumination levels should enhance security and safety and should encourage pedestrian circulation (subject to approval by the Public Works Director).

C. Other Town Center (Section 14) Streets and On-Site Lighting:

1. Other decorative-style light fixtures not in compliance with this Article may be utilized in the Town Center (Section 14) where unique pedestrian scale lighting and accent is desired, subject to the following standards:
   a. Unshielded light fixtures of only 1,000 total lamp lumens or less are allowed.
   b. Non fully-shielded light fixtures of 4,000 total lamp lumens or less are allowed only in conjunction with Final Development Plans per Subsection 13-19-060(G) and only if the same are not oriented towards any residential use or major roadway.
   c. If additional lighting is needed it shall take the form of higher-profile, fully-shielded light fixtures, subject to all other provisions of this Article.

D. Parking Lots and Parking Structures:

1. Parking lots and the upper level of any parking structures should be lit with neutral, non-decorative light fixtures similar to the Gardco Hardtop series, and poles should be simple and non-articulated.

2. Spacing and illumination levels should be based on an approved Site Plan per Subsection 13-26a-090(E).

E. Illustrations:
13-26a-060 Light Trespass and Shielding.

A. All light fixtures shall be fully shielded as defined in Subsection 13-26A-030(A)(1), and shall be installed in such a manner that the light source and direct glare is not visible from adjoining residential uses.

B. Light levels shall not exceed one (1) hfc at any property line, and the total level of lighting at an adjoining residential property line shall not exceed one-quarter (.25) fc at a vertical point six (6) feet above grade.

C. Adjustable-type wall packs and fixtures shall not be set above a horizontal plane and shall be fully-shielded as defined in this Article.

D. Exemptions:

1. Light fixtures emitting no more than 2000 lumens as stated in Subsection 13-26A-070(E), subject to all other provisions of this Article.
Incandescent spot lights in commercial uses of no more than 4,000 lumens in a shielded fixture, used for landscape or building accent, if such fixtures are mounted at ground level, are directed away from roadways and residential property, and project not more than a 45-degree angle above horizontal. Such light fixtures shall be spaced not more than one (1) per 30-feet of building wall face, or one (1) per monument sign face.

(Ord. No. 521, Enacted, 05/09/02)

13-26a-070 Lighting Level Guidelines.

A. General:

1. Light levels set forth in this Section are defined as foot-candle levels of illuminance and may be indicated as either maintained average levels according to IESNA guidelines or as a maximum value, and may be indicated as either horizontal or vertical foot-candles.

2. Unless otherwise specified, maximum illuminance levels shall conform to lowest levels recommended by IESNA.

3. For uses not specified herein, the Community Development Director may approve levels of illuminance based on minimum guidelines established by the IESNA.

B. Building-Mounted Light Fixtures:

1. Exterior, building-mounted light fixtures shall be 25,000 lumens or less and shall not exceed twenty (20) hfc of illuminance.

2. Building entrances, loading areas, drive-through and ATM locations, and fixtures otherwise fully-recessed and mounted under a canopy or other solid overhang portion of a building or structure shall not exceed twenty (20) hfc of illuminance.

C. Parking Lots and Freestanding Light Fixtures:

1. Only LED, HPS or LPS light fixtures shall be used for parking lots and freestanding light fixtures. The lighting systems for parking lots shall be so designed as to produce an average maintained light level on the horizontal pavement surface that does not exceed an average of two and one-half (2.5) fc and the maximum-to-minimum uniformity ratio shall not exceed twenty to one (20:1) with a maximum level of ten (10) fc. Additionally, a CCT of ≤ 3500K shall be maintained for all LED lighting.

D. Outdoor sale displays and canopies may be illuminated with MH light fixtures as stated in Section 13-26a-040 (A) (2) (b), at the following lighting levels:
1. Illumination for pump islands under canopies shall not exceed an average illuminance of ten (10) hfc or a maximum of twenty (20) hfc.

2. Automobile sales lighting shall be installed according to one of the following standards, and total site lighting shall be reduced to at least 25% of the regular levels, after 11:00 p.m. or one-half (1/2) hour after the close of business (whichever is later).

   a. *(All numbers in hfc. Maximum Average is the maintained average level.)*

<table>
<thead>
<tr>
<th>Area</th>
<th>Max. Avg.</th>
<th>Max.</th>
<th>Min</th>
<th>Max/Min</th>
</tr>
</thead>
<tbody>
<tr>
<td>Merchandise</td>
<td>10</td>
<td>15</td>
<td>3</td>
<td>5:1</td>
</tr>
<tr>
<td>Feature Display 3</td>
<td>15</td>
<td>20</td>
<td>4</td>
<td>5:1</td>
</tr>
<tr>
<td>Other/Employee</td>
<td>5</td>
<td>10</td>
<td>0.5</td>
<td>20:1 Max.</td>
</tr>
<tr>
<td>Fully recessed fixtures in covered display areas, within the building structure.</td>
<td>30 Max.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

   1 Recommended minimum levels but not required.
   2 Recommended maximum ratio but not to exceed 10:1
   3 Front row adjacent to street.

   b. Light levels for the overall site shall not exceed an average of twelve (12) maintained hfc, with a maximum of twenty (20) hfc, not counting those fixtures fully recessed and mounted under a canopy or other solid overhang portion of the building or structure, which shall not exceed a maximum of thirty (30) hfc.

3. Other seasonal retail outdoor lighting areas shall not exceed ten (10) fc.

E. Residential Fixtures:

1. The following light fixtures up to 2000 lumens are allowed in residential districts and are exempt from the full-shielding requirements of Subsection 13-26a-030(A)(1) when all such fixtures are a minimum of thirty (30) feet apart (on average):

   a. Lighting fixtures emitting not more than 1000 lumens and consisting of a frosted lamp.

   b. Floodlights or shielded spot light fixtures emitting not more than 2,000 total lumens that project at a down-angle of at least 45-degrees (whether or not on a motion sensor) or not.

2. The following light fixtures are allowed in residential districts and are exempted from the 30-foot average spacing requirements:

   a. Low-voltage systems at ground level.
b. Fixtures up to 2000 lumens that are fully-recessed under a solid overhang of the structure or that are otherwise fully-shielded so that the lamp is not visible from an adjoining residential property.

3. Maximum installation height of any light fixture shall be twelve (12) feet from adjacent grade.

4. The total level of lighting at an adjoining residential property line shall not exceed one-quarter (.25) fc at a vertical point six (6) feet above grade, except that; light fixtures emitting less than 1000 lumens and consisting of a frosted lamp are exempt when installed on a permitted residence or accessory structure at a minimum of thirty (30) feet apart (on average).

(Ord. No. 521, Enacted, 05/09/02; Ord. No. 832, Amended, 08/10/17)

13-26a-080 Applicable Codes.

All outdoor electrically-powered illuminating devices shall be installed in conformance with the provisions of this Article, the Town of Prescott Valley Administrative Code and the National Electrical Code (all as adopted by the Town from time to time), as well as the applicable Town zoning and nuisance regulations.

(Ord. No. 521, Enacted, 05/09/02; Ord. No. 590, Amended, 03/25/04)

13-26a-090 Permit Process and Plans.

A. Any individual intending to install or replace an outdoor light fixture shall submit an application to the Building Official providing evidence that the proposed work will comply with this Article. Should any outdoor light fixture or the type of light source therein be changed after the original installation, a change request shall be submitted to the Building Official for his approval prior to the change (together with adequate information to assure compliance with this Article).

B. Applications for permits shall include manufacturer's catalog cuts and drawings (including sections where required), and specifications identifying lamp types and lumen outputs.

C. Utility companies that enter into an approved contract with the Town by which they agree to comply with these provisions shall be exempt from obtaining a permit for the installation of individual outdoor light fixtures.

D. Permits for installation of outdoor light fixtures shall be issued as either a separate lighting permit or as part of a building permit, upon compliance with the requirements of this Article. All appeal procedures generally applicable to issuance of building permits shall apply hereto.

E. Lighting Plans:
1. Approval of one or more outdoor light fixtures expected to utilize 100,000 lumens or more in the aggregate shall require a lighting plan which includes the following:

a. A Site Plan indicating the proposed location of each of the lighting fixtures.

b. A description of each illuminating device, fixture, lamp, support and shield. This description shall include (but shall not necessarily be limited to) manufacturer's catalog cuts and drawings (including sections where required), and specifications identifying lamp types and lumen outputs.

c. Point-to-point photometric calculations (in foot candles) at intervals of not more than ten (10) feet at ground level [and at five (5) feet above ground where required by the Building Official].

F. If any subdivision proposes to have street or other common or public area outdoor lighting, the final plat or Final Development Plan shall contain a statement certifying that the applicable provisions of this Article will be adhered to.

(Ord. No. 521, Enacted, 05/09/02)

13-26a-100 Penalties.

Any individual violating any of the provisions of this Article shall be deemed guilty of a class 2 misdemeanor, and such individual 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 Article is committed, continued or permitted. Upon conviction of any such violation, the individual may be punished as set forth in ARS §§13-707, 13-802 and 13-803, as amended from time to time.

(Ord. No. 521, Enacted, 05/09/02)
**Article 13-27 ENFORCEMENT**


For the purpose of enforcement of the provisions of this Chapter, a Zoning Inspector, and such Deputy Zoning Inspectors as may be required, shall be appointed by the Town Council. The Zoning Inspector and Deputy Inspectors shall administer and enforce this Chapter, including the receiving of applications, the inspection of premises, and the issuing of zoning permits. No zoning permit shall be issued except where the provisions of this Chapter have been complied with.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-26-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 607, Amended, 12/02/04)


A zoning permit shall be required for any building or structure which is less than one hundred forty-four (144) square feet in size; all fences that are four (4) feet in height or greater; and all signs that are exempt from building permit requirements under town Code Article 7-01-040(D). All applications for a zoning permit shall be submitted to the Community Development Department on forms supplied therein, together with a plot plan and any other information required by the Zoning Inspector for the enforcement of this Chapter. All such permits shall be obtained prior to the start of construction. No such permit shall be required for improvements of a value not exceeding five hundred dollars ($500), nor for new construction of a value not exceeding one hundred dollars ($100). Value of construction shall be deemed to include cost of materials and normal labor charges. Nothing herein contained shall require any change in plans, construction, size or designated use of any structure, or part thereof, the construction of which had been started prior to coming under the influence of these regulations and diligently pursued, provided a zoning or building permit was secured prior to commencing where the value of such exceeds one thousand dollars ($1,000.00).

A. Permit Issuance

For each permit issued the Inspector shall provide:

1. To the applicant a fee receipt and copy of an approved plot plan (if applicable).

2. To the Town Clerk one (1) copy of the permit fee receipt.
B. Information Required

1. Street address (if any) and legal description of the property and dimensions thereof.

2. Nature of the proposed use of the structure and premises and cost of structures.

3. Dimensions, area and height of each improvement.

4. Location of existing and proposed structures on the lot and spacing between same.

5. Such other information as the inspector may require for the purpose of determining whether the application complies with the requirements of this Code.

C. Permit Validity:

No zoning permit presuming to give authority to violate any of the provisions of this Chapter or any existing law shall be issued, and if issued shall not be valid except insofar as the work or use which it authorizes is lawful and permitted. In all other instances, the permit is valid provided:

1. Construction is commenced within six (6) months of date of issuance and diligently pursued thereafter.

2. Any requirements or stipulations conditional upon which the permit was issued are complied with.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-26-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 268, Amended, 12/12/91; Ord. No. 607, Amended, 12/02/04)

13-27-030 Reserved.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-26-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 607, Rep&ReEn, 12/02/04)

13-27-040 Inspection.

The Zoning Inspector (or any Deputy Inspector) may, in the discharge of his duties as stated herein, and for good and probable cause, enter any premises, building or other structure during normal working hours to inspect same in connection with any application made under the terms of this Chapter, or for any investigation as to whether or not any portion of such premises, building or other structure is being used in violation of this Chapter. The owner or occupant of any premises sought to be inspected shall be noticed personally in writing (or by registered mail) at least twenty-four (24) hours prior to such inspection in all cases in which
entry has been refused. Every person who, after receipt of such written notice, denies, prevents or obstructs (or so attempts) access to such premises shall be guilty of a class 1 misdemeanor.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-26-040; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 600, Amended, 07/22/04)

13-27-050 Other Permits.

All other permit applications provided for in this Chapter shall be filed in the Community Development Department and transferred thereafter through proper channels.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-26-050; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 607, Amended, 12/02/04)

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 13-23-100(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 7-01-200 of this Code

4. Temporary Housing Permits:
   Residential $160.50
   Residential Extension $  80.25
   Non-Residential $321.00
   Non-Residential Extension $        0

B. Board of Adjustment Town Council Hearing Applications and Appeals:

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Non-Residential/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeals/Interpretations</td>
<td>$53.50</td>
<td>$53.50</td>
</tr>
<tr>
<td>Base Variance</td>
<td>$214</td>
<td>$267.50</td>
</tr>
<tr>
<td>Use Permit, New</td>
<td>$267.50</td>
<td>$267.50</td>
</tr>
<tr>
<td>Use Permit, Renewal (Before Expiration)</td>
<td>$133.75</td>
<td>$133.75</td>
</tr>
</tbody>
</table>
### Prescott Valley, Arizona

<table>
<thead>
<tr>
<th>Use Permit, Renewal (After Expiration)</th>
<th>$267.50</th>
<th>$267.50</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Permit, Telecommunications</td>
<td>$428.00</td>
<td>$428.00</td>
</tr>
</tbody>
</table>

#### C. Planning Applications:

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Non Residential/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Development Agreements</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$0</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>(When done in conjunction with a General Plan Amendment, Annexation or Zoning Map Change)</td>
<td>(When done in conjunction with a General Plan Amendment, Annexation or Zoning Map Change)</td>
<td></td>
</tr>
<tr>
<td>Amendments</td>
<td>Amendments</td>
<td></td>
</tr>
<tr>
<td>$535 Minor</td>
<td>$535 Minor</td>
<td></td>
</tr>
<tr>
<td>$1,070 Major</td>
<td>$1,070 Major</td>
<td></td>
</tr>
<tr>
<td><strong>General Plan Amendments, Major</strong></td>
<td>$535</td>
<td>$535</td>
</tr>
<tr>
<td><strong>General Plan Amendments, Minor</strong></td>
<td>$321</td>
<td>$321</td>
</tr>
<tr>
<td><strong>Minor Land Division Review</strong></td>
<td>$0 if recorded with the Town prior to being split. $214 if split prior to being recorded with the Town.</td>
<td></td>
</tr>
<tr>
<td>(dividing of one meets &amp; bounds parcel into three parcels or less)</td>
<td>$0 if recorded with the Town prior to being split. $214 if split prior to being recorded with the Town.</td>
<td></td>
</tr>
</tbody>
</table>

#### D. Subdivision Applications:

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Non-Residential/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Preliminary Plat</strong></td>
<td>$802.50 plus $10.70 per lot</td>
<td>$802.50 plus $10.70 per lot</td>
</tr>
<tr>
<td><strong>Final Plat</strong></td>
<td>$401.25 plus $5.35 per lot</td>
<td>$401.25 plus $5.35 per lot</td>
</tr>
<tr>
<td><strong>Preliminary Development Plan</strong></td>
<td>$802.50 plus $10.70 per lot without zoning map change</td>
<td>$802.50 plus $37.45 per acre or portion of an acre without a zoning map change</td>
</tr>
<tr>
<td><strong>Final Development Plan</strong></td>
<td>$401.25 plus $5.35 per lot</td>
<td>$401.25 plus $21.40 per acre or portion of an acre</td>
</tr>
<tr>
<td><strong>Master Plan</strong></td>
<td>$802.50 plus $10.70 per lot without zoning map change (Maximum $15,000)</td>
<td>$802.50 plus $37.45 acre or portion of an acre without zoning map change (Maximum $15,000)</td>
</tr>
<tr>
<td><strong>Minor Plat or Development Plan Modifications</strong></td>
<td>$267.50</td>
<td>$267.50</td>
</tr>
</tbody>
</table>
### E. Zoning Map Changes:

<table>
<thead>
<tr>
<th>Tier</th>
<th>Residential</th>
<th>Non-Residential/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>I Rezoning</td>
<td>Non - Planned Area Development (PAD)</td>
<td>$428.00 plus $16.50 per acre or portion of an acre (Maximum $15,000)</td>
</tr>
<tr>
<td>II Rezoning</td>
<td>Planned Area Development (PAD) including underlying rezoning</td>
<td>$535.00 plus $16.05 per acre or portion of an acre (Maximum $15,000)</td>
</tr>
<tr>
<td>III Rezoning</td>
<td>Includes Planned Area Development (PAD), underlying rezoning and Preliminary Development Plan or Master Plan</td>
<td>$1,605.00 plus $37.45 per acre or portion of an acre (Maximum $15,000)</td>
</tr>
</tbody>
</table>

### F. Zoning Clearance Fees (site plan review):

<table>
<thead>
<tr>
<th>Residential</th>
<th>Non-Residential/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached &amp; Detached Accessory Structures</td>
<td>$26.75</td>
</tr>
<tr>
<td>Churches, Clubs or other non-profits</td>
<td>$107 (3,000 sq. ft or less)</td>
</tr>
<tr>
<td>Mobile and Manufactured Homes</td>
<td>$16.05</td>
</tr>
<tr>
<td>Multiple Family Residences</td>
<td>$26.75 per unit (2-4 Units)</td>
</tr>
<tr>
<td>Remodels/Additions</td>
<td>$16.05</td>
</tr>
<tr>
<td>Revised Plot Plans</td>
<td>$16.05</td>
</tr>
<tr>
<td>Site Built or Modular Units</td>
<td>$16.05</td>
</tr>
<tr>
<td></td>
<td>Professional Services:</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>Planning Technical Design Services</td>
<td>$80.25/hr</td>
</tr>
<tr>
<td>Clerical</td>
<td>$26.75/hr</td>
</tr>
<tr>
<td>Computer System Usage</td>
<td>$37.45/hr</td>
</tr>
</tbody>
</table>

G. Professional Services:

H. Sale of Reports/Maps/Data:

|                             | General Plan 2025 Book - COLOR PLAN | $37.45 |

(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)
**Article 13-28   PLANNING AND ZONING COMMISSION**

13-28-010 Town Council.

The Prescott Valley Town Council shall establish and appoint the Planning and Zoning Commission which shall, in turn, perform the duties prescribed by Title 9, Chapter 4, Articles 6, 6.1 and 6.2 of the Arizona Revised Statutes.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-28-020 Structure.

A. The Planning and Zoning Commission shall be composed of seven (7) residents of the Town who shall serve without pay. The Town Council may hire clerical and technical aid for the Commission. The Zoning Inspector shall serve as ex-officio member (without vote) and shall make recommendations concerning the matters before it. Members of the Commission shall be appointed for three (3) year staggered terms, but shall serve at the pleasure of the Council.

B. The Commission shall elect its own Chairman and Vice-chairman from its membership, each of whom shall serve for a period of one (1) year from date of election. Upon the expiration of the term of office of the Chairman, or in any event where the office shall become vacant, the Vice-Chairman shall automatically become Chairman and an election shall be held for the office of Vice-Chairman.

C. If any member shall miss three (3) consecutive meetings or be guilty of misconduct, a quorum of the membership may, by majority vote, recommend to the Council that such member be asked to resign and a new member be appointed as replacement.

D. The Commission shall adopt such other rules for its operation as may be needed from time to time (provided that such rules shall not be inconsistent with any provisions of this Chapter), and shall conduct all meetings according to Robert's Rules of Order.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-020; Ord. No. 42, Amended, 10/07/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)
13-28-030  Duties.

It shall be the duty of the Commission to formulate, create and administer any lawful plan duly adopted by the governing body for the present and future growth of the Town pertaining to the use of land and buildings 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 in the best interests of the citizens of the Town; to promulgate rules of procedure for approval by the governing body, and to supervise the enforcement of those rules.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-28-040  Meetings.

The Commission shall provide in its rules for its meetings; provided that special meetings may be called by the Chairman. In addition, any three (3) members of the Commission may make 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. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-040; Ord. No. 178, Rep&ReEn, 05/26/88)

13-28-050  Voting.

Four (4) members shall constitute a quorum. The affirmative vote of four (4) members shall be required for passage of any matter before the Commission. The minutes of the meetings shall reflect the "Ayes" and "Nays" cast on a particular measure and shall reflect the vote of each member present. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberations on the matter in question.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-050; Ord. No. 178, Rep&ReEn, 05/26/88)

13-28-060  Fees.

The Commission shall be authorized to establish a uniform schedule of fees for service with all receipts to be paid into the general fund of the Town. Such fee schedules shall become effective upon approval by the Town Council.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-060; Ord. No. 178, Rep&ReEn, 05/26/88)
13-28-070  Public Hearings.

The Commission shall hold a public hearing on any proposed Zoning Code amendment. After the hearing, the Commission shall prepare a written recommendation to the Town Council. The recommendation will include the reasons for the recommendation and will be transmitted to the Town Council within ten (10) days of the public hearing. The Town Council shall then hold a second hearing on the proposed Zoning Code amendment. After the hearing, the Town Council shall make a final determination on the proposed Zoning Code amendment and may adopt or reject, in whole or part, the Commission’s recommendation. Notice of both public hearings shall be provided in a single Notice disseminated in the form, time and manner specified in A.R.S. §9-462.04.

(Ord. No. 645, Enacted, 01/26/06)
**Article 13-29   BOARD OF ADJUSTMENT**

13-29-010  Town Council.
13-29-020  Structure.
13-29-030  Procedure.
13-29-040  Powers.
13-29-050  Hearing Applications.
13-29-060  Hearings and Rulings.

13-29-010  Town Council.

The Prescott Valley Town Council shall establish and appoint the Board of Adjustment which shall, in turn, perform the duties prescribed by Title 9, Chapter 4, Article 6.1, Arizona Revised Statutes.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-28-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-29-020  Structure.

A. The Board of Adjustment shall be composed of five (5) residents of the Town who shall serve without pay. Such appointees shall not include any individual or any person employed by any individual who is, during the term of appointment, serving as a member of the Planning and Zoning Commission. The Director of Planning and Zoning shall serve as an ex-officio member (without vote), and shall make recommendations concerning the matters before the Board. Members of the Board of Adjustment shall be appointed for three (3) year staggered terms, but shall serve at the pleasure of the Council; provided however, that with appointments beginning in 1987, one (1) member shall be appointed to a term of one (1) year, two (2) members shall be appointed for a term of two (2) years, and two (2) members shall be appointed for terms of three (3) years. All subsequent appointments shall be for terms of three (3) years.

B. The Board of Adjustment shall elect its own Chairman and Vice-Chairman from its membership, each of whom shall serve for a period of one (1) year from date of election. Upon the expiration of the term of office of the Chairman, or in any event where the office shall become vacant, the Vice-Chairman shall automatically become Chairman and an election shall be held for the office of Vice-Chairman.

C. If any member shall miss three (3) consecutive meetings or be guilty of misconduct, a quorum of the membership may, by majority vote, recommend to the Council that such member be asked to resign and a new member be appointed as replacement.

D. The Board of Adjustment shall adopt such other rules for its operation as may be needed from time to time (provided that such rules shall not be inconsistent with any provision of this Chapter), and shall conduct all meetings according to Robert's Rules of Order.
13-29-030 Procedure.

Board meetings and hearings shall be open to the public. Three (3) Board members shall constitute a quorum and the affirmative vote of three (3) members shall be required for passage of any matter before the Board. The Board shall adopt and maintain other procedural rules not inconsistent with this Chapter and the laws of Arizona. The Board shall also select, from its members, a Chairman and Secretary. The Chairman shall be the executive officer of the Board with the power of administering oaths and taking evidence and shall preside over its meetings and hearings. The Secretary shall cause minutes of the meetings and hearings to be kept, showing records of votes, examinations and other official actions (all of which shall be filed in the Office of the Zoning Inspector).

13-29-040 Powers.

The Board shall have the power to:

A. Decide if there is error in any order, requirement or decision of the Inspector in the enforcement of this Chapter; reverse or affirm, wholly or partly, or modify the order or decision appealed from and make such order or decision as ought to be made (and, to that end, shall have the powers of the Inspector).

B. Interpret this Zoning Chapter when the meaning of any word, phrase or section is in doubt, or where doubt exists as to whether a "non-listed" use is similar enough to listed uses as to clearly have been intended to be included in particular zoning districts, either as a Permitted Use or a Use Permitted by Use Permit (as the case may be).

C. Authorize in specific cases such Variance from the terms of this Chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions herein will, in the Board's opinion, deprive the subject property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

D. Allow the extension of a district where the boundary thereof divides a lot, and grant such extension conditionally upon development of the extended area following an approved plan (particularly in instances where the Town Council has adopted a zoning request in such a manner that a project development is to follow permission to extend such zoning).
E. Determine the location of a district boundary where doubt exists as to the location of same on the Zoning Map.

F. Modify the Zoning Inspector's protective requirements in instances where a district use is conditional upon certain stipulations to be specified by the Inspector.

G. Grant the Inspector clearance to issue a building permit where the applicant has failed to secure the same prior to commencing construction (but only in cases where the Inspector has chosen to allow such applications to be filed prior to court action).

H. Hear and determine appeals from notices to abate public nuisances (junked motor vehicles) per Article 9-04a of this Code, and from notices of intent to abate nuisances and remove vehicles (abandoned vehicles) per Article 11-04.

I. The Board of Adjustment may not:

1. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the Zoning Chapter, provided the restriction in this subparagraph shall not affect the authority to grant Variances pursuant to this Article.

2. Grant a Variance if the special circumstances applicable to the property are self-imposed by the property owner.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-28-040; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 375, Amended, 12/28/95; Ord. No. 559, Amended, 07/10/03; Ord. No. 588, Amended, 03/25/04; Ord. No. 638, Amended, 10/13/05)

13-29-050 Hearing Applications.

Applications for a hearing shall be filed in the Office of the Zoning Inspector on forms provided therefor by any person or by any officer, department, board or bureau of the Town affected by any order or decision of the Inspector within thirty (30) days thereafter, and specifying the grounds thereof; or for ruling on other matters of Board jurisdiction.

A. An appeal shall stay all proceedings in the matter appealed from unless the Inspector certifies to the Board that by reason of the fact stated in his certificate, a stay would (in his opinion) cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order granted by the Board or by a court of record on application and notice to the Inspector.

B. Where an application involves a definite development scheme, it must be accompanied by: layout and landscape plan; typical building elevation and other pertinent development characteristics; total cost of the project; and evidence of ability and intention of the applicant to proceed with actual construction and diligently pursue to completion.

C. A Variance appeal applicant should be prepared to show:
1. That there are special circumstances or conditions applicable to the property of application, or to adjacent property, or to the neighborhood, that justify a Variance from the requirements so that strict application thereof would deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

2. That such granting will not materially affect the health or safety of the neighborhood residents nor the public welfare, or be injurious to property or improvements.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-28-050; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 588, Amended, 03/25/04)

13-29-060 Hearings and Rulings.

The Board of Adjustment shall hold at least one (1) public hearing (within a reasonable time from date of application) after giving notice thereof to parties of interest and the public by both publication in a newspaper of general circulation in accordance with A.R.S. §9-462.04, as amended, and by posting the notice in conspicuous places close to the property affected. The Board shall render a decision within thirty (30) days after initial hearing on same, unless an extension is concurred in by the applicant. If less than the full Board is present at the hearing, the applicant may demand a hearing before the full membership in which case the thirty (30) day ruling deadline shall be waived.

A. In approving an application (in all or in part), the Board may designate such conditions in conjunction therewith that will, in its opinion, secure substantially the objectives of this Chapter, and may require guarantees in such form as it deems proper under the circumstances to ensure that such conditions are complied with. Where any such conditions are violated or not complied with, the approval shall cease and the Zoning Inspector shall act accordingly.

B. In granting permission to proceed on a specific development scheme or on a permit for a construction variance, the same shall be contingent upon permits being obtained and work commenced within six (6) months and being diligently pursued. Failure to do so shall void the ruling unless a longer time is granted or an extension of time is secured.

C. The concurring vote of a majority of the Board members shall be necessary to render a ruling.

D. Any decision of the Board of Adjustment may be appealed to the Superior Court.

E. Each case considered by the Board of Adjustment has special and unique factors and conditions differentiating it from all other cases, related or otherwise. Therefore, no decision of the Board of Adjustment shall be construed as establishing a precedent or precedents which shall in any way restrict the exercise of the powers of the Board of Adjustment in any subsequent case.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 23, Amended, 02/13/80; Ord. No. 37, Renumbered, 09/04/80, 13-28-060; Ord. No. 171, Rep&ReEn, 01/14/88; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95;
Prescott Valley, Arizona

Ord. No. 541, Amended, 02/27/03)
Article 13-30 AMENDMENTS

13-30-010 Authority.
The Planning and Zoning Commission may, from time to time, adopt recommendations to amend, supplement or change zoning boundaries or regulations herein or subsequently established. Recommendations for such amendments may be initiated by the Commission, the Town Council or by application in accordance with this Article. No amendment affecting a zoning boundary shall be passed until a public hearing is held in accordance with this Article.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-29-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-30-012 Neighborhood Meeting.

A. Neighborhood Meeting Requirements. Persons who wish to submit applications requesting amendments to the Town’s General Plan, Town zoning regulations or the Town zoning map, or requesting review of Specific Area Plans shall first schedule and conduct at least one (1) neighborhood meeting in accordance with this Section.

B. Neighborhood Meeting Schedule. The neighborhood meetings required herein shall be conducted for the purpose of receiving comments on proposed applications and shall be conducted at least thirty (30) days prior to any public hearing on the application.

C. Neighborhood Meeting Notification. At least ten (10) days prior to any neighborhood meeting, notification shall be provided as follows:

1. Notification by first-class mail to all property owners of record within one thousand (1,000) feet of the property to be included in the application;

2. Notification by first-class mail to all homeowners associations within 1,000 feet of the property to be included in the application;

3. The Zoning Administrator may expand the notification area set forth herein if he/she determines that the potential impact of the proposed application extends beyond the required notification area;

4. Notification by first-class mail to any persons who have specifically requested notice regarding proposed zoning applications by registering their names and
addresses with the Town. Such registration may be accomplished by any writing addressed to the Zoning Administrator. Such registrations shall continue for one (1) year unless renewed by the person(s) requesting notice;

5. The notice shall set forth the substance of the proposed application and shall include the time, date and place of the neighborhood meeting. A copy of the notice shall be submitted to the Zoning Administrator prior to the neighborhood meeting; and

6. Posting of one or more signs on the property in locations clearly visible to adjacent residents setting forth the time, date and place of the neighborhood meeting, with an attached information tube containing copies of the meeting notice. The sign or signs shall comply with the requirements for notification signs set forth in ARS §9-462.04 (as amended).

D. Neighborhood Meeting Procedure. Neighborhood meetings shall be conducted at a location and time, and following a meeting format, approved by the Zoning Administrator. Town staff may or may not attend such meetings (at their discretion) and may augment the meeting record described hereinafter as staff deems necessary.

E. Record of Proceedings. Persons holding the neighborhood meetings required herein shall prepare the following for submittal prior to any public hearing on the application:

1. Certification, on a form established by the Zoning Administrator, that the neighborhood meetings were noticed and conducted in compliance with the requirements of this Section;

2. A dated photograph of the notification sign or signs posted in compliance with the requirements of this Section; and

3. A written summary of the neighborhood meetings, including a list of all attendees' names and addresses and a summary of any comments received as a result of the neighborhood meetings.

F. Additional Neighborhood Meetings. The Zoning Administrator may require that additional neighborhood meetings be held. If a subsequent application is substantially different from what was presented at neighborhood meetings, additional meetings may be required by the Zoning Administrator at his/her sole discretion. The same notification procedures prescribed herein shall be followed.

G. Other Required Meetings. Where an application has already been filed and neighborhood meetings were not otherwise required, the Zoning Administrator may at his/her sole discretion require that one or more neighborhood meetings be held as required herein if he/she makes a determination that the application may substantially impact adjacent neighborhoods.

H. Neighborhood Meeting Waivers. The Zoning Administrator may waive the requirement for a neighborhood meeting where a person submits an application requesting amendments to Town zoning regulations or to the Town zoning map pursuant to a
previously-approved General Plan Amendment which was subject to a previous neighborhood meeting and public hearing. In such cases, the Zoning Administrator shall prepare a written statement setting forth the reasons for approving the waiver.

(Ord. No. 637, Enacted, 08/25/05)

13-30-015 Pre-Application Review.

A. Pre-Application Review. All persons who wish to submit applications requesting amendments to the Town’s General Plan, Town zoning regulations, or the Town zoning map, or requesting review of Specific Area Plans shall first participate in a pre-application review with Town staff before submitting an application.

B. Requests for Pre-Application Review. Requests for pre-application review shall be filed with the Community Development Department on a form established by the Zoning Administrator. The Zoning Administrator shall endeavor to arrange pre-application reviews with appropriate Town staff at a date, time and location convenient to all involved. Nothing herein shall preclude additional meetings being held as part of the pre-application review as mutually determined by the person or persons requesting the review and the Zoning Administrator.

C. Pre-Application Review Process. Pre-application reviews are one or more informal meetings with appropriate Town staff assigned by the Zoning Administrator. At such meetings, staff shall review the information that persons wishing to apply for amendments to Town zoning regulations or to the Town zoning map would include in their applications. At such meetings staff shall also review with the persons the record of proceedings for neighborhood meetings held under Section 13-30-012 or the requirements for such neighborhood meetings if they have not yet been held. During such meetings, staff shall provide informal comments on the information provided. No later than fifteen (15) calendar days after the last meeting, staff shall also mail by first-class mail at the address indicated by the person or persons requesting the pre-application review a written summary of staff comments. A copy of said summary shall be included with any subsequent application filed with the Community Development Department.

(Ord. No. 637, Enacted, 08/25/05)

13-30-020 Applications.

A zoning ordinance that changes any property from one zone to another, that imposes any regulation not previously imposed or that removes or modifies any such regulation previously imposed must be adopted following the procedure prescribed in this Article and in the manner set forth in A.R.S. §9-462.04 (as amended). Applications for any of the aforementioned amendments shall be made on the Town’s form and shall be signed by the property owner or owners for all property included in the application. Such applications shall not be complete unless they indicate compliance with the pre-application review requirement of Town Code §13-30-015.
**13-30-025 Citizen Review Process.**

A. Prior to any public hearing required under Section 13-30-030 of this Article, all landowners of property adjacent to and situated within three hundred (300) feet from the property that is the subject of the zoning ordinance and all other potentially affected citizens shall be given the opportunity to review the proposed amendments to this Chapter or Zoning Map as set forth in the application ("citizen review process"). This citizen review process shall include the following:

1. Upon receipt of a complete application, the Zoning Administrator shall provide written notice of the application to all landowners of property adjacent to and situated within three hundred (300) feet from the property that is the subject of the zoning ordinance and to such other persons as the Zoning Administrator reasonably determines to be other potentially affected citizens.

2. The written notice shall include a general explanation of the substance of the proposed zoning ordinance and shall indicate the name, address and phone number of the member of the planning staff whom an adjacent landowner or other potentially affected citizen may contact before the public hearing to express any issues or concerns that the landowner or citizen may have with the proposed rezoning.

3. A staff report summarizing any issues or concerns so expressed shall be presented to the Planning and Zoning Commission (and Town Council if applicable) at the public hearing on the application. A copy of said staff report shall also be provided to the applicant within a reasonable time prior to the public hearing.

(Ord. No. 541, Enacted, 02/27/03; Ord. No. 637, Amended, 08/25/05)

**13-30-030 Public Hearing.**

Every application submitted pursuant to Section 13-30-020 of this Article shall be considered by the Planning and Zoning Commission at a public hearing in the manner set forth in A.R.S. §§9-462.04, as amended.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-29-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 541, Amended, 02/27/03)
Article 13-31  
VIOLATIONS AND PENALTIES

13-31-010  Building Permit Required.

It is unlawful to erect, construct, reconstruct, alter or use any building or other structure or any land within any area subject to the provisions of this Chapter without first obtaining a building permit from the Zoning Inspector, where such permit is required thereby.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-010; Ord. No. 178, Rep&ReEn, 05/26/88)

13-31-020  Violations.

It is unlawful to erect, construct, reconstruct, maintain or use any land in any area subject to the provisions of this Chapter in violation of any regulation or provision herein. Each and every day during which such violation continues is a separate offense, except as otherwise provided herein.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 539, Amended, 02/27/03)

13-31-030  Misdemeanor.

Any person, firm or corporation found guilty of violating any regulation or provision of this Chapter and any amendment thereto, shall be guilty of a misdemeanor, and upon conviction thereof, the same shall be treated as a Class 3 misdemeanor, unless otherwise specified herein. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such thereunder, except as otherwise provided herein.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-030; Ord. No. 150, Amended, 07/02/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 539, Amended, 02/27/03; Ord. No. 600, Amended, 07/22/04)

13-31-040  Remedies.

If any building or structure is or is proposed to be erected, constructed, reconstructed,
altered, maintained or used, or any land is or is proposed to be used in violation of this Chapter, the Town Council, the Town Attorney, the Zoning Inspector, or any adjacent or neighboring property owner who is specially damaged by the violation, in addition to the other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent or abate or remove the unlawful erection, construction, reconstruction, alteration, maintenance or use.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-040; Ord. No. 178, Rep&ReEn, 05/26/88)

13-31-050 Responsibility.

All remedies provided herein shall be cumulative and not exclusive. The conviction of any person, firm or corporation hereunder shall not relieve such person from the responsibility to correct such violation, nor prevent the enforcement, correction or removal thereof.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-050; Ord. No. 178, Rep&ReEn, 05/26/88)

13-31-060 Conviction.

Conviction for a class 3 misdemeanor shall be punishable as provided by law.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-060; Ord. No. 150, Amended, 07/02/87; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 13-32    SEVERABILITY

13-32-010    Severability.

13-32-010    Severability.

This Chapter and the various parts thereof are hereby declared to be severable. If any Section, Subsection, Subparagraph, clause, word or phrase herein is for any reason held to be unconstitutional, such holding shall not effect the validity of the remaining portions of this Chapter.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-31, 13-31-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Ren&Amd, 12/28/95, 13-32)
Article 13-33  PROTECTED DEVELOPMENT RIGHTS

13-33-010  Definitions.

In this Article, unless the context otherwise requires:

A. "Development Plan" means a subdivision final plat in conformance with Article 14-02 or a PAD plan in conformance with Article 13-19 of a project site submitted by a Landowner that provides detailed information as to how a proposed project will be developed in compliance with Town ordinances and regulations.

B. "Landowner" means any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns and personal representative of the owner, or a representative authorized by a Landowner to submit to the Town a development application for a property for approval.

C. "Property" means all real property subject to zoning regulations and restrictions by the Town.

D. "Protected development right" means the right to undertake and complete the development and use of property under the terms and conditions of a Protected Development Right Plan and this Article, without compliance with subsequent changes in zoning regulations and development standards during the term of the Protected Development Right, except as provided by A.R.S. § 9-1204 and Section 13-33-080.

E. "Protected Development Right Plan" means a Development Plan identified as a Protected Development Right Plan at the time of the Landowner’s submission, that, if approved by the Council, grants to the Landowner a Protected Development Right to undertake and complete the development and use of the property as shown thereon for a specified period of time. A Protected Development Right Plan, at a minimum, shall describe with a reasonable degree of certainty all of the following:

1. The proposed uses of the site.
2. The boundaries of the site.
3. Significant topographical and other natural features affecting development of the site.
4. The number of dwelling units or other structures, and
5. The location of all existing and proposed utilities and a provision for other infrastructure on the site, including water, sewers, roads and pedestrian walkways.

F. “Non-Phased Protected Development Right Plan” means Protected Development Right Plan which, at a minimum, shall describe with a reasonable degree of certainty all of the elements of a Protected Development Right Plan as set forth in Subsection F, above, as well as all of the following:
1. The requirements for final site development approval and for issuance of a building permit.
2. The general location on the site of the proposed buildings, structures and other improvements.
3. The square footage and height of the proposed buildings and other structures.

A final subdivision plat that meets the requirements of Article 14-02 of the Prescott Valley Town Code and A.R.S. § 9-463.01 and was identified and submitted by the Landowner for approval through the process established in this Article shall be a Non-Phased Protected Development Right Plan.

G. “Phased Protected Development Right Plan” means a Development Plan for a master planned development in accordance with the requirements of a Planned Area Development in Article 13-19 and a Development Master Plan in Article 14-02 and containing the elements articulated in Subsection E above.

(Ord. No. 554, Enacted, 05/22/03)

13-33-020 Protected Development Right Approval.

A Protected Development Right shall be granted upon approval by the Council of a Development Plan identified at the time it is submitted as a Protected Development Right Plan.

(Ord. No. 554, Enacted, 05/22/03)

13-33-030 Effective Date; Exceptions.

A. A Protected Development Right shall be deemed established with respect to a property on the Effective Date of the Council's approval of the Protected Development Right Plan.
B. A Protected Development Right Plan approved with a condition or stipulation that a variance be obtained does not confer a Protected Development Right until the necessary variance is obtained. Approval of a Protected Development Right Plan does not guarantee approval of a variance.

(Ord. No. 554, Enacted, 05/22/03)

13-33-040 Submission Procedures and Requirements.

When a Development Plan is required to be processed in accordance with this Article, preparation, application, and approval shall be as follows:

A. Phased Protected Development Right Plan. A Phased Protected Development Right Plan shall be submitted to the Town in accordance with the PAD plan approval process described in Article 13-19.

B. Non-Phased Protected Development Right Plan. A Non-Phased Protected Development Right Plan shall be submitted to the Town as described for preliminary and final plat approval in Article 13-19 and Article 14-02.

C. Council Consideration.

1. The Mayor and Council shall consider for approval Protected Development Right Plan submitted in accordance with this Article and Arizona Revised Statutes (A.R.S.) §§9-1201 through 1205, inclusive.

2. A Protected Development Right is subject to the terms and conditions imposed by the Council on the Protected Development Right Plan approval and nothing in this Article is intended to or shall preclude the Council from establishing such terms and conditions.

3. Nothing in this Article is intended to or shall preclude the Town’s other additional requirements for submittal or approval of Development Plans for any land use category or district and such requirements may include, but are not limited to, traffic reports or studies, drainage reports or studies, master street plans, development phasing schedules and phased public infrastructure schedules.

D. Subsequent Reviews and Approvals. After the approval of a Protected Development Right Plan, the plan will be subject to subsequent reviews and approvals by the Council, as set forth in the original resolution of approval, to ensure compliance with the terms and conditions of the original approval.

E. Later Detailed Plan Submittals. The Landowner shall submit a more detailed plan for each phase of a phased development in order to obtain final site development approval to develop the property.

(Ord. No. 554, Enacted, 05/22/03)
13-33-050  Revocation for Non-compliance.

The Town may revoke, upon notice to the Landowner and public hearing, its approval of the Protected Development Right Plan for failure to comply with applicable terms and conditions imposed on the approval as well as Landowner's failure to submit a more detailed plan for each phase of a Phased development for final site development approval.

(Ord. No. 554, Enacted, 05/22/03)

13-33-060  Duration of Protected Development Right.

A. A Protected Development Right established under a Protected Development Right Plan is valid for three years for a Non-Phased development or five years for a Phased development.

B. The Town may extend for a maximum of two additional years the duration of a Protected Development Right obtained through approval of a Protected Development Right Plan, if a longer time period is warranted by all relevant circumstances, including the size, type and phasing of the development on the property, the level of investment of the Landowner, economic cycles and market conditions. The decision to extend the time period for a Protected Development Right is in the discretion of the Town. However, a Protected Development Right shall not remain established for more than five years for a Non-Phased development or seven years for a phased development.

C. A Protected Development Right terminates at the end of the applicable period established under this section. If a building permit has been issued before the date of termination of a Protected Development Right, the Protected Development Right remains valid until the building permit expires, but in no event for longer than one year. On expiration, only principal structures for which footings or foundations have been completed may be finished under the Protected Development Right. On the expiration of a Protected Development Right, development may continue based on a valid building permit and according to standards in effect at that time. An unexpired building permit issued for a property with a Protected Development Right neither expires nor shall be revoked merely because a Protected Development Right expires under the time limitations specified in this section.

(Ord. No. 554, Enacted, 05/22/03)

13-33-070  Limitations.

A Protected Development Right is established only for the specific elements of the development or other specific matters shown on the approved Protected Development Right Plan. A Protected Development Right is not established for any elements or other matters, or portions of any elements of the development or other matters not shown on the approved Protected Development Right Plan.

(Ord. No. 554, Enacted, 05/22/03)
13-33-080 Subsequent Changes Prohibited; Exceptions.

A. A Protected Development Right established under this section precludes the enforcement against the property to which the Protected Development Right applies of any legislative or administrative land use regulation by the Town or pursuant to an initiated measure that would change, alter, impair, prevent, diminish, delay or otherwise impact the development or use of the property as set forth in an approved Protected Development Right Plan, except under any one or more of the following circumstances:

1. With the written consent of the affected Landowner.

2. On findings, by ordinance or resolution, and after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project were to proceed as approved in the Protected Development Right Plan.

3. On findings, by ordinance or resolution, and after notice and a hearing, that the Landowner or his representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval of the Protected Development Right Plan by the Town.

4. On the enactment of a state or federal law or regulation that precludes development as approved in the Protected Development Right Plan, in which case the Council, after notice and a hearing, may modify the affected provisions, on a finding that the change in state or federal law has a fundamental effect on the Protected Development Right Plan.

B. A Protected Development Right does not preclude the enforcement of a subsequently adopted overlay zoning classification that imposes additional requirements and that does not affect the allowable type or density of use, or ordinances or regulations that are general in nature and that are applicable to all property subject to land use regulation by the Town, such as building, fire, plumbing, electrical and mechanical codes.

C. Notwithstanding any other provision of this Article, the establishment of a Protected Development Right does not preclude, change or impair the authority of the Town to adopt and enforce zoning ordinance provisions governing nonconforming property or uses.

D. This Article does not alter or diminish the authority of the Town to exercise its eminent domain powers.

(Ord. No. 554, Enacted, 05/22/03)

The Council may designate, by ordinance or resolution, a Development Plan as a Protected Development Right Plan even if not identified as a Protected Development Right Plan at the time of Landowner submission. The Council must make a finding on the record that it’s granting of a Protected Development Right to undertake and complete the development shown on the Development Plan will promote reasonable certainty, stability and fairness in the land use planning and regulatory process and that it will secure the reasonable investment-backed expectations of the Landowner.

(Ord. No. 554, Enacted, 05/22/03)

13-33-100 Approval Not Conditioned Upon Waiver.

The Town shall not require a Landowner to waive a Protected Development Right as a condition of development approval.

(Ord. No. 554, Enacted, 05/22/03)

13-33-110 Protected Development Right; Exercise; Agreements.

A. A Protected Development Right obtained under this Article is not a personal right but attaches to and runs with the applicable property. After approval of a Protected Development Right Plan, all successors to the original Landowner are entitled to exercise the Protected Development Rights.

B. Nothing in this Article precludes judicial determination, based on common law principles or statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this Article, nothing herein shall be construed to alter the existing common law of vested rights.

C. Nothing in this Article shall preclude, change or limit the ability of the Town to enter into a development agreement as authorized in A.R.S. §9-500.05.

(Ord. No. 554, Enacted, 05/22/03)

13-33-120 Resolution of Conflict.

In the event of a conflict between the provisions of this Article and A.R.S. §§9-1201 through 9-1205, inclusive and as they may be amended, the statutory provisions shall govern.

(Ord. No. 554, Enacted, 05/22/03)
13-02-010 Definitions.

A. Word Forms. Unless a contrary intention clearly appears, the following words have, for the purpose of this Chapter, meanings interpreted as follows:

1. Words used in the present tense include the future tense. Words used in the future tense include the present tense.

2. Singular includes the plural, the plural includes the singular.

3. The word "may" is permissive; the words "shall" and "will" are mandatory. The word "or" shall mean "either" and the word "and" shall mean "in conjunction with".

4. Words not defined herein but which are defined in the Building Code of the Town of Prescott Valley are to be construed as defined therein.

5. The word "person" includes an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, and Federal or State government, Town, County, District, or any other group or combination acting as an entity.

6. The following words or terms, when applied in this Chapter, shall carry full force when used interchangeably:
   
a. lot, plot, site, parcel or premises;

b. "used or occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designated to be used or occupied";

c. "Council" shall mean the Town Council;

d. "Commission" shall mean the Planning and Zoning Commission; and

e. "Board" shall mean the Board of Adjustment.

7. The word "building" includes the word "structure". The word "dwelling" includes the word "residence".

B. The following definitions apply:

1. Abutting: The condition of two (2) adjoining properties having a common
property line or boundary, including cases where two (2) or more lots adjoin only on a corner or corners.

2. Access or Access Way: The place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Chapter.

3. Accessory Building: A subordinate building containing an accessory use which is customarily incidental to that of the main building and situated on the same lot as the main building. An accessory building attached to the main building shall be considered to be a part of the main building, and shall maintain any setbacks or yards required for a main building. Prohibited from use as accessory buildings are truck and bus bodies, sea cargo containers, railroad cars, untreated metal buildings, all towers, antennae and wireless telecommunications facilities and their accessory structures [except those used solely for transmissions and receipt by a single use and not otherwise restricted within that district (including, but not limited to, amateur radio and devices necessary for a subscription to a commercial wireless provider service)], and any enclosure not originally intended for permanent occupation or use. Any accessory building shall blend into the surrounding neighborhood by use of building form, height, material, color and landscaping. All accessory buildings are restricted to one story except as provided in Section 13-21-060 for towers, antennae, and wireless telecommunications facilities.

4. Accessory Use: (see Use, Accessory)

5. Acre: An area of land containing forty-three thousand five hundred sixty (43,560) square feet within the property lines of a lot or parcel.

6. Adjacent, Adjoining: The condition of being near to or close to but not necessarily having a common dividing line. Two (2) properties which are separated by only a street or alley shall be considered as adjoining one another.


8. Alley: A dedicated public passageway which affords only a secondary means of vehicular access to abutting property and is not intended for general traffic circulation.

9. Alternative Tower Structure: Vertical components not generally designed for use as antenna support structures including, but not limited to, church steeples, ball park light poles and water towers.

10. Amendment: A change in the wording, context or substance of this Chapter, or an addition, or deletion or a change in the zone district boundaries or classifications of the Zoning Map.

11. Animal Clinic or Animal Hospital: See, "Hospitals and Clinics for Animals."
12. Antenna: Any exterior device for transmitting and receiving wireless telecommunications and mounted on a tower, alternative tower structure, building or structure and used for transmitting and receiving wireless telecommunications for a fee to more than one customer at a time.

13. Antique: A product that is sold or exchanged because of value derived or because of oldness as respects the present age, and not simply because the same is not a new product.

14. Apartment, Efficiency or Studio: An apartment unit consisting, apart from a bathroom, of a single room with a kitchenette.

15. Appeal: An action which permits an applicant to obtain a hearing before any group with competent authority to provide redress from any decision rendered under provisions of this Chapter.

16. Arterial: A highway used, or intended to be used, for heavy traffic flow, usually a section line or mid-section line road, or one connecting neighborhoods or communities.

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 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).

18. Automobile Sales, New: A franchised agency selling new motor vehicles and providing services commonly associated with motor vehicle sales. A new automobile dealership may include the sale of used motor vehicles as a permitted use.

19. Automobile Sales, Used: An agency selling used motor vehicles not in conjunction with nor on the same site as a new motor vehicle franchise, and providing services commonly associated with motor vehicle sales.


21. Automobile Service Station (Self-Service): 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.

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 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 9-041-020(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).


25. Bar or Cocktail Lounge: An establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.

26. Basement: One or more stories wholly or partly underground and having one-half (1/2) or more of its height measured from its floor to its finished ceiling below the average adjoining grade. A basement shall be considered a story if the vertical distance from the average adjoining grade to its finished ceiling is over six (6) feet.

27. Board: The Board of Adjustment of the Town of Prescott Valley. See, Article 13-29

28. Boarding House or Rooming House: A building with no more than one (1) common kitchen and no more than five (5) guest rooms that are rented or leased to a maximum of ten (10) persons who are not members of the resident family (on a transient basis), with or without meals.

29. Boundary, Zone: The limit and extent of each zone district classification as shown on the official Zoning Map.

30. Brewery: Any facility that produces more than six million two hundred thousand gallons of beer in a calendar year for retail or wholesale in compliance with Arizona Revised Statutes, Title 4.

31. Buildable Area: That portion of a lot which is within the area formed by the required yards.
32. Building: A structure having a roof supported by columns or walls for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

33. Building Area: The total areas, taken on a horizontal plane, at the mean grade level, of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces and steps.

34. Building, Attached: A building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

35. Building, Closed: A building completely enclosed by a roof, walls and doors on all sides facing the perimeter of the lot.

36. Building, Community: A public or quasi-public building used for community activities of an educational, recreational or public service nature.

37. Building, Detached: A building which is separated from another building or buildings on the same lot.

38. Building, Factory-Built: A residential or nonresidential building, including a dwelling unit or habitable room thereof, which is either wholly or in substantial part manufactured at an off-site location to be assembled on-site and is built to an International Building Code standard. It does not include a manufactured home, recreational vehicle, or mobile home as defined in this Article.

39. Building, Floor Area: Sum of floor areas of all stories of a building.

40. Building Height: The vertical distance measured from the natural grade level to the highest level of the roof surface of flat roofs, to the deck line of the mansard roofs, or to the mean height between eaves and ridge for gable, gambrel or hip roofs.

41. Building, Modular: See, “Building, Factory-Built.”

42. Building Permit: A permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the Town of Prescott Valley.

43. Building (Principal): A building, or buildings, in which is conducted the principal use of the lot in which it is situated. In any residential district, any dwelling shall be deemed to be the principal building of the lot on which the same is situated.

44. Building Setback: See, “Yard, Required.”

45. Carport: An accessory building or portion of a main building with two (2) or more open sides designated or used for the parking of motor vehicles. Enclosed storage facilities may be provided as part of a carport.
46. **Catering Establishment**: A place, site or business for the preparation and assembly of food and/or non-alcoholic beverages exclusively for sale and service to off-site locations (not on the business premises).

47. **Cemetery**: Land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

48. **Certification**: A written statement of the fact to be certified made under oath by the applicant and notarized.

49. **Child Care Center**: A public or private establishment providing day care and education to six (6) or more children 6 years old or under, excluding kindergarten activities provided by a public school district. “Day care center” means the same as “child care center.”

50. **Child Care, In-Home**: A private establishment providing day care and education to five (5) or fewer children in a residential dwelling unit that is licensed by the State of Arizona for the same and complies with Subsection 13-06-020(A)(8).

51. **Church**: A permanently located building commonly used for religious worship and fully enclosed with walls, but including windows and doors, and having a structurally solid and sound roof.

52. **Clinic**: A place for the provision of group medical services, not involving overnight housing of patients.

53. **Collocation (Wireless Telecommunications Facilities)**: Use by two (2) or more wireless telecommunications providers located on the same tower or alternative tower structure.

54. **Commercial Coverage (Wireless Telecommunications Facilities)**: A single FCC licensee’s network of wireless telecommunications facilities providing a level of service to all areas of the community which, when fully developed, will permit viable commercial operation.

55. **Commission**: Town of Prescott Valley Planning and Zoning Commission. See, Article 13-28

56. **Comprehensive Plan/General Plan**: A plan developed and adopted by the Planning and Zoning Commission and Town Council as a guide for future growth and development within the Town of Prescott Valley, including any other plan adopted as a part or any amendments to such Plan or parts thereof.

57. **Condominiums**: An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in air space in a residential or commercial complex located on such
real property. Condominiums may include cluster housing or semi-detached housing. In addition, condominiums may include a separate interest in other portions of such real property, such as common areas.

58. Contiguous: In contact with.


61. Court: Any space other than a yard on the same lot with a building or group of buildings, and which is unobstructed and open to the sky above the floor level of any room having a window or door opening on such court. The width of a court shall be its least horizontal dimension.

62. Craft Distiller: A distiller who produces less than twenty thousand gallons of distilled spirits in a calendar year and holds a license pursuant to ARS §4-205.10 (as amended).

63. Custom: Pertaining to work, service or assembly done to order for individual customers for their own use or convenience.

64. Day Care or Day Nursery: See, “Child Care Center or Child Care, In Home.”

65. Dead Storage Yard: Goods not in use and not associated with any office, retail or other business use on premise in a self-storage facility or structure.

66. Density: The number of dwelling units permitted for a specified square footage of land provided. See, Article 13-20

67. Display: A visual presentation of goods or products offered for sale either inside or outside of a building during normal business hours.

68. Distiller: Any person who produces more than twenty thousand gallons of distilled spirits in a calendar year for retail or wholesale in compliance with ARS Title 4.

69. District: Either a use district, a density district or a combination of both such districts.

70. District Map: Zoning Map.

71. Drive-In Theater: An open-air theater where the performance is viewed by all or part of the audience from motor vehicles.

72. Drive-Through Establishment or Drive-In Facility: An establishment which by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services and goods while remaining in their motor vehicles. This shall include, but not be limited to, automobile service stations, drive-in laundries and dry cleaners, banks, and food and drink establishments.
73. Duplex: A building or portion thereof having two (2) dwelling units on a single lot designed or intended for use or occupancy by families living independently of each other (including any domestic employees of each family), and having both kitchen or cooking facilities and a private, indoor toilet within each such housekeeping unit.

74. Dwelling: A building or portion thereof designed exclusively for residential purposes, including single- and multiple-family dwellings.

75. Dwelling, Multiple-Family: A building or portion thereof having two (2) or more dwelling units on a single lot used, designed or intended for use or occupancy as living quarters by 2 or more families living independently of each other (including any domestic employees of each family), and having both kitchen or cooking facilities and a private, indoor toilet within each such housekeeping unit. This includes any number of dwelling units in a non-residential structure, but shall not include recreational vehicle parks, motels, hotels, boarding houses, fraternity and sorority houses, rest homes and nursing homes, or child care centers.

76. Dwelling, Single-Family: A detached building designed exclusively for occupancy by or occupied by one (1) family for residential purposes.

77. Dwelling Unit: A room (or group of rooms) designed for one (1) or more persons living and cooking as homogeneous body (See, “Family”) and containing 1 accommodation for preparation of meals.

78. Easement: A space on a lot or parcel of land reserved or used for location and/or access to utilities, drainage or other physical access purposes.

79. Efficiency Apartments: See, “Apartment, Efficiency or Studio.”

80. Enclosed Storage Area: Any building which is enclosed on all sides facing the perimeter of the lot.

81. FAA: Federal Aviation Administration.


83. Fairgrounds: An area consisting of both open spaces and structures, owned by a governmental or quasi-governmental entity, at which activities generally associated with a fairgrounds take place (including, but not limited to, carnivals, bazaars, midways, horse racing, exhibitions, amusements and education displays).

84. Family:

a. An individual or two (2) or more persons related by blood, marriage or adoption, or other legal relationship (including any domestic employees), living together as a single housekeeping unit in a dwelling
unit; or

b. A residential facility for not more than ten (10) persons duly licensed by the State of Arizona for the developmentally disabled, family foster care, adult foster care, child foster care or similar.

85. FCC: Federal Communications Commission.

86. Fence: A barrier constructed of materials such as block, solid wood slats, wire, pipe and chain link designed to separate two parcels of land or separate a single parcel of land into different use areas.

87. Floor Area: See, “Building, Floor Area.”

88. Floor Area, Gross: The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than seven (7) feet (but excluding areas used exclusively for vehicle parking or loading).

89. Floor Area, Usable: With regard to the parking requirements of Article 13-24, usable floor area means the gross floor area and/or the open land area needed for service to the public as customers, patrons, clients or patients (including areas occupied by fixtures and equipment used for display or sale of merchandise). Not included are floors or parts of floors used principally for non-public purposes such as storage, automobile parking, incidental repair, processing or packaging of merchandise, show windows, offices incidental to the management or maintenance of stores or buildings, restrooms, or other accessory space.

90. Fraternity or Sorority House: A residence hall or building used as living quarters for members of an approved college or university group while enrolled at an institution of higher learning.

91. Frontage: The property line of a site abutting on a street, other than the side line of a corner lot.

92. Garage, Private: An accessory building or a main building or portion thereof, used for the shelter or storage of self-propelled vehicles, owned or operated by the occupants of a main building wherein there is no service or storage for compensation.

93. Garage, Public: A building, other than a private garage, designed or used for servicing, repairing or storing motor vehicles for compensation. See, “Automobile Service Station, Automobile Garage or Automobile Storage Garage.”

94. Grade (Adjacent Natural Ground Elevation): The lowest point of elevation of the natural surface of the ground within the area between the building and a
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line five (5) feet from the building.

95. Group Home: A home serving ten (10) or fewer mentally or physically disabled persons: provided the home provides care on a twenty-four (24) hour basis and is licensed or otherwise approved by the State of Arizona for that purpose. A group home shall be considered a single-family dwelling.

96. Guest House: An attached or detached accessory building used to house guests of the occupants of the principal building, and which shall never be rented or offered for rent. Any guest house providing cooking facilities shall be considered a dwelling unit. Includes a dwelling unit within an accessory building for the sole use of the occupants of the premises and their guests.

97. Guest Room: One (1) or more rooms intended as one (1) occupancy overnight (or longer) by other than a member of the family. If such contains cooking facilities, it is deemed a dwelling unit.

98. Home Occupation: A “home occupation” is any vocation, trade or profession which is customarily conducted wholly within the confines of a dwelling unit or an attached building, is carried on only by a member or members of the family residing in the dwelling unit, is clearly incidental and secondary to the use of the dwelling for residential purpose, does not change the character of the dwelling unit, and conforms to the requirements set forth in Section 13-06-020(A)(8) of this Chapter.

99. Hospital: A building or group of buildings, in which sick or injured persons are given medical or surgical treatment, examination or care, including overnight residence, together with related facilities, e.g., laboratories, training facilities, staff residences, outpatient department and similar facilities which are an integral part of the principal use.

100. Hospitals and Clinics for Animals (includes Veterinary Clinic): Facilities where animals or pets are given medical or surgical treatment in emergency cases and are cared for during the time of such treatment. Use as a kennel is limited to short-term boarding that is incidental to such hospital use, and shall be enclosed in a sound-proof structure.

101. Hotel or Apartment Hotel: A building other than a boarding house as defined herein, in which there are five (5) or more guest rooms or apartments that, for a fee, provides temporary sleeping accommodations with or without meals, usually on a transient basis. “Hotel” shall not be construed to include trailer court, sanitarium, hospital, or other institutional building, or jail or other building where persons are housed under restraint. For density formula purposes, two (2) such guest rooms or apartments may be counted as one (1) dwelling unit.


104. Kennel: Any establishment at which dogs and cats are bred or raised for sale, boarded, trained and/or cared for, commercial or on a nonprofit basis, exclusive of dental, medical or surgical care, or for quarantine purposes.

105. Kindergarten: Same as nursery school except when operated in conjunction with a school of general instruction and having accredited instruction.

106. Kitchen: Any room or portion of a room used, intended or designed to be used for cooking and/or the preparation of food (except cooking facilities of a recreational or incidental nature such as barbecues, hot plates, or similar).

107. Landscaping: An area which has been improved through the harmonious combination and introduction of trees, shrubs and ground cover, and which may contain natural topping material such as boulders, rocks, stones, granite or other approved material. The area shall be void of any asphaltic or concrete pavement except for pedestrian walkways.

108. Laundry (Self-Help): A building in which domestic type washing machines and/or dryers are provided on a rental basis for use by individuals doing their own laundry.

109. Livable Floor Area: The heated floor area of a building, above finish grade, measured from the outside dimensions of the exterior walls used for dwelling purposes, and excluding all non-dwelling area such as attic, storage, carport and garage.

110. Livestock: Includes horses, ponies, mules, cows, goats, sheep, llamas, any other large animals, poultry, domestic rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks, pigeons or any other fowl, birds or rodents that are customarily raised for food, profit or pleasure.

111. Lot: Any legally created lot, parcel, tract or land, or combination thereof, shown on a plat of record or recorded by metes and bounds that is occupied or intended for occupancy by a use permitted in this Chapter, including the principal building, or buildings, together with the accessory buildings, the open spaces and parking spaces required by this Chapter, and having its principal frontage upon a street or upon an officially approved place.

112. Lot Area: The total area measured in square feet contained within the perimeter of a lot.

113. Lot, Corner: A lot adjoining two (2) or more streets at their intersection.

114. Lot Coverage: The percentage of the area of a lot which is occupied by the footprint of all buildings or other covered structures.

115. Lot Depth: The shortest distance between the mid-points of the front and rear line.

116. Lot (Interior): Lots having no sides abutting on a street.
117. **Lot (Key):** An interior lot contiguous to the rear line of a corner lot and fronting on the side street of such corner lot.

118. **Lot Line:** A line bounding a lot that divides one lot from another or from a street or any other public or private space.

119. **Lot Line (Front):** That part abutting a street. The front line of a corner lot shall be the shorter of the two street lines as originally platted, or if such are equal, the one chosen by the owner of the property. The front line of a through lot shall be that line which is obviously the front by reason of usage by adjacent lots. Such a lot exceeding one hundred eighty-eight (188) feet in depth may be considered as having two (2) front lines.

120. **Lot Line (Rear):** That lot line opposite the front line. Where the side lines of the lot meet in a point, the rear line shall be considered parallel to the front line or a tangent of the mid-point of a curved front line and lying ten (10) feet within the lot.

121. **Lot Line (Side):** Those property lines connecting the front and rear property lines.

122. **Lot of Record:** A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the County Recorder; or parcel of land, the deed of which is recorded in the Office of the County Recorder.

123. **Lot (Through):** A lot in which the front and rear line abut on a street.

124. **Lot Width:** The horizontal distance between side lot lines. Lot width shall be measured between side lot lines at the required front setback line.

125. **Maintain:** The replacing or renovating of a part (or parts) of a structure which has been made unusable by ordinary wear or tear, or by the weather.

126. **Manufactured Home:** A structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 (42 USCA §5401 et seq.), and Title VI of the Housing and Community Development Act of 1974, Public Law 93-383, as amended by Public Laws 95-128, 95-557, 96-153 and 96-339, being a structure transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

127. **Manufacturing, Light:** To process materials into a finished product with minimal noise, dust, glare, smoke, vibration, odor or debris. Light manufacturing is conducted wholly within an enclosed building. Any outdoor storage is visually screened by means of a fence, wall, landscaping or other approved method.
128. **Microbrewery:** A brewery that produces between five thousand and six million two hundred thousand gallons of beer in a calendar year and otherwise meets the requirements of ARS §4-205.08 (as amended).

129. **Mobile Home:** A structure built prior to 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, except that it does not include recreational vehicles and factory-built buildings as defined in this Article.

130. **Mobile/Manufactured Home Park:** A development providing rental spaces for occupancy on a non-permanent basis for mobile homes and manufactured homes, with accessory buildings and uses provided for the benefit and enjoyment of occupants.

131. **Mobile/Manufactured Home Space:** A plot of ground within a mobile/manufactured home park designed for the accommodation of one (1) mobile home or manufactured home.

132. **Model Home:** A residential unit constructed by a licensed general contractor which has never been occupied for residential purposes, open for inspection by the general public in order to sell that unit or similar residential units that can be constructed on other property, and otherwise serving as a formal example of the contractor's abilities and products.

133. **Model Home Complex:** Two (2) or more model homes constructed by a licensed general contractor (which have never been occupied for residential purposes) open for inspection by the general public in order to sell similar residential units within a Planned Area Development (PAD) Zoning District. Such homes must be adjacent to each other by a common property line.

134. **Modular Building:** See, "Building, Factory-Built."

135. **Motel:** A building or group of buildings containing guest rooms or apartments, each of which maintains a separate outside entrance, used primarily for the accommodation of automobile travelers, and providing parking space on the premises. For density formula purposes, two (2) such guest rooms may be counted as one (1) dwelling unit.

136. **Natural Grade:** The condition of the land, vegetation, rocks and other surface features which have not been physically disturbed, changed or added to by any action of man or machine.

137. **Newspaper of General Circulation:** A daily newspaper (if one is published), or if no daily newspaper is published, a weekly newspaper.

138. **Non-Conforming Use:** A legal use of a structure or tract of land in existence on September 4, 1980 which does not conform to the use regulations of this Chapter, or such use in existence at the date of adoption of amendments to the
Chapter which does not conform to the use regulations of this Chapter as amended.

139. Nuisance: Any thing, condition or use of property which endangers life or health, gives offense to the senses, and/or obstructs the reasonable and comfortable use of other property. See, Section 13-26-070

140. Nursing Home: Any place or institution which makes provisions for bed care or for chronic or convalescent care for one (1) or more persons (exclusive of relatives) who, by reason of illness or physical infirmity, are unable to properly care for themselves. Nursing, dietary and other personal services are provided (but not surgery or other primary care customarily provided in hospitals or sanitariums). Alcoholics, drug addicts, persons with mental diseases and persons with communicable diseases, including contagious tuberculosis, shall not be admitted or cared for in these homes licensed under the State of Arizona as a convalescent and nursing home.

141. Overlay District: A zoning district that encompasses one or more underlying zoning districts and imposes additional or alternative requirements to those required by the underlying districts.

142. Parcel: Real property that either -
   a. has a separate and distinct number or other designation shown on a plan recorded in the Office of the County Recorder; or
   b. is delineated on an approved record of survey, parcel map or subdivision map as filed in the Office of the County Recorder and abuts at least one (1) public right-of-way or easement determined by the Town to be adequate access.

143. Parking Space: A fully accessible space adequate for the temporary parking of permitted vehicles, situated entirely outside the public right-of-way.

144. Permanent Dust-Free Pavement (Parking): Surface materials such as asphaltic concrete or Portland cement concrete (but expressly not including such materials as chip seal, gravel or granite).

145. Planned Area Development (PAD): A residential, business or industrial development that takes a creative approach to the development of land and results in a more efficient, aesthetic and desirable use of open space while maintaining the same overall population density and lot coverage permitted in the underlying zoning district. A PAD permits flexibility in types of dwellings, placement of buildings, circulation facilities, off-street parking areas, and use of open space.

146. Plot Plan: See, “Site Plan.”

147. Porch, Open: A porch where any portion extending into a front or side yard shall have no enclosure by walls, screens, lattice or other material higher than
fifty-four inches (54") above the natural grade line adjacent thereto. Such porches may only be used for ingress and egress and may not be occupied as a sleeping porch or wash room.

148. Professional Office: A place of business (not including retail) where -
   a. a professional person carries out a professional use; or
   b. consulting, record keeping, or clerical work is performed by a public or private agent.

149. Professional Use: The rendering of service of a professional nature by:
   a. Architects, engineers and surveyors, who are licensed by the Arizona State Board of Technical Registration.
   b. Doctors, osteopaths, dentists, optometrists and all other persons who are licensed by the State of Arizona to treat patients.
   c. Lawyers who are admitted to practice before the courts of the state.
   d. Accountants who are members of the Arizona Society of Certified Public Accountants and/or the Arizona Association of Accountants, Incorporated.
   e. Consultants and practitioners who are recognized by the appropriate above licensed professions.

150. Property Lines: Those lines outlining the boundaries of real property divided into lots for the purpose of description for sale, building development, or other use.

151. Public Building: Facilities for conducting public business constructed for various public agencies, including all Federal, State, County and Town offices and buildings.

152. Public Utility: Private or public facilities for distribution of various services such as water, power, gas, communications etc., to the public, but expressly excluding all towers, antennae and wireless telecommunications facilities.

153. Recreation Facilities: Includes buildings, structures or areas built or developed for purposes of entertaining, exercising or observing various activities participated in either actively or passively by individuals or organized groups.

154. Recreational Vehicle: For purposes of this Chapter [except Subsection 13-24-020(G), as amended], a vehicular-type unit which is (a) a portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping; (b) a motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self-propelled motor
vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle; (c) a park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty (320) square feet and not more than four hundred (400) square feet when it is set up, except that it does not include fifth wheel trailers; (d) a travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle, and has a trailer area of less than three hundred twenty (320) square feet. This includes fifth wheel trailers. If a unit requires a size or weight permit, it must be manufactured to the standards for park trailers in A119.5 of the American National Standards Institute Code; or (e) a portable truck camper constructed to provide temporary living quarters for recreational, travel or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck. A recreational vehicle shall not be considered as a dwelling or occupied as such, and is not a manufactured home.

155. Recreational Vehicle Park: Facilities for the temporary storage, parking and maneuvering of recreational vehicles with adequate roads and stall sites, including sanitary and water facilities. Site locations are provided on a day-to-day basis. Does not constitute a mobile/manufactured home park.

156. Recreational Vehicle Space: A plot of ground within a recreational vehicle park designed for the accommodation of one (1) recreational vehicle.

157. Recycling Collection Facility: A building or fenced/enclosed area used for the collection and processing of pre-sorted recyclable materials. Processing includes the preparation of recyclable material for shipment to an end-user through baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, and/or cleaning. Recyclable materials include (but are not limited to) metals, glass, plastic and paper intended for reuse, re-manufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous waste.

158. Recycling Facility: A totally enclosed building within which recyclable materials are converted into new products by re-processing or re-manufacturing. A recycling facility may also include collection and processing of recyclable material for more efficient shipment. Outdoor storage of materials may occur on areas surfaced with a permanent dust-free pavement behind and opaque fence or wall and landscaping.

159. Restaurant: An establishment (other than a boarding house) where meals which are prepared therein may be procured by the public.


161. Salvage Yard: Any land or building used for the abandonment, storage, keeping, collecting, salvaging or bailing of paper, rags, scrap metals, other
scrap or discarded materials, including automobile salvage: includes recycling collection facilities and recycling facilities.

162. School: Unless otherwise specified, private or public places of general instruction for the education of children through grade twelve (12) which are licensed through the Arizona Department of Education: not including preschools, dancing schools, riding academies, or trade or specialized vocational schools (i.e. business colleges, art, music or nursery schools).

163. School (Nursery): An institution intended primarily for the daytime care of children of pre-school age. Even though some instruction may be offered in connection with such care, the institution shall not be considered a "school" within the meaning of this Chapter: includes day care or child care centers as defined in this Article.

164. School, Private: An institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a non-governmental organization.

165. School, Trade: Schools offering preponderant instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technicians’ schools, and similar commercial establishments operated by a non-governmental organization.

166. Seats: Where parking spaces are based on numbers of seats in a facility, each eighteen inches (18") of width for bench seating shall be deemed one (1) seat. In the case of fixed seating, each chair shall constitute 1 seat.

167. Service Station: See, “Automobile Service Station.”

168. Setback: A line that marks the minimum distance a structure must be located from the property line, and establishes the minimum required front, side or rear yard space of a building plot. See, “Yard, Required.”

169. Sexually-Oriented Business: Any business classified as a sexually-oriented business pursuant to Section 9-07-020, or any combination thereof.

170. Sign: Any device providing identification, advertising or directional information for a specific business, service, product, person, organization, place or building. Included in this definition as signs are graphic devices such as logos, attention attracting media such as banners or logo sculpture, and obtrusive, colored facie or architectural element. National flags and flags of political subdivisions shall not be construed as signs. See, Section 13-23-020

171. Sign, Billboard: A structure on which is portrayed information which directs attention to a business, commodity, service, entertainment or product not necessarily related to the other uses existing on the premises upon which the structure is located. A sign shall be classified as a billboard unless at least fifty percent (50%) of the advertising area is devoted to identifying a business operating on the premises, or to a product that is manufactured on the
preserves. The fact that a product is merely sold on the premises is not sufficient cause for the sign classification to be deleted from the billboard sign category.

172. Site Plan: A plan prepared to scale pursuant to the requirements of Section 13-27-020, showing all of the uses (existing and proposed) for a specific property and including all information necessary to clearly define the intended use of the property. See, “Plot Plan.”

173. Sleeping Room: A room, other than a guest room, in which no cooking facilities are provided.

174. Special Gateways/Highway Corridors: Those areas in the Town limits along both sides of State Route 69, State Route 89A, and Glassford Hill Road, located within six hundred sixty (660) feet of the edge of the right-of-way.

175. Stable, Commercial: A stable for horses, mules or ponies which are let, hired, used or boarded on a commercial basis and for compensation.

176. Stable, Private: A detached accessory building for the keeping of horses, mules or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

177. Storage Area: One (1) or more completely walled areas, under roof, other than living, not accessible directly from the living area, and containing no operating utility appliances.

178. Storage, Outdoor: Outdoor storage of materials, equipment, vehicles or trailers which are screened from view by screening walls. See, Subsection 13-26-050(D)(2)

179. Story: Any portion of a building included between the floor at any point and the finished ceiling next above it or the finished undersurface of the roof over that particular floor. The ground story or first story of any building is the lowest story the ceiling of which is more than six (6) feet above the average contact ground level at the exterior walls of the building. The mezzanine story shall be deemed a full story where it covers more than thirty-three and one-third percent (33 1/3%) of the area of the ground story.

180. Street: Any existing or proposed street, avenue, road, lane, parkway, place, bridge, viaduct or easement for public or private vehicular access, or a street in a plat duly filed and recorded in the County Recorder’s office. A street includes all land within the public right-of-way, whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking spaces, bridges, and viaducts.

181. Structure: The result of arranging materials and parts together and attached to a lot (such as buildings, tanks and fences), but not including tents or vehicles.
182. Subdivision: See, Chapter 14

183. Swimming Pool: Any constructed pool or other contained body of water that contains water eighteen inches or more in depth at any point and that is wider than eight feet at any point and is used for swimming, bathing or wading, whether above or below the ground surface.

184. Tower (Wireless Telecommunications Facilities): Any structure, including any supports, designed and constructed substantially for the purpose of being or supporting one or more antennae. Alternative tower structures shall be deemed towers on the date a building permit is issued for modifications to enable their use as a tower.

185. Transportation Terminal: A facility for loading and unloading freight for current distribution but not warehousing.

186. Travel Trailer: (See Recreational Vehicle)

187. Under Roof: The total area, exclusive of overhangs, measured in square feet, of the building area: includes porches, covered decks and breezeways.

188. Use: The purpose for which a building, or lot or structure is arranged, designed, occupied or maintained.

189. Use (Accessory): An "accessory use" is either a subordinate use of a building, other structure, or a tract of land, or a subordinate building or other structure:

   a. Whose use is clearly incidental to the use of the principal building or other structure, or use of land; and

   b. Which is customary in connection with the principal building, other structure, or use of land; and

   c. Which is located on the same zoned lot with the principal building, other structure, or use of land, and which is not a use specifically permitted in a less restricted district.

   Accessory uses do not include towers, antennae and wireless telecommunications facilities and their accessory structures [except those towers, antennae and wireless facilities used solely for transmissions and receipt by a single use and not otherwise restricted within that district (including, but not limited to, amateur radio and devices necessary for a subscription to a commercial wireless provider service)].

190. Use (Permitted): A use in a district which is allowed therein by reason of being listed among the "Permitted Uses" in the district, subject to the specific requirements of this Chapter.

191. Use Permitted by Use Permit: A listed use in a zoning district which requires a use permit as a prerequisite and is subject to all conditions and requirements
imposed by the Board of Adjustment in connection with issuing the use permit.

192. Use, Primary: A use on a given lot which is the main or principal use. Single- or multiple-family dwelling units are the primary uses on residential parcels.

193. Use (Private): A use restricted to the occupants of a lot or building together with their guests, where compensation is not received and where no commercial activity is associated with the same.

194. Use (Public): A use (or building) located on public land to service public benefits (but not necessarily available to public admission).

195. Use (Residential): Includes single- and multiple-family dwelling units, guest rooms, hotels, motels, mobile home courts, rooming and boarding houses, fraternity and sorority houses, convents, homes for the aged, and similar.

196. Variance: A device that allows certain modifications in zoning requirements such as fence heights, building setback, etc., if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surrounding, the applicant can prove to the Board of Adjustment that the strict application of existing zoning requirements would deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. The zoning district remains unchanged on lots where variances are granted.

197. Vehicle: The result of arranging materials and parts together for conveyance over roads (whether or not self-propelled). Such is not deemed a structure in qualifying for a building permit, but as being accessory to the principal use on a lot [except that it is not accessory in connection with vehicular rental or sales agencies, storage of junked motor vehicles as defined in Subsection 10-03-020(A) (except as otherwise provided), and mobile/manufactured home courts].

198. Visibility: On any corner lot, no building, fence, structure, shrubbery or planting that will obstruct street traffic visibility within a radius of ten (10) feet of the intersection of any two (2) street lines shall be permitted higher than three (3) feet.

199. Wall: A barrier constructed of materials such as block, native stone, rock or wood stucco: not including barriers constructed with other materials not designed for walls.

200. Warehouse: A building or buildings used for the commercial storage of goods where no retail or wholesale operations are conducted on the site.

201. Weeds: See, Section 9-04-010

201. Wireless Telecommunications: Any technology for transmitting telecommunications through the air.
203. Wireless Telecommunications Facility: Any combination of one or more antennae, towers and/or structures or equipment used for the transmission of wireless telecommunications.

204. Wholesale: The selling of goods of any type to retailers or jobbers for resale to the ultimate customer.

205. Wrecking Yard: An open-land area used for the business of crushing and demolishing motor vehicles, trailers, machinery, equipment, and their parts, and the storage thereof.

206. Yard: An open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

207. Yard, Exterior Side (Required): An open, unoccupied space on the same lot with a main building situated between the building and a lot line adjacent to a street of a corner lot. That street boundary determined not to be the required front yard shall be the exterior side yard and shall extend from the front yard to the rear yard. Any lot line adjacent to a street that is not a front yard shall be deemed an exterior side yard.

208. Yard, Front (Required): An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The front yard of a corner lot is the yard adjacent to the shorter street frontage.

209. Yard, Interior Side (Required): An open, unoccupied space on the same lot with a main building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line, front line, or an exterior side yard line shall be deemed an interior side yard line. An interior side yard is adjacent to a common lot line.

210. Yard, Rear (Required): An open space on the same lot with a main building between the rear line of the building and the rear line of the lot extending the full width of the lot.

211. Yard, Required: A line that marks the minimum distance a structure must be located from the property line to the closest point of the foundation or any supporting post or pillar of any building or structure related thereto which establishes the minimum required front, side or rear yards space of a building plot.

212. Zoning Administrator: The officer of the Town of Prescott Valley charged with the administration of this Chapter.
213. Zoning District: A zoned area in which the same zoning regulations apply throughout. See, Section 13-05-060

(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; Ord. No. 841, Amended, 03/08/18)
Article 13-03 GENERAL REQUIREMENTS

13-03-010 Conformance.
No property shall be used and no building shall be constructed, altered, placed or used except in conformity with this Chapter, and this shall include any addition to any nonconforming use.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-03-020 Yard.
No yard space or minimum area required for building or use shall be considered as any part of the yard space or minimum area for another building or use.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-03-030 Alley.
No portion of an alley shall be considered as any part of side or rear yard.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-03-040 Corner Obstructions.
On a corner lot in any zone, no planting, fence, wall, building or other obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area bounded on two (2) sides by front lot lines, and on the third side by a straight line connecting points on said lot lines (or their projections), each of which points is ten (10) feet from the point of intersection of said lot lines.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)
13-03-050 Site Plan.

A. Purpose: The purpose of the Site Plan requirements is to provide detailed review where new developments may occur and to minimize land use conflicts and to prevent incompatible uses.

B. Procedure: No building permit shall be issued for any new development in all zoning districts until the proposed Site Plan has been first approved by the Office of the Town Manager.

C. Contents: The owner or owners of property proposed for development shall submit to the Town of Prescott Valley a Site Plan indicating precisely what is planned for the property, and may include the following information as determined necessary by the officer charged with administering this Chapter:

1. Lot dimensions;
2. All buildings and structures existing and proposed (including dimensions);
3. Yards and spaces between buildings;
4. Landscaping, screening and outdoor lighting as required by Article 13-26 of this Chapter;
5. Off-street parking as required by Article 13-24;
6. Vehicular, pedestrian and service access;
7. Signs and lighting, including location;
8. Outdoor storage and activities;
9. Location and name of adjacent rights-of-way;
10. A Sewer Connection Plan as required by Section 7-01-140; and
11. Other data as may assist in determining the effect of the development on surrounding property.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&Ren, 09/04/80; Ord. No. 178, Rep&Ren, 05/26/88; Ord. No. 268, Amended, 12/12/91; Ord. No. 392, Amended, 06/27/96; Ord. No. 590, Amended, 03/25/04)

13-03-060 Building Across Lot Lines.

Building across lot lines where two (2) or more lots are used as a building site shall be permitted only to the extent that such lots are consolidated pursuant to an approved reversionary plat as defined in Section 14-01-020 of this Code (as amended).

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 551, Amended, 04/24/03; Ord. No. 590, Amended, 03/25/04)
13-03-070  Flood Plain Regulations.

Upon application for a building permit to erect, construct, enlarge or improve any building or structure or to install any mobile, manufactured, or factory-built home, it shall be determined whether said application for permit is for a lot or parcel included within an area of special flood hazard. If it is determined that said application for permit is within an area of special flood hazard, the provisions and requirements of Chapter 12 of the Town Code shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 375, Amended, 12/28/95)

13-03-080  Towers, Antennae and Wireless Telecommunications Facilities.

Towers, antennae and wireless telecommunications facilities that do not qualify as accessory buildings, structures or uses, but that otherwise comply with the requirements of this Chapter, may be located on lots containing other principal buildings, structures or uses in accordance with said requirements.

(Ord. No. 439, Enacted, 06/25/98)
**Article 13-04  APPLICATION OF ZONING ORDINANCE**

13-04-010  Effective Date of Application.

13-04-020  Non-Conforming Uses.

**13-04-010  Effective Date of Application.**

This Chapter shall apply as of the date of its original adoption by Ordinance No. 9, but the provisions pertaining to use, height, area and density of population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to Yavapai County for approval. The zoning requirements applicable to any such development, subdivision or parcel of land as aforesaid shall be those in effect by Yavapai County at the time such plans were submitted.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 276, Amended, 06/11/92; Ord. No. 375, Amended, 12/28/95)

**13-04-020  Non-Conforming Uses.**

If, at the time of enactment of Ordinance No. 9 (originally adopting this Chapter) or of any amendment thereto or of any amendment thereof, resulting from annexation of territory to the incorporated area of the Town of Prescott Valley, any lot, structure or building was being used in an otherwise lawful manner that does not conform to the use provisions of this Chapter, or if any structure or building is located or erected in an otherwise lawful manner that does not conform to the yard, lot coverage, height limit or parking and loading provisions of this Chapter, such use or such location or erection 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 such enactment; provided that upon any change from such nonconforming use to any other use or any abandonment or discontinuance of such nonconforming use for a period of one (1) year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of fifty percent (50%) of its replacement cost at the time of such loss, the right to continue or begin such nonconforming use shall terminate. No nonconforming building or structure or parcel of land, except residential, shall hereafter be enlarged, extended or otherwise expanded. Nothing herein shall be deemed to apply to outdoor light fixtures as defined in Article 13-26a of this Code. Non-conformance of outdoor light fixtures shall be determined as set forth in Article 13-26a.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 276, Amended, 06/11/92; Ord. No. 375, Amended, 12/28/95; Ord. No. 521, Amended, 05/09/02)
**Article 13-05  ZONES AND BOUNDARIES**

13-05-010  Division of Town Into Districts.

A. In order to classify, regulate and restrict the location of buildings and land uses; to control the height and bulk of buildings hereafter erected or structurally altered; to regulate and limit the intensity of the use of lot areas; and to regulate and determine the area of yards, courts and other open space within and surrounding such buildings, the Town of Prescott Valley, Arizona, is hereby divided into zoning districts. The use, height and area regulations are consistent in each district, and the districts shall be known as follows:

- **R1L DISTRICT** (Residential; Single Family Limited)
- **R1M DISTRICT** (Residential; Single Family Mixed Housing)
- **R1MH DISTRICT** (Residential; Single Family Mobile/Manufactured Homes)
- **R2 DISTRICT** (Residential; Multiple Dwelling Units)
- **RCU DISTRICT** (Residential; Single Family, Rural)
- **RS DISTRICT** (Residential and Services)
- **P1 DISTRICT** (Parking)
- **C1 DISTRICT** (Commercial; Neighborhood Sales and Services)
- **C2 DISTRICT** (Commercial; General Sales and Services)
- **C3 DISTRICT** (Commercial; Minor Industrial)
- **PM DISTRICT** (Performance Manufacturing)
- **M1 DISTRICT** (Industrial; General Limited)
- **M2 DISTRICT** (Industrial; Heavy)
- **PAD DISTRICT** (Planned Area Development)
- **PL DISTRICT** (Public Lands)
- **AG DISTRICT** (Agricultural)

B. The incorporated area of the Town of Prescott Valley (except within Agricultural districts) may be further divided into density districts as follows: D1 District, D2 District, D3 District, D4 District, D5 District, D6 District, D8 District, D10 District, D12 District, D18 District, D25 District, D35 District, D70 District and D175 District.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 349, Amended, 12/01/94; Ord. No. 399, Amended, 10/10/96; Ord. No. 638, Amended, 10/13/05)
13-05-020  Boundary Lines on District Maps.

The boundaries of the aforesaid districts are hereby established as shown upon the maps designated as "District Maps", Town of Prescott Valley Zoning Ordinance, which accompanies this Chapter. The District Maps, along with all the notations, references and other information shown thereon, are a part of this Chapter and have the same force and effect as if said Maps and all the notations, references and other information shown thereon were all fully set forth or described herein.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-05-030  Boundary Determination.

Where uncertainty exists with respect to the boundaries of any district as shown on the District Maps, the following rules shall apply:

A. Unless shown otherwise, the boundaries of the district or zones are lot lines, the center lines of streets, alleys, roads or such lines extended, and the corporate limits of the Town of Prescott Valley.

B. Where district boundaries are indicated as approximately following the line of any stream, irrigation canal or other waterway, or railroad right-of-way, or the boundary line of public land, the center of such stream, canal or waterway, or of such railroad right-of-way, or the boundary line of such public land shall be construed to be the district boundaries.

C. Where due to the scale, lack of detail or illegibility of the Zoning Map accompanying this Chapter, there is any uncertainty, contradiction or conflict as to the intended location of any zone boundaries shown thereon, interpretation concerning the exact location of zone boundary lines shall be determined upon written application, or upon its own motion, by the Board of Adjustment after recommendation by the Planning and Zoning Commission and the Town Manager. Any decision by the Board of Adjustment may be appealed to the Town Council.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-05-020; Ord. No. 178, Rep&ReEn, 05/26/88)

13-05-040  Regulations Governing Newly Annexed Territory.

A. In accordance with state law, areas annexed into the Town of Prescott Valley shall initially be assigned land use district classifications which permit densities and uses no greater than those permitted by Yavapai County, immediately before annexation.

B. Any use or activity conducted contrary to County zoning regulations at the effective date of annexation and not constituting a nonconforming use under the County zoning regulations shall not be considered a nonconforming use hereunder, and the continuance thereof shall constitute a violation of this Chapter.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-05-030; Ord. No. 178, Rep&ReEn, 05/26/88)
13-05-050 Public Way Vacation.

Whenever any street, alley or other public way is vacated by official action of the Town Council, the zone of the abutting properties shall be extended to the center-line of the areas vacated.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-05-040; Ord. No. 178, Rep&ReEn, 05/26/88)

13-05-060 Establishment of Use Districts and Density Districts.

In conformity with the purpose and effect of this Chapter, use districts and density districts are hereby established in order to effect the purposes set forth in Section 13-05-010. With the exception of Agricultural districts, use districts are designed to be used in combination with density districts and, as such, are hereby jointly referred to as zoning districts.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 399, Amended, 10/10/96)

13-05-070 Interpretation.

In interpreting and applying the regulations of this Zoning Chapter:

A. These regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. It is not intended by this Zoning Chapter to interfere with or abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued, and not in conflict with any of the regulations of this Chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Chapter; nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this Chapter imposes a greater restriction, this Chapter shall regulate; and

B. No uses shall be made of property in a zoning district except those listed as permitted therein or permitted by Use Permit. Nevertheless, the Town Manager (or his/her designee) may administratively approve (in writing) "non-listed uses" as being either Permitted Uses or Uses Permitted by Use Permit (as the case may be), but only where such uses are clearly and closely related to those already listed. Otherwise, the Board of Adjustment may determine if non-listed uses are similar enough to listed uses as to have been intended for particular zoning districts [pursuant to Subsection 13-29-040(B) herein]. In making such interpolations, the Town Manager (or his/her designee) or the Board of Adjustment shall be guided by any uses which are specifically listed as "prohibited" in a zoning district.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 341, Amended, 11/03/94; Ord. No. 37, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 399, Amended, 10/10/96)
Article 13-06 R1L (Residential; Single Family Limited)

13-06-010 Purpose.
The purpose of the R1L (Residential; Single Family Limited) District is to establish and preserve quiet, conventional single family home neighborhoods as desired by large numbers of people, free from other uses except those which are both compatible with and convenient to the residents of such a district.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-06-020 Use Regulations.

A. Uses Permitted:

1. Detached dwellings, conventional or pre-fabricated, including factory-built (modular) buildings, used for single-family dwelling purposes (except mobile homes and manufactured homes), subject to the following:

   a. If dwellings do not include the provision of an enclosed garage, then enclosed storage, attached or detached, of a minimum area of one hundred (100) square feet shall be provided as an accessory use to such dwelling.

   b. Any person, firm or corporation found guilty of violating subparagraph 13-06-020(A)(1)(a) shall be guilty of a misdemeanor. Upon conviction, the offense shall be treated as a class 3 misdemeanor. Each day such violation is permitted or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

2. Churches (in permanent buildings).

3. Public schools, elementary, secondary and private schools with a curriculum the same as customarily given in public schools.

4. Publicly owned and operated properties such as fire and police stations.

5. Libraries, parks, playgrounds and community buildings, provided such uses are conducted on a non-commercial basis.
6. Fences or free standing walls, not to exceed a height of four (4) feet in any required front yard, and not to exceed a height of six (6) feet elsewhere on the lot.

7. Accessory buildings and uses located on the same lot with and customarily incidental to any of the above Permitted Uses, and not detrimental to a residential neighborhood.

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

a. General Conditions:

(1) A home occupation shall be clearly secondary to the residential use of the dwelling.

(2) A home occupation shall be conducted in such a manner that it is compatible with the residential character of the neighborhood in which it is located.

(3) No more than twenty-five (25%) of all buildings on the lot and no more than 200 sq. ft. of a detached accessory building may be devoted to the home occupation.

(4) Persons other than those residing in the dwelling shall not be employed in the home occupation, with the following exceptions:

Home occupations may serve as headquarters or dispatch centers where employees do not come to the site to be dispatched to other locations.

A home occupation may employ persons that do not come to the site and that work from other locations.

(5) Goods related to the home occupation shall not be visible from the street.

(6) No on-site sales or public display of items for sale shall be permitted on the premises.

(7) Outdoor storage of materials or equipment related to the home occupation activity is not permitted on the premises.

(8) The home occupation shall not substantially alter the exterior appearance or character of the residence in which it is conducted, either by exterior construction, lighting, graphics, or other means.
(9) A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in line voltage, creates any interference in either audio or video reception, or causes any perceivable vibration on adjacent properties is not permitted.

(10) Home occupation operations are limited to the hours of 7 a.m. - 9 p.m.

(11) No more than five (5) clients per day, and only one (1) client at a time are allowed on site (with the exception of child day care and group homes).

(12) No more than one (1) commercial vehicle is allowed for the transportation of goods or materials to and from the premises. The commercial vehicle is limited to a passenger car, van, or pickup truck not to exceed a rating of one (1) ton. There shall be no work of any kind performed on vehicles not owned or leased by the occupants of the property.

(13) Home occupation uses shall not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as contractors or landscapers equipment.

(14) Any need for parking generated by the conduct of such home occupation shall be met off the street (but not in a required front yard). The required residential off-street parking shall be maintained.

(15) All home occupations shall be subject to the business licensing requirements set forth in Article 8-02.

b. Conditional Home Occupations - The following uses would be conditionally permitted as a home occupation provided they meet the provisions of Section 13-06-020(A)(8)(a) and are licensed by the applicable state or county agency (or, if not subject to state/county licensing requirements, have obtained a Use Permit subject to Use Permit application and hearing procedures set forth under Section 13-21-110):

(1) In-home child care with no more than five (5) children in the home at one time

(2) Group Homes for adults, the disabled, and children, with no more than ten (10) unrelated persons living together (including caregivers)

(3) Massage therapy
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):

(1) Ambulance service
(2) Appliance repair
(3) Automobile repair, sales, detailing, washing or painting
(4) Boarding houses
(5) Carpentry or other woodworking (such as: cabinet making, furniture making or volume-produced wood products)
(6) Commercial stables
(7) In-home child care with six (6) or more children
(8) Limousine or taxicab service
(9) Mortician or hearse service
(10) Motorized outdoor sport products (such as radio-controlled miniature airplanes, motorcycle track, or go-cart racing)
(11) On-going garage sales (except those permitted under Sections 9-04-010(D) and 9-04-020(C) of the Town Code)
(12) Retail sales from site (except direct distribution)
(13) Tattoo parlors
(14) Tow truck service
(15) Upholstery
(16) Welding
(17) Any and all other uses having a potential to create an adverse impact similar to that created by the uses outlined above

9. Occupancy of temporary housing, including recreational vehicles, during the construction of a permanent dwelling only, subject to the provisions of Section 13-21-140.
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) 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 A.R.S. §9-500.38(D)(2), subject to the following:
   a. Owners of vacation rental/short-term rental properties shall be subject to the business licensing requirements set forth in Article 8-02.
   b. Owners shall provide all parking for guests on site in accordance with Article 13-24 “Off-Street Parking Requirements” of this Code.
   c. Owners and guests shall comply with all applicable requirements of this Code, including those related to noise, fireworks, prostitution, offensive premises, nuisance lighting, refuse collection and property maintenance.
   d. Use of a vacation rental/short-term rental for the purposes of housing sex offenders, operating or maintaining a structured sober living home, selling illegal drugs, liquor control or pornography, obscenity, nude or topless dancing and other adult-oriented businesses is strictly prohibited.
   e. Owners shall provide guests with a 24-hour emergency point of contact.

B. Uses Permitted by Use Permit: The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth under Section 13-21-110.

1. Essential public utility buildings and facilities.

2. Golf courses, including club houses, pro shops, etc. located thereon, but not including miniature courses or practice driving tees operated for commercial purposes.

3. Model homes and Model Homes Complexes, as herein defined, that are not approved pursuant to the Planned Area Development Process in Article 13-19. subject to the following:
   a. That such homes be open to public inspection only between the hours of 8:00 a.m. and 9:00 p.m.
   b. That such homes not be operated as a branch real estate office, and that no more than four (4) persons be assigned or stationed on a
continuous basis in any one (1) home.

c. That the proximity of one (1) model home to another model home in a particular neighborhood not be so close as to be a detriment to that neighborhood, based upon such factors as (i) whether the neighborhood traditionally has had other model homes in close proximity, (ii) the density of development in the neighborhood, (iii) actual traffic in that portion of the neighborhood, and (iv) the character of occupancies and uses in the neighborhood.

d. That no construction equipment be stored or kept on any model home site, except that which is required for the original construction of the home or any subsequent repairs or remodeling.

e. That parking be provided pursuant to Subsection 13-24-040(B) and Subparagraph 13-24-050(B)(1)(e) of this Code.

f. That landscaping, screening and outdoor lighting be provided as set forth in Article 13-26 of this Chapter.

g. That ingress to and egress from any home site be designed, insofar as possible, as approved by the engineer so as to avoid backing onto adjacent streets.

h. That no model home be listed as a business address for business licensing purposes.

i. That the duration of any Use Permit be limited to two (2) years, subject to renewal for additional two (2) year periods, if the conditions set forth herein continue to be met and any problems and complaints associated with the operation have been resolved. In the event a Use Permit is not renewed, the home may no longer be used as a "model" but must be occupied for residential purposes.

j. That, notwithstanding these provisions, "model homes" heretofore permitted by "Variance" shall be permitted by "Use Permit" upon expiration of the "Variance"; subject only to the original "Variance" conditions as well as to Subparagraphs 4(a), 4(b), 4(d), and 4(i) herein. The term of the "Use Permit" shall be as provided in Subparagraph 4(j) above.

4. Towers, antennae and wireless telecommunications facilities that comply with the requirements of this Chapter.

(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, 06/23/14; 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)
13-06-030 Density Regulations

Where no density district has been combined, then the provisions of the D-10 District shall apply.

A. Minimum building floor area for single and multiple-story R1L residential dwellings shall be determined as follows:

<table>
<thead>
<tr>
<th>Lot Area (Sq.Ft.)</th>
<th>Livable Sq.Ft.</th>
<th>Under Roof Sq. Ft.</th>
<th>Livable Sq.Ft. (First Floor)</th>
<th>Under Roof Sq.Ft. (First Floor)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 7500</td>
<td>850</td>
<td>1070</td>
<td>638</td>
<td>850</td>
</tr>
<tr>
<td>7500-8499</td>
<td>900</td>
<td>1120</td>
<td>675</td>
<td>900</td>
</tr>
<tr>
<td>8500-9999</td>
<td>1020</td>
<td>1240</td>
<td>765</td>
<td>1020</td>
</tr>
<tr>
<td>10,000 &amp; Above</td>
<td>1200</td>
<td>1420</td>
<td>900</td>
<td>1200</td>
</tr>
</tbody>
</table>

1. Notwithstanding the above specific minimum floor area requirements, in no event shall the livable floor area of the dwelling be less than ten percent (10%) of the lot size unless the dwelling has twelve hundred (1,200) sq. ft. of livable floor area, in which case this Section shall not apply.

2. The square foot area of a carport or garage shall be included in the “under roof” determination as required above.

B. Refer to Article 13-20 for additional density provisions.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 81, Amended, 05/26/83; Ord. No. 178, Rep&ReEn, 05/26/88)

13-06-040 Off-Street Parking.

The off-street parking provisions of Article 13-24 shall apply.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-06-030; Ord. No. 178, Rep&BEn, 05/26/88)

13-06-050 Signs.

The sign provisions of Article 13-23 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&BEn, 05/26/88)
Article 13-07    R1M (RESIDENTIAL; SINGLE FAMILY MIXED HOUSING)

13-07-010   Purpose.

The purpose of the R1M (Residential; Single Family Mixed Housing) District is essentially the same as the R1L District, except that a mix of residential housing types is permitted, along with attached dwellings.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 349, Amended, 12/01/94; Ord. No. 375, Amended, 12/28/95)

13-07-020   Use Regulations.

A. Uses Permitted:

1. All uses permitted in the R1L District.

2. Residential uses in conventional (on-site constructed) dwellings, factory-built (modular) buildings, or manufactured homes (in compliance with the requirements of Chapter 15 of this Code) for one (1) family on any one (1) lot, subject to the following:

   a. If any such dwellings do not include an enclosed garage, then enclosed storage, attached or detached, of a minimum area of one hundred (100) square feet shall be provided as an accessory use to such dwellings.

   b. Any person, firm or corporation found guilty of violating subparagraph 13-07-020(A)(2)(a) shall be guilty of a misdemeanor. Upon conviction, the offense shall be treated as a class 3 misdemeanor. Each day such violation is permitted or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

B. Uses Permitted by Use Permit: The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth under Section 13-21-110.

   1. A group of dwelling units (attached or detached) each having separate individual ownership and providing common services and recreation facilities under unified management.
a. The maximum number of such units allowed on a lot shall not exceed the number of times the gross area of such is divisible by the minimum lot area allowed for the district.

b. Such allowance shall in no case exempt the requirement of maintaining yards adjacent to the exterior site boundaries.

2. Any use permitted by Use Permit in the R1L District.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 138, Amended, 08/28/86; Ord. No. 139, Amended, 08/28/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 186, Amended, 10/27/88; Ord. No. 349, Amended, 12/01/94)

13-07-030 Density Regulations.

A. Minimum building floor areas for R1M residential dwellings shall be determined as follows:

<table>
<thead>
<tr>
<th>Lot Area (Sq.Ft.)</th>
<th>Livable Sq. Ft.</th>
<th>Under Roof Sq. Ft.</th>
<th>Livable Sq.Ft. (First Floor)</th>
<th>Under Roof Sq.Ft. (First Floor)</th>
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<td>765</td>
<td>1020</td>
</tr>
<tr>
<td>10,000 &amp; Above</td>
<td>1200</td>
<td>1420</td>
<td>900</td>
<td>1200</td>
</tr>
</tbody>
</table>

1. Notwithstanding the above specific minimum floor area requirements, in no event shall the livable floor area of the dwelling be less than ten percent (10%) of the lot size unless the dwelling has twelve hundred (1,200) sq. ft. of livable floor area, in which case this Section shall not apply.

2. The square foot area of a carport or garage shall be included in the "under roof" determination as required above.

B. Refer to Article 13-20 for additional density provisions.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 81, Amended, 05/26/83; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-07-040 Off-Street Parking.
The off-street parking provisions of Article 13-24 shall apply.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-07-030; Ord. No. 178, Rep&ReEn, 05/26/88)

13-07-050 Signs.

The sign provisions of Article 13-23 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-07-060 Mixed Housing Plan.

In the event an R1M District encompasses any area that is undeveloped, no subdivision plat, development site plan or similar plan shall be approved for that area or any portion thereof except as part of a Planned Area Development (PAD) per Article 13-19 (as amended from time to time), which includes development plans showing, among other things, the areas set aside for various residential housing types and arrangements.

(Ord. No. 349, Enacted, 12/01/94)
Article 13-08  R1MH (Residential; Single Family Mobile/Manufactured Homes)

13-08-010  Purpose.

The purpose of the R1MH (Residential; Single Family Mobile/Manufactured Homes) District is essentially the same as the R1L District except that, with regard to single family dwellings, it is intended to exclusively provide sites for mobile homes and manufactured homes for those citizens who desire to utilize this type of housing in an appropriate, safe, sanitary and attractive environment.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 349, Amended, 12/01/94; Ord. No. 375, Amended, 12/28/95)

13-08-020  Use Regulations.

A.  Uses Permitted

1.  All uses permitted in the R1L District.

2.  Residential uses in manufactured homes and mobile homes in compliance with the requirements of Chapter 15 of this Code. If such dwellings do not include an enclosed garage, then enclosed storage, attached or detached, of a minimum area of one hundred (100) square feet shall be provided as an accessory use to such dwellings.

3.  Uses permitted by Use Permit in the R1L District, except towers, antennae and wireless telecommunications facilities.

B.  Uses Permitted by Use Permit: The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth under Section 13-21-110.

1.  Towers, antennae and wireless telecommunications facilities that comply with the requirements of this Chapter.

C.  Prohibited Housing Types:

1.  No primary residential dwellings may be permanent (on-site constructed)
dwellings or factory-built (modular) buildings.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 140, Amended, 08/28/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 349, Amended, 12/01/94; Ord. No. 439, Amended, 06/25/98)

13-08-030 Density Regulations.

Where no density district has been combined, then the provisions of the D-10 District shall apply. Refer to Article 13-20 for additional density provisions.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-08-040 Off-Street Parking.

The off-street parking provisions of Article 13-24 shall apply.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-08-030; Ord. No. 178, Rep&ReEn, 05/26/88)

13-08-050 Signs.

The sign provisions of Article 13-23 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 13-09  R2 (Residential; Multiple Dwelling Units)

13-09-010  Purpose.

The purpose of the R2 (Residential; Multiple Dwelling Units) District is to provide for development of multiple family residences in areas where a higher density of housing is desirable.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-09-020  Use Regulations.

A.  Permitted Uses: Buildings or premises shall be used only for the following uses:

1.  All principal and accessory uses and structures permitted in the R1L and R1M Districts, subject to all of the requirements in Article 13-06 “R1L (Residential; Single Family Limited)” and Article 13-07 “R1M (Residential; Single Family Mixed Housing),” except as otherwise provided herein.

2.  Dwellings used for multiple family dwelling purposes in conformity with the density formula for the district subject to the following:
   a.  All multi-family dwellings shall provide accessory storage of a minimum area of fifty (50) square feet per dwelling unit.
   b.  Accessory storage shall be either attached or detached to the dwelling unit.

3.  Home occupations as defined in Article 13-02.

B.  Uses Permitted by Use Permit: The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth under Section 13-21-110.

1.  Any use permitted by Use Permit in the R1L District.

2.  Rooming and boarding houses.
3. Homes for the aged or nursing homes.
4. Orphanages.
5. Fraternity and sorority houses.

C. Prohibited Housing Types:

1. No primary residential dwellings may be factory-built (modular) buildings or manufactured/mobile homes.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 141, Amended, 08/28/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 550, Amended, 04/24/03; Ord. No. 644, Amended, 01/26/06)

13-09-030 Density Regulations.

The density provisions of Article 13-20 shall apply. Where no density district has been combined, the provisions of the D3 Density District shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-09-040 Off-Street Parking.

Off-street parking shall meet no less than the minimum requirements as provided in Article 13-24.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-09-030; Ord. No. 178, Rep&ReEn, 05/26/88)

13-09-050 Signs.

The sign provisions of Article 13-23 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-09-060 Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards.

The landscaping, screening, outdoor lighting, nuisance and hazard provisions of Article 13-26 of this Chapter shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)
Article 13-10  

*RCU (RESIDENTIAL; SINGLE-FAMILY, RURAL)*

13-10-010  Purpose.

The RCU (Residential; Single Family, Rural) District is intended to provide a zoning classification for all areas of the Town not presently characterized by urban uses.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 638, Amended, 10/13/05)

13-10-020  Use Regulations.

A.  Uses Permitted:

All uses allowed in the R1L District.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-10-020,13-10-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 375, Amended, 12/28/95; Ord. No. 638, Amended, 10/13/05)

13-10-030  Density Regulations.

Density provisions of Article 13-20 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-10-040  Off-Street Parking.

Parking facilities shall meet no less than the minimum requirements as provided in Article 13-24.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-10-050  Signs.
Sign regulation provisions of Article 13-23 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-10-060 Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards.

Upon the installation of any use (other than a single family residence), the landscaping, screening, outdoor lighting, nuisance and hazard provisions of Article 13-26 of this Chapter shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)

13-10-070 Repealed.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Repealed, 06/27/96)
Article 13-11 RS (Residential and Services)

13-11-010 Purpose.

The purpose of the RS (Residential and Services) District is to provide for orderly and compatible development in transitional areas between residential and non-residential districts and to establish and preserve areas for those commercial facilities which are especially useful in close proximity to residential areas, while minimizing the undesirable impact of such uses on the neighborhoods which they service.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-11-020 Use Regulations.

A. Permitted Uses: The following uses are permitted in the RS District.

1. Any use permitted in the R2 District.

2. All principal and accessory uses and structures permitted in the R1L and R1M Districts.

B. Prohibited Uses:

1. Mobile homes and manufactured homes.

2. Sexually-oriented businesses.

C. Uses Permitted by Use Permit:

1. The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth in Section 13-21-110.

   a. Any use permitted by Use Permit in the R2 District.

   b. Personal services such as, but not limited to, the following (provided the use is conducted within an enclosed building and materials and equipment are not offered for sale except incidental to the service):
(1) Beauty and barber shops
(2) Photography
(3) Group instruction
(4) Tailoring
(5) Small appliance repair.

c. Day nurseries and nursery schools.
d. Hospitals, clinics, sanitariums and nursing homes for the care of humans.
e. Institutions of an educational, religious, charitable or philanthropic nature.
f. Offices wherein only professional, administrative, clerical or sales services are conducted.
g. Private clubs, lodges or fraternal organizations operated solely for the benefit of bona fide members (including outdoor recreation or assembly facilities).
h. Mobile/manufactured home parks subject to all regulations applicable to such parks, set forth under Article 13-25.

2. Notwithstanding the foregoing, in the event a Planned Area Development (PAD) District is established per Article 13-19 in any Residential and Services (RS) District, the uses listed in this Subsection C may be included in any Preliminary and Final Development Plans thereunder and approved without being subject to Use Permit application and hearing procedures set forth in Section 13-21-110.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 341, Amended, 11/03/94; Ord. No. 439, Amended, 06/25/98; Ord. No. 552, Amended, 03/13/03; Ord. No. 550, Amended, 04/24/03; Ord. No. 682, Amended, 03/22/07)

13-11-030 Density Regulations.

The density provisions of Article 13-20 shall apply. Where no density district has been combined, the provisions of the D3 Density District shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-11-040 Off-Street Parking.

Off-street parking shall meet no less than the minimum requirements as provided in Article

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-11-030; Ord. No. 178, Rep&ReEn, 05/26/88)

13-11-050 Signs.

Sign regulation provisions of Article 13-23 shall apply.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-11-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 816, Amended, 05/26/16)

13-11-060 Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards.

The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)
Article 13-12 P1 (PARKING)

13-12-010 Intent.

13-12-020 Use Regulations.

13-12-010 Intent.

The P1 (Parking) District is intended to establish and preserve areas for the parking of motor vehicles in close proximity to land uses which create a need for substantial amounts of vehicle parking, and to assure that parking in those areas is so located and screened as not to be incompatible with uses in any adjoining residential district.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-12-020 Use Regulations.

Uses Permitted: The following uses are permitted.

A. Vehicular parking facilities to provide all or a portion of the parking appurtenant to a permitted use in a district. Installation, operation and maintenance of parking facilities shall be in accordance with the parking requirements of Article 13-24 (together with any other neighborhood protective requirements upon which the P1 zoning approval may be contingent).

B. Signs as are permitted in the RS District for appurtenant uses shall be permitted in this district.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 13-13  C1 (COMMERCIAL; NEIGHBORHOOD SALES AND SERVICES)

13-13-010  Purpose.

The purpose of the C1 (Commercial; Neighborhood Sales and Services) District is to provide for convenience shopping in a residential neighborhood, to preserve and protect neighborhood commercial areas, located in close proximity to residential areas, and to provide for retail and service establishments which supply commodities or perform services to meet the daily needs of the neighborhood.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-13-020  Use Regulations.

A.  Permitted Uses:  The following uses are permitted in C1 district, as conditioned in Subparagraph (A)(5) below.

1.  Business or Professional
   a.  Business or professional offices
   b.  Libraries and museums
   c.  Post offices
   d.  Public buildings
   e.  Public utility pay stations.

2.  Retail Sales
   a.  Automobile service stations (self service)
   b.  Bakeries, book, stationery or gift shops
   c.  Clothes cleaning outlets (including self-service coin operated laundries)
d. Cafes, cafeterias, camera stores, candy shops, clothing stores

e. Delicatessens, dry goods, drug stores

f. Flower shops

g. Garden supplies, grocery stores and supermarkets

h. Hardware stores, household supplies, hobby supplies, health food stores

i. Ice cream parlors

j. Jewelry stores

k. Liquor stores

l. Music and record stores

m. Restaurants

n. Radio and television sales and service

o. Shoe stores, shoe repair and sporting goods

p. Toy stores

q. Variety stores

r. Dispensing of propane and similar petroleum products from exposed storage tanks for retail or for use by the property occupant as an accessory use, provided:

(1) The installation complies with NFPA Standard 58 “Liquefied Petroleum Gas Code, 2008 Edition,” and any other fire code standard as administered by Central Yavapai Fire District; and

(2) Applicant shall obtain all permits, if any, required by Central Yavapai Fire District; and

(3) A site plan shall be submitted indicating:

(a) location and distances from property lines, streets, existing buildings and buildings on adjoining properties; and

(b) individual tank sizes (in gallon capacity, height, length and diameter); and

(c) separation between tanks.
(4) Installation complies with Article 13-26 “Site Development Standards” and all other applicable provisions of the Prescott Valley Town Code.

s. Other similar convenience retail or service businesses to accommodate neighborhood needs.

3. Service

a. Banks

b. Barber and beauty shops

c. Day nurseries, nursery schools or private kindergartens

d. Pet grooming studios, including accessory product sales (only when clearly incidental and subordinate to the care and grooming of pets, and no boarding or kennel facilities may be provided)

e. Radio and television repair

f. Shoe repair

g. Taxidermy

h. Typewriter and business machine repair

i. Watch and clock repair.

4. Other

a. Accessory buildings and uses customarily incidental to a permitted principal use.

b. Single and multiple-family dwellings in a primary commercial building with one or more approved commercial uses on the first floor, subject to the following conditions:

(1) In one-story commercial buildings, no single or multiple-family dwellings shall be in the front half of the building nor be accessible from the front as a primary entrance. The square footage of the single or multiple-family dwellings shall not exceed 25% of the building.

(2) In commercial buildings with two or more floors, no single or multiple-family dwellings shall be on the ground floor. Single or multiple-family dwellings on upper floors can equal the area of the ground floor.

c. Factory-built buildings (including units used for offices).
5. Conditions:

a. All conditions on permitted uses in C2, C3, PM, M1 and M2 districts shall apply

b. No more than five (5) persons shall be engaged in the repair or fabrication of goods on the premises.

c. Not more than one (1) horsepower shall be employed in the operation of any one (1) machine used in repair or fabrication, and not more than five (5) horsepower in the operation of all such machines.

d. Facilities shall not exceed two thousand (2,000) square feet per unit.

e. All uses shall be contained within a completely enclosed building, except for the following:

   (1) Exposed storage tanks for dispensing of propane or similar petroleum products

B. Prohibited Uses: The following are uses prohibited in C1 district.

1. Outdoor Storage of Materials and/or Supplies (except outdoor display area during business hours only, in compliance with screening provisions of Article 13-26 of this Chapter 13)

2. Second Hand Merchandise Sales (except as incidental to new sales)

3. Wholesaling

4. Any other use whose primary purpose or nature is first specified as a permitted use or use permitted by use permit in C2, C3, PM, M1 or M2 districts

5. Any prohibited use in the C2, C3, PM, M1 or M2 districts.

C. Uses Permitted By Use Permit: The following uses are permitted by use permit in C1 district (subject to hearing procedures set forth in Section 13-21-110).

1. Essential Public Utility Buildings and Facilities

2. Full Service Automotive Service Stations

3. Mobile/Manufactured Home Parks and Recreational Vehicle Parks

4. Music Instruction

5. Towers, Antennae and Wireless Telecommunications Facilities (that comply with requirements of this Chapter 13)
6. Electronic Information Centers.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 226, Amended, 05/10/90; Ord. No. 240, Amended, 09/27/90; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; 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. 552, Amended, 03/13/03; Ord. No. 648, Amended, 01/26/06; Ord. No. 705, Amended, 12/20/07; Ord. No. 749, Amended 8/12/10)

13-13-030 Density Regulations.

The following density regulations shall apply to all land and buildings in the C1 District.

A. Building Height: The height of buildings shall not exceed three (3) stories nor thirty-five (35) feet.

B. Yards: Yard requirements as outlined in Article 13-20 Density Districts shall not apply to any commercially zoned lot except as follows:

1. Any residential district use shall maintain the same yard as required by the density district, except that where dwelling units occupy commercial buildings in accordance with §13-13-020(A)(4)(b) above, such dwelling units may maintain the same yards as otherwise permitted in the C1 District.

2. A front yard of no less than twenty-five (25) feet shall be required where the proposed building is on a lot contiguous to a residentially-zoned lot fronting on the same street (unless waived in writing by the owner of such residentially-zoned lot).

3. Where the side lot line is common to the side line of a residentially-zoned lot, the side yard shall be no less than five (5) feet.

4. Where the rear lot line is contiguous to a residentially-zoned lot, the rear yard shall be no less than fifteen (15) feet.

5. On a corner lot, a minimum side yard of fifteen (15) feet is required on the exterior side.

C. Lot Coverage: The maximum lot coverage shall be fifty percent (50%) of the lot area.

D. Building Spacing: Spacing requirements of Article 13-20 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 434, Amended, 01/22/98; Ord. No. 589, Amended, 03/25/04)

13-13-040 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.

The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply.
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(Ord. No. 37, Enacted, 09/04/80; Ord. No. 162, Amended, 11/12/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 392, Amended, 06/27/96)

13-13-050 Off-Street Parking.

The off-street parking provisions of Article 13-24 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-13-060 Signs.

Sign regulation provisions of Article 13-23 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-13-070 Landscaping.

The landscaping provisions of Article 13-26 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 13-14  

C2 (COMMERCIAL; GENERAL SALES AND SERVICES)

13-14-010  Purpose.

The purpose of the C2 (Commercial; General Sales and Services) District is to provide for the sale of commodities and the performance of service and other activities in locations for which the market area extends beyond the immediate residential neighborhoods. The district is intended to provide accommodations for retail and service establishments required to meet the Town's needs. The district is designed for application along major streets and highways.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-14-020  Use Regulations.

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

1. All permitted uses in C1 district

2. Business or Professional
   a. Business schools
   b. Blueprinting, printing, lithograph, publishing and photostatting establishments
   c. Music instruction
   d. Private schools (operated as a commercial enterprise including, but not limited to, dancing, art, trades, etc.)

3. Retail Sales
   a. Antique stores
b. Auto parts, auto rental, new and used auto sales, and auto upholstery

c. Bars and cocktail lounges

d. Craft shops conducted in conjunction with a retail business, including ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpture and wood carving [limited to five thousand (5,000) square feet of shop floor area]

e. Furniture stores, furniture upholstery

f. Household appliance stores

g. Key and gun shops (including incidental repair work)

h. Pet shops (not including animal treatment or boarding, or kennel facilities)

i. Second-hand stores

j. Other similar retail sales establishments engaged primarily in selling or offering for sale personal property to the public; provided that such uses are to be conducted within a completely enclosed building, except for the following:

(1) Car washes

(2) Commercial parking lots

(3) Commercial recreation (not including go-cart or other race tracks)

(4) Automobile service stations and garages, including motor repair and complete servicing [provided that the accessory use of temporary storage and parking of junked motor vehicles as defined in Article 9-04a of this Chapter 13 shall be completely enclosed within an eighty-five percent (85%) screen wall as defined in Article 13-26 of this Chapter 13. Temporary storage in this context means storage for not longer than ninety (90) days. Furthermore, five (5) or fewer such vehicles may be stored and parked on the property for an indefinite period, so long as each vehicle is completely covered at all times during storage with an opaque car covering and is completely enclosed within a screen wall as defined in Article 13-26.-]

(5) New and used car lots

(6) Mobile/manufactured home sales facilities

(7) Plant nurseries within an area contained by a solid six (6) foot
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wall or fence

(8) Truck and/or trailer rental

k. Home improvement stores

4. Service

a. Appliance repair shops

b. Broadcasting stations and studios for radio or television (not including towers, antennae or wireless telecommunications facilities)

c. Funeral homes and chapels

d. Precision musical instrument shops

e. Optical shops

f. Hotels and motels

g. Theaters (not including drive-in theaters)

h. Other similar businesses offering services to the general public.

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:

a. Cultivation: The process by which a person grows a marijuana plant(s) as allowed by A.R.S. §36-2801 et seq., and the Department rules and regulations.

b. Cultivation Facility: 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.

c. Department: The Arizona Department of Health Services or its successor agency.

d. Department rules and regulations: The adopted regulations of the Department relating to the provisions of A.R.S. §36-2801 et seq. currently in existence and as adopted in the future.

e. Designated Caregiver: A person, other than the qualifying patient, who, pursuant to A.R.S. §36-2801 et seq. and the Department rules and regulations, assists no more than five (5) registered qualifying patients with the medical use of marijuana.
f. Designated Caregiver Cultivation Location: Location where a designated caregiver, having been expressly authorized by the Department, cultivates medical marijuana plants for a qualifying patient(s)’ medical use pursuant to A.R.S. §36-2804.02(A)(3)(f).

g. Infusion Facility: A facility within a medical marijuana dispensary that incorporates medical marijuana by the means of cooking, blending, or incorporation into consumable/edible goods.

h. Medical Marijuana: All parts of the genus cannabis whether growing or not, and the seeds of such plant, approved under state law for treatment of persons suffering from debilitating medical conditions as designated in A.R.S. §36-2801 et seq., the Department rules and regulations, and other laws and regulations of the State of Arizona.

i. Medical Marijuana Dispensary: A not-for-profit entity that acquires, possesses, cultivates, manufactures, transfers, supplies, sells or dispenses marijuana or related supplies and educational materials to qualifying patients.

j. Medical Marijuana Dispensary Agent: A principal officer, board member, employee or volunteer of a medical marijuana dispensary who is at least twenty-one (21) years of age and has not been convicted of an excluded felony offense.

k. Qualifying Patient: A person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. §36-2801.13 (as amended).

l. Qualifying Patient Cultivation Location: Location where a qualifying patient, having been expressly authorized by the Department, cultivates medical marijuana plants for his/her medical use pursuant to A.R.S. §36-2804.02(A)(3)(f).

6. Conditions

a. All conditions on permitted uses in C3, PM, M1 and M2 districts shall apply

b. All uses shall be contained within a completely enclosed building, except those uses listed in Subparagraphs 13-14-020(A)(3)(j)(1-8) and 13-14-020(A)(3)(k)

B. Prohibited Uses: The following uses are prohibited in C2 district.

1. Wholesaling (as a principal use)

2. Noise Broadcasting (beyond the building)

3. Any other use whose primary purpose or nature is first specified as a permitted use or use permitted by use permit in C3, PM, M1 or M2 districts
4. Any prohibited use in C3, PM, M1 or M2 districts.

C. Uses Permitted by Use Permit: The following uses are permitted by use permit in C2 district (subject to hearing procedures set forth under Section 13-21-110).

1. Hospitals and Clinics for Animals (including boarding and lodging facilities for animals in completely enclosed, soundproofed buildings)
2. Outdoor Amusement Parks (including go-cart race tracks)
3. Bowling Alleys and Billiard Halls
4. Skating Rinks
5. Mobile/Manufactured Home Parks and Recreational Vehicle Parks
6. Electrical, Mechanical and Plumbing Shops
7. Catering Establishments
8. Towers, Antennae and Wireless Telecommunications Facilities that comply with the requirements of this Chapter 13
10. Outside Temporary Storage (seasonal and accessory to permitted primary uses set forth in this Section 13)
11. Electronic Information Centers.

(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)

13-14-030 Density Regulations.

The following density regulations shall apply to all land and buildings in the C2 district.

A. Building Height: The height of buildings shall not exceed three (3) stories nor thirty-five (35) feet.

B. Yards: Yard requirements as outlined in Article 13-20 Density Districts shall not apply to any commercially-zoned lot except as follows:

1. Any residential district use shall maintain the same yards as required by the
density district, except that where dwelling units occupy commercial buildings in accordance with Subparagraph 13-13-020(A)(4)(b), such dwelling units may maintain the same yards as otherwise permitted in C2 district.

2. A front yard of no less than twenty-five (25) feet shall be required where the proposed building is on a lot contiguous to a residentially-zoned lot fronting on the same street (unless waived in writing by the owner of such residentially-zoned lot).

3. Where the side lot line is common to the side line of a residentially-zoned lot, the side yard shall be no less than five (5) feet.

4. Where the rear lot line is contiguous to a residentially-zoned lot, the rear yard shall be no less than fifteen (15) feet.

5. On a corner lot, a minimum side yard of fifteen (15) feet is required on the exterior side.

C. Lot Coverage: The maximum lot coverage shall be fifty percent (50%) of the lot area.

D. Building Spacing: Spacing requirements of Article 13-20 of this Chapter 13 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 434, Amended, 01/22/98; Ord. No. 589, Amended, 03/25/04; Ord. No. 705, Amended, 12/20/07)

13-14-040 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.

The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 162, Amended, 11/12/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 392, Amended, 06/27/96)

13-14-050 Off-Street Parking.

The off-street parking provisions of Article 13-24 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-14-060 Signs.

Sign regulation provisions of Article 13-23 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-14-070 Landscaping.
The landscaping provisions of Article 13-26 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-14-080   Performance Standards.

A.  No use shall be established, maintained or conducted in any C2 District which does not comply with all of the prohibitions against nuisances and hazards in Article 13-26 of this Chapter.

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:

1.  Applicant shall provide:
   a.  the name and location of the offsite cultivation facility, if applicable.
   b.  a copy of the operating procedures submitted to and approved by the Department in accordance with A.R.S. §36-2804(B)(1)(c), including without limitation a security plan for all medical marijuana operations.

2.  No medical marijuana dispensary may be operated or maintained within a five hundred (500) foot radius of another medical marijuana dispensary or offsite cultivation facility.

3.  No medical marijuana dispensary may be located within a five hundred (500) foot radius of the district boundaries of the following residential zoning districts (or their successors): R1M, R1L, R1MH, R2 and RS.

4.  No medical marijuana dispensary may be located within a 500 foot radius of a public or private preschool, kindergarten, elementary, secondary or high school, place of worship, public park, public building, college, licensed drug or alcohol rehabilitation facility, correctional transitional housing facility, or public community center.

5.  Measurements for purposes of Subparagraphs 13-14-080(B)(2)-(4) above shall be the shortest horizontal line from the exterior walls of the medical marijuana dispensary building to the property line of the protected use.

6.  A medical marijuana dispensary shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.

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

8.  The secure storage area for the medical marijuana stored at the medical
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marijuana dispensary shall not exceed 500 square feet of the total 1,000 square foot maximum floor area of a medical marijuana dispensary. Maximum storage area square footage may be expanded subject to Use Permit application and hearing procedures set forth under Section 13-21-110.

9. The permitted hours of operation of a medical marijuana dispensary shall be from 9:00 am to 6:00 pm.

10. A medical marijuana dispensary shall not have a drive-through service.

11. A medical marijuana dispensary shall not have outdoor seating areas.

12. Offsite delivery of medical marijuana is prohibited.

13. Consumption of marijuana on the premises of a medical marijuana dispensary is prohibited.

14. No retail sales of marijuana paraphernalia are permitted at a medical marijuana dispensary, except as permitted by law to qualifying patients and/or designated caregivers.

15. No medical marijuana or paraphernalia shall be displayed or kept in a medical marijuana dispensary so as to be visible from outside the premises.

(Ord. No. 753, Enacted, 02/10/11)
Article 13-15  C3 (COMMERCIAL; MINOR INDUSTRIAL)

13-15-010  Purpose.
A. The purpose of the C3 (Commercial; Minor Industrial) District is to establish and preserve areas as the locations for the heaviest type of commercial activities, including warehousing, wholesaling, and light manufacturing and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses.
B. Locations for the zoning should be thoughtfully conceived to make provisions for certain kinds of commercial uses which are most appropriately located as neighbors of industrial uses, so that the use of the property is adequately buffered from residential areas, and so highway frontage does not present a poor image of the community.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

A. Permitted Uses: The following uses are permitted in C3 district as conditioned in Subparagraph (A)(9) below.

1. All permitted uses in C2 district

2. Business or Professional
   a. Hospitals and clinics for animals (including boarding and lodging within completely enclosed and soundproofed buildings).

3. Retail Sales
   a. Building materials sales yards (including the sale of rock, sand and gravel as an incidental part of the main business)
   b. Craft shops and work, storage and equipment yards in connection therewith [limited to fifteen thousand (15,000) square feet of floor area]
c. Feed stores

d. Lumber and building materials businesses (including mill and sash work)

4. Service, Wholesale and Minor Industrial

a. Indoor amusement enterprises (including commercial ballrooms, arenas, gymnasiums, rinks, pools, indoor shooting galleries, bowling alleys, billiard halls, miniature golf courses, and recreation centers)

b. Auto body and paint shops

c. Auto storage garages [including storage of automobiles incident to a lawful towing business, but not including automobile salvage or wrecking. Storage of junked motor vehicles as provided in Article 9-04a in Chapter 9 of this Code, incident to this use, shall be completely enclosed within a screen wall as defined in Subsection 13-26-050(B), and shall be temporary. In this context, temporary means no longer than one hundred eighty (180) days. However, nothing herein shall prohibit storage of not more than five (5) junked motor vehicles for an indefinite period if an opaque car cover completely covers the body of such vehicles and they are completely enclosed within a screen wall.]

d. Auto upholstery shops

e. Bottling plants, confined to closed buildings [limited to fifteen thousand (15,000) square feet of floor area]

f. Cabinet and carpenter shops

g. Catering establishments

h. Cleaning plants, within closed buildings [limited to fifteen thousand (15,000) square feet of floor area]

i. Engineering research offices, including a model shop for light machinery prototypes

j. Electrical, mechanical and plumbing shops

k. Equipment storage, rental and sales yards

l. Frozen food lockers

m. General sub-contractors (and accessory storage facilities)

n. Laboratories, medical and dental

o. Pawn shops
p. Public auctions

q. Essential public utility buildings and facilities

r. Transportation terminals and transfer facilities within an enclosed building [limited to fifteen thousand (15,000) square feet of floor area]

s. Wholesale businesses, storage buildings, warehouses and yards, including rental storage units (excluding animals)

t. Light machine shops

u. Sheet metal shops.

v. Electronic and scientific precision instruments manufacturing.

w. Dispensing of propane and similar petroleum products from exposed storage tanks as a primary wholesale use, provided:

(1) The installation complies with NFPA Standard 58 “Liquefied Petroleum Gas Code, 2008 Edition,” and any other fire code standard as administered by Central Yavapai Fire District; and

(2) Applicant shall obtain all permits, if any, required by Central Yavapai Fire District; and

(3) A site plan shall be submitted indicating:

   (a) location and distances from property lines, street, existing buildings and buildings on adjoining properties; and

   (b) individual tank sizes (in gallon capacity, height, length and diameter); and

   (c) separation between tanks.

(4) Installation complies with Article 13-26 “Site Development Standards” and all other applicable provisions of the Prescott Valley Town Code.

x. Recreational Vehicle Storage.

5. Medical Marijuana Dispensaries (with onsite cultivation/infusion facilities), subject to the regulations in Subsection 13-15-070(B) herein.

6. Medical Marijuana Cultivation Facility, subject to the regulations in Subsection 13-15-070(C) herein.
7. Medical Marijuana Designated Caregiver Cultivation Location, subject to the regulations in Subsection 13-15-070(D) herein.

8. Medical Marijuana Qualifying Patient Cultivation Location, subject to the regulations in Subsection 13-15-070(E) herein.

9. Conditions
   a. All conditions on permitted uses in PM, M1 and M2 districts shall apply
   b. The front fifty (50) foot depth of a lot shall not be used for open land storage of material, equipment, work yard or display (except display for sale or rental during business hours only, in compliance with the screening provisions of Article 13-26 of this Chapter 13)
   c. Open land storage or work areas on any other portions of the lot shall be conducted within a completely enclosed building or within an area contained by a minimum six (6) foot, eighty-five percent (85%) solid screen wall as defined in Article 13-26 of this Chapter 13, within the rear yard area so as not to be visible from any higher ranking district
   d. All other outdoor lighting provisions of Article 13-26 of this Chapter 13 shall apply

B. Prohibited Uses: The following uses are prohibited in C3 district.
   1. Concrete Mixing Operations
   2. Livestock Yards and Auctions
   3. Any other use whose primary purpose or nature is first specified as a permitted use or use permitted by use permit in PM, M1 or M2 districts
   4. Single and Multiple-Family Dwellings [except those in commercial buildings in accordance with Subparagraph 13-13-020(A)(4)(b)]
   5. Any prohibited use in PM, M1 or M2 districts.

C. Uses Permitted by Use Permit: The following uses are permitted by use permit in C3 district (subject to hearing procedures set forth under Section 13-21-110).
   1. Amusement Parks including go-cart and race tracks
   2. Cemeteries for human or animal interment
   3. Dairy Products Manufacturing
   4. Drive-In Theaters
   5. Drug Manufacturing or Processing
6. Outdoor runs, pens and cages for boarding or lodging of animals [no less than one hundred (100) feet from any residential district] with special consideration to:
   a. Neighborhood reaction to the use permit application
   b. Type and number of animal guests
   c. Extent of outdoor activity

7. Welding Shops

8. Tire Recapping

9. Towers, Antennae and Wireless Telecommunications Facilities that comply with the requirements of this Chapter 13

10. Electronic Information Centers.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 23, Amended, 02/13/80; Ord. No. 37, Ren&Amd, 09/04/80, 13-15-020, 13-15-030; Ord. No. 162, Amended, 11/12/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 206, Amended, 05/25/89; Ord. No. 269, Amended, 01/09/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 392, Amended, 06/27/96; Ord. No. 434, Amended, 01/22/98; Ord. No. 705, Amended, 12/20/07; Ord. No. 749, Amended, 08/12/10; Ord. No. 753, Amended, 02/10/11; Ord. No. 782, Amended, 12/19/13)


The following density regulations shall apply to all land and buildings in the C3 District.

A. Building Height: The height of buildings shall not exceed three (3) stories nor thirty-five (35) feet.

B. Yards: The provisions of Subsections 13-13-030(B) and 13-14-030(B) shall apply.

C. Lot Coverage: The maximum lot coverage shall be fifty percent (50%) of the lot area.

D. Building Spacing: The spacing requirements of Article 13-20 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 434, Amended, 01/22/98)


The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)

The off-street parking provisions of Article 13-24 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)


Sign regulation provisions of Article 13-23 shall apply.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-15-030; Ord. No. 178, Rep&ReEn, 05/26/88)


A. No use shall be established, maintained or conducted in any C3 District which does not comply with all of the prohibitions against nuisances and hazards in Article 13-26 of this Chapter.

B. In addition to the prohibitions set forth in Subsection 13-15-070(A) above, medical marijuana dispensaries (with onsite cultivation/infusion facilities) in the C3 district shall be subject to the following conditions:

1. Medical marijuana dispensaries (with onsite cultivation/infusion facilities) shall be subject to the regulations set forth in Subsection 13-14-080(B) and the definitions set forth in Subsection 13-14-020(A)(5).

2. Cultivation of medical marijuana within a medical marijuana dispensary shall be confined to a secure indoor area of the dispensary and must not be detectable from the public area of the dispensary or the exterior of the building in which the cultivation takes place.

3. The indoor area of the medical marijuana dispensary where medical marijuana is cultivated shall be completely separated and secured from the public area of the medical marijuana dispensary.

4. There shall be no emission of dust, fumes, vapors, or odors into the environment from the medical marijuana dispensary or onsite infusion and/or cultivation areas.

5. Medical marijuana dispensaries with onsite infusion facilities must obtain any and all permits and licenses from the local health department for all food handling/preparation in connection with infusion operations.

C. In addition to the prohibitions set forth in Subsection 13-15-070(A) above, medical marijuana cultivation facilities in the C3 district shall be subject to the following conditions:
1. Medical marijuana cultivation facilities shall be subject to the definitions set forth in Subsection 13-14-020(A)(5).

2. Applicant shall provide:
   a. the name and location of the offsite medical marijuana dispensary associated with the cultivation facility.
   b. a copy of the operating procedures submitted to and approved by the Department in accordance with A.R.S. §36-2804(B)(1)(c), including without limitation a security plan for all medical marijuana operations.

3. Retail sales of medical marijuana from offsite cultivation facilities are prohibited.

4. Only medical marijuana dispensary agents registered with the Department may lawfully enter the cultivation facility. Entry by others who are not registered medical marijuana dispensary agents is strictly prohibited.

5. No cultivation facility may be operated or maintained within a five hundred (500) foot radius of another medical marijuana dispensary or cultivation facility.

6. No cultivation facility may be located within a 500 foot radius of the district boundaries of the following residential zoning districts (or their successors): R1M, R1L, R1MH, R2 and RS.

7. No cultivation facility may be located within a 500 foot radius of a public or private preschool, kindergarten, elementary, secondary or high school, place of worship, public park, public building, college, licensed drug or alcohol rehabilitation facility, correctional transitional housing facility or public community center.

8. Measurements for purposes of Subparagraphs 13-15-070(C)(5)-(7) above shall be the shortest horizontal line from the exterior walls of the cultivation facility building to the property line of the protected use.

9. A cultivation facility shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.

10. The total maximum floor area of a cultivation facility shall not exceed three thousand (3,000) square feet. Maximum cultivation facility square footage may be expanded subject to Use Permit application and hearing procedures set forth under Section 13-21-110.

11. The secure storage area for the medical marijuana stored at the cultivation facility shall not exceed one thousand (1,000) square feet of the 3,000 square foot total maximum floor area of a cultivation facility. Maximum storage area square footage may be expanded subject to Use Permit application and hearing
12. Consumption of marijuana on the premises of a cultivation facility is prohibited.

D. In addition to the prohibitions set forth in Subsection 13-15-070(A) above, medical marijuana designated caregiver cultivation locations in the C3 district shall be subject to the following conditions:

1. Medical marijuana designated caregiver cultivation locations shall be subject to the definitions set forth in Subsection 13-14-020(A)(5).

2. A designated caregiver may cultivate medical marijuana only in the event the designated caregiver meets the requirements of A.R.S. §36-2804.02(A)(3)(f).

3. All conditions and restrictions for medical marijuana dispensary offsite cultivation facilities apply except that the designated caregiver cultivation location is limited to a total of two hundred fifty (250) square feet maximum, including any storage areas.

4. A designated caregiver may cultivate medical marijuana at their residence for a single qualifying patient subject to the requirements of A.R.S. §36-2801(1)(b) and Department rules and regulations.

5. More than one designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed 250 square feet maximum, including storage areas.

E. In addition to the prohibitions set forth in Subsection 13-15-070(A) above, medical marijuana qualifying patient cultivation locations in the C3 district shall be subject to the following conditions:

1. Medical marijuana qualifying patient cultivation locations shall be subject to the definitions set forth in Subsection 13-14-020(A)(5).

2. A qualifying patient may cultivate medical marijuana only in the event the qualifying patient meets the requirements of A.R.S. §36-2804.02(A)(3)(f).

3. The qualifying patient cultivation location must be located in the C3 district as a permitted use or as an ancillary use to the qualifying patient’s primary residence.

4. Medical marijuana cultivation as an ancillary use to the qualifying patient’s primary residence must not be detectable from the exterior of the building in which cultivation occurs.

5. The qualifying patient cultivation location must comply with the security requirements of A.R.S. §36-2801(1)(a)(ii) and Department rules and regulations.
Article 13-16  PM (PERFORMANCE MANUFACTURING)

13-16-010  Purpose.
The purpose of the PM (Performance Manufacturing) District is to provide sufficient space in appropriate locations for the promotion and protection of certain types of light industrial uses. Businesses, light manufacturing, warehouses, and research and development industries shall be operated in such a restricted and limited manner that, because of the limitations on type of structures and uses, control on height and density, prohibitions against open land facilities, omission of such nuisances as fumes, odors, noise, glare and vibration, and landscaping requirements, residential desirability adjacent to such industries will be protected and fostered.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-16-020  Use Regulations.
A.  Permitted Uses: The following uses are permitted in PM district.
   1.  All permitted uses in C3 district
   2.  Scientific or Research Laboratories
   3.  Manufacturing
   4.  Machining
   5.  Tooling
   6.  Fabricating and Assembling Products
   7.  Processing and Compounding Materials
   8.  Concrete Mixing Operations
   9.  Milling
10. Packaging
11. Mixing
12. Molding
13. Equipping and Decorating
14. Glazing
15. Repairing and Servicing
16. Cleaning
17. Winding
18. Weaving, Knitting and Sewing
19. Welding Shops
20. Baking, Cooking, Roasting and Pickling
21. Brewing and Distilling
22. Plating and Polishing
23. Motion Picture Productions, Radio and Television Studios
24. Facilities for Furnishing Meals and Selling Refreshments and Personal Convenience Items solely to employees of uses
25. Accessory Buildings and Uses
26. Billboard Signs (in accordance with standards set forth in Section 13-23-140 of this Chapter 13, as amended from time to time
27. Tire Recapping
28. Equipment, Material and Dead Storage Yards.

B. Prohibited Uses: The following uses are prohibited in PM district.

1. Mobile/Manufactured Homes (including units used for offices but not including units used as offices in conjunction with mobile/manufactured home sales facilities)

2. Residential Uses except one (1) dwelling unit for a watchman or caretaker employed on the premises
13-16-030 Performance Standards.

No use shall be established, maintained or conducted in any PM District which does not comply with the nuisance and hazard prohibitions in Article 13-26 of this Chapter.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-16-020, 13-16-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 269, Amended, 01/09/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 403, Amended, 10/24/96; Ord. No. 435, Amended, 01/22/98; Ord. No. 439, Amended, 06/25/98; Ord. No. 552, Amended, 03/13/03; Ord. No. 648, Amended 01/26/06; Ord. No. 705, Amended, 12/20/07; Ord. No. 749, Amended 08/12/10)

13-16-040 Density Regulations.

The following density regulations shall apply to all land and buildings in the PM District.

A. Lot Area and Dimensions: No lot shall be established smaller than one hundred (100) feet width, two hundred (200) feet depth, and twenty-five thousand (25,000) square feet area, nor to exceed a depth of six hundred fifty (650) feet unless it can be shown that a greater depth will not block projected streets or alleys.

B. Yards Required:

1. Fifty (50) feet adjacent to any street (but not alley)

2. Fifty (50) feet adjacent to any residential lot
3. Fifteen (15) feet adjacent to any other lot
4. Twenty-five (25) feet from any rear lot line

C. Building Height: The height of buildings shall not exceed three (3) stories nor thirty-five (35) feet.

D. Building Density: The total area of all buildings shall not exceed fifty percent (50%) of the total area of the lot.

E. Building Spacing: No building shall be closer to any other building than thirty (30) feet.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-16-040, 050, 060, 070 & 080; Ord. No. 168, Amended, 12/10/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 435, Amended, 01/22/98)

13-16-050 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.

A. The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply.

B. With regard to screening, all operations and storage shall be conducted within a completely enclosed building or within an area enclosed by a screen wall as defined in Article 13-26. No objects shall be stacked higher than the screen wall in the front fifty (50) feet of the lot, except that nothing herein prevents the parking of licensed motor vehicles or the placing of machinery, equipment and supplies within the enclosed remaining area of the lot so as to extend above the screen wall.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 162, Amended, 11/12/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93; Ord. No. 392, Amended, 06/27/96; Ord. No. 435, Amended, 01/22/98)

13-16-060 Off-Street Parking.

Space for parking shall always be kept available to provide no less than two (2) square feet of land area for each square foot of building area. Refer to Article 13-24 for additional requirements.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-16-020; Ord. No. 178, Rep&ReEn, 05/26/88)

13-16-070 Signs.

Sign regulation provisions of Article 13-23 shall apply.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-16-030; Ord. No. 178, Rep&ReEn, 05/26/88)

13-16-080 Repealed.
(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Repealed, 06/27/96)
**Article 13-17  M1 (INDUSTRIAL; GENERAL LIMITED)**

13-17-010  Purpose.

The M1 (Industrial; General Limited) District is intended to provide sufficient space in appropriate locations for manufacturing development, wholesale and commercial uses with heaviest impacts, which, while not necessarily attractive in operational appearances, are installed and operated in a manner so as not to cause inconvenience to other uses in the district or to adjacent districts, and installed in compliance with all government standards.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 341, Amended, 11/03/94; Ord. No. 375, Amended, 12/28/95)

13-17-020  Use Regulations.

A.  Permitted Uses: The following uses are permitted in the M1 district.

1.  All permitted uses in the PM district except dwelling units including mobile homes and manufactured homes, hotels, motels, rooming and boarding houses, and similar

2.  Meat Packing (no slaughtering except rabbits and poultry)

3.  Animal Treating, Boarding, Breeding and Sales

4.  Heavy Commercial Uses (provided such uses do not create offensive noise, vibration, smoke, dust, odor, heat or glare beyond the boundaries of the district, do not pollute the air, surface waters or ground water, and do not pose latent radiation, explosion or fire danger)

5.  Trucking and Freight Yards

6.  Dispensing of gasoline and similar petroleum products from low-profile exposed storage tanks provided:

otherwise poses no imminent life or fire safety hazard

b. The tank(s) is/are for the sole use of the property occupant and fuel dispensed is not intended for resale

c. Installation is within the rear sixty percent (60%) of the lot and in no case is less than twenty-five (25) feet from any lot boundary

d. Installation is screened from any adjacent property or streets

e. A site plan submittal accompanies the request indicating:

(1) location and distances from property lines, streets, existing buildings and buildings on adjoining properties

(2) individual tank sizes (in gallon capacity, height, length, and diameter)

(3) separation between tanks

f. Any permit required by Central Yavapai Fire District is obtained

7. Circuses and Carnivals

8. Race Tracks

9. Stadiums

10. Other Industrial, Office, Laboratory and Manufacturing Uses (provided such uses do not create danger to health and safety in surrounding areas, and do not create noise, vibration, smoke, dust, odor, heat or glare)

11. Livestock Yards and Auctions

12. Sexually-Oriented Businesses, subject to the regulations in Subsection 13-17-050(B) herein-and subject to the following definitions:

a. Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, video tape machines, projectors, or other image-producing devices are maintained to show images to one or more persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas"

b. Adult Bookstore: A retail business which devotes a substantial and significant portion of its total display area to any one or more of the following-- books, magazines, periodicals or other printed matter which predominantly depict or predominantly describe "specified sexual
activities” or “specified anatomical areas”; and which regularly excludes all minors from the premises or a section thereof because of the sexually explicit nature of the items sold, rented, or displayed therein. Such a retail business may have other principal business purposes that do not involve the offering for sale or rental of the above-listed items and still be categorized as an adult bookstore. Such other business purposes will not serve to exempt such retail business from being categorized as an adult bookstore so long as one (1) of its principal business purposes is offering for sale or rental the above-listed items (for consideration)

c. Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(1) persons who appear in a “state of nudity” or seminude;

(2) live performances or activities which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or

(3) films, motion pictures, video cassettes, audio visual materials, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”

The term “adult cabaret” is intended to apply to businesses which emphasize and seek to arouse or excite the patrons’ sexual desires. Nothing in the definition of “adult cabaret” shall be construed to apply to the presentation, showing, or performance of any play, drama, or ballet in any theater, concert hall, fine arts academy, school, institution of higher education, or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity or semi-nudity for the purpose of advancing the economic welfare of a commercial or business enterprise

d. Adult Enterprise (General): Any commercial or business enterprise which promotes or exploits nudity or semi-nudity in the regular course of business and as one (1) of its principal business purposes, for the purpose of advancing the economic welfare of the business or enterprise

e. Adult Motel: A motel or hotel or similar commercial establishment

(1) which offers accommodations to the public for any form of consideration; which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, audio visual materials, slides, or other photographic reproductions which are distinguished or characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and which has a sign visible from the public right-of-way which advertises the availability of any of the above types of material;
(2) which offers a guest room for rent for a period of time that is less than ten (10) hours; or

(3) which allows a tenant or occupant of a guest room to sub-rent the room for a period of time that is less than ten (10) hours.

f. Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, audio visual materials, slides, transparencies, or similar photographic reproductions (either in positive or negative form) are regularly shown which are predominantly characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

g. Adult Novelty Store: A retail business which offers for sale or rental any instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities" (excluding condoms and other birth-control and disease prevention products), and which regularly excludes all minors from the premises or a section thereof because of the sexually explicit nature of the items sold, rented, or displayed therein. Such a retail business may have other principal business purposes that do not involve the offering for sale or rental of the above-listed items and still be categorized as an adult novelty store. Such other business purposes will not serve to exempt such retail business from being categorized as an adult novelty store so long as one (1) of its principal business purposes is offering for sale or rental (for consideration) the above-listed items.

h. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a "state of nudity" or seminude, or live performances which are predominantly characterized by the exposure of "specified anatomical areas" or by actual or simulated "specified sexual activities". Nothing herein shall be construed to apply to the presentation, showing, or performance of any play, drama, or ballet in any theater, concert hall, fine arts academy, school, institution of higher education, or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity or semi-nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.

i. Adult Video Store: A retail business which devotes a substantial and significant portion of its total display area to any one or more of the following -- photographs, films, motion pictures, video cassettes or video reproductions, audio visual materials, slides, or other visual representations which predominantly depict or predominantly describe "specified sexual activities" or "specified anatomical areas"; and which regularly excludes all minors from the premises or a section thereof because of the sexually explicit nature of the items sold, rented, or displayed therein. Such a retail business may have other principal business purposes that do not involve the offering for sale or rental of the
above-listed items and still be categorized as an adult video store. Such other business purposes will not serve to exempt such retail business from being categorized as an adult video store so long as one (1) of its principal business purposes is offering for sale or rental (for consideration) the above-listed items.

j. Escort: A person who, for consideration, agrees or offers to act as a companion, guide or date for another person or offers to privately model lingerie or to privately perform a striptease for another person.

k. Escort Agency: A person or business association that (for a fee, tip, or other consideration) furnishes, offers to furnish, or advertises to furnish escorts as one of his/her/its primary business purposes.

l. Nude Model Studio: Any place (other than one offering fine arts class instruction) where a person who regularly appears in a 'state of nudity' or seminude or displays 'specified anatomical areas' is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons, for consideration.

m. Nudity (or State of Nudity): The act of exposing (or failing to opaquely cover) a human anus, the cleft of the buttocks, genitals, or the female breast below a point immediately above the top of the areola.

n. Seminude: The state of dress in which clothing covers no more than the genitals, pubic region and the female breast below a point immediately above the top of the areola, as well as portions of the body that are covered by supporting straps or devices.

o. Sexual Encounter Center: A non-medical business which offers (for consideration):

(1) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a "state of nudity" or seminude; or

(2) the matching and/or exchanging of persons for "specified sexual activities".


q. Specified Anatomical Areas: A human anus, the cleft of the buttocks, human genitals, or the female breast below a point immediately above the top of the areola, when less than opaquely covered; and human genitals in a state of sexual arousal (even if opaquely covered).

r. Specified Sexual Activities: Any of the following --

(1) the fondling or other erotic touching of the human anus, the
buttocks, genitals, the pubic region, or the female breast

(2) sex acts, actual or simulated, including intercourse, oral copulation, sodomy, oral anal copulation, bestiality, direct physical stimulation of clothed or unclothed genitalia, flagellation or torture in the context of a sexual relationship, anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellation, necrophilia, pederasty, pedophilia, piquerism, sapphism, or zooerastia

(3) masturbation, actual or simulated

(4) human genitals in a state of sexual arousal

(5) excretory functions as part of or in connection with any of the activities set forth in Subparagraphs through (A)(12)(r)(4) above

Nothing herein shall be construed as permitting any use or act which is otherwise prohibited or made punishable by law

B. Prohibited Uses: The following uses are prohibited in M1 district.

1. Wrecking Yards (including automobile wrecking)

2. Any other use whose primary purpose or nature is first specified as a permitted use or use permitted by use permit in the M2 district

3. Any prohibited use in M2 district.

C. Uses Permitted by Use Permit: The following uses are permitted by use permit (subject to hearing procedures set forth under Section 13-21-110).

1. Salvage Yards (including automobile salvage)

2. Towers, Antennae and Wireless Telecommunications Facilities that comply with the requirements of this Chapter 13

3. Electronic Information Centers

4. Heavy commercial uses which produce noise, vibration, smoke, dust, odor, heat or glare beyond the boundaries of the district, or pose latent radiation, explosion or fire danger

5. Outdoor Amusement Parks (including go-cart and race tracks)

6. Cemeteries (for human or animal interment)

7. Dairy Products Manufacturing

8. Drive-In Theaters
9. Drug Manufacturing or Processing.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 439, Amended, 06/25/98; Ord. No. 552, Amended, 03/13/03; Ord. No. 648, Amended 1/26/06; Ord. No. 705, Amended, 12/20/07; Ord. No. 782, Amended, 12/19/13; Ord. No. 809, Amended, 09/24/15)

13-17-030 Density Regulations.

The following density regulations shall apply to all land and buildings in the M1 District.

A. Building Height: The height of buildings shall not exceed three (3) stories nor thirty-five (35) feet.

B. Yards:
   1. Front Yard: There shall be a front yard of not less than fifty (50) feet on all lots adjacent to or abutting any residential district or adjacent to major streets or highways.
   2. Side Yards: A side yard of not less than thirty (30) feet shall be maintained where the side of the lot abuts a residential district or abuts an alley which is adjacent to a residential district.
   3. Rear Yard: A rear yard of not less than thirty (30) feet shall be maintained where the rear of the lot abuts a residential district or abuts an alley which is adjacent to a residential district.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-17-040 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.

The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply, and the front twenty (20) feet of the lot shall be utilized for landscaping and entrance drives.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Ren&Amd, 06/27/96, 13-17-080)

13-17-050 Performance Standards.

A. No use shall be established, maintained or conducted in any M1 District which does not comply with all of the prohibitions against nuisances and hazards in Article 13-26 of this Chapter.

B. In addition to the prohibitions set forth in Subsection 13-17-050(A) above, all sexually-oriented businesses in the district shall be subject to the following conditions:
1. No sexually-oriented business may be operated or maintained within a one thousand (1,000) foot radius of another sexually-oriented business. For purposes of this Subsection, all sexually-oriented businesses with a common owner and building entrance shall be considered a single sexually-oriented business.

2. No sexually-oriented business may be located within a one thousand (1,000) foot radius of the district boundaries of the following residential zoning districts (or their successors): R1M, R1L, R1MH, R2 and RS.

3. No sexually-oriented business may be located within a one thousand (1,000) foot radius of any of the following listed uses:
   a. public or private (State-approved) day nurseries or preschools;
   b. State-licensed child care facilities;
   c. public or private elementary, middle, or secondary schools (including vocational high schools);
   d. public parks;
   e. public libraries;
   f. public administrative buildings (i.e. Town Hall, the Municipal Court, the Police Department, the Building Department, etc., but not including shop buildings such as the Public Works Department);
   g. public recreational facilities where minors are permitted [including (but expressly not limited to) public recreation centers, swimming pools, playgrounds, ballfields and courts, and community centers];
   h. churches, synagogues, and temples;
   i. private community buildings or recreational facilities (i.e. YMCA’s, Boys and Girls Clubs, teen dance centers, etc.); and
   j. private amusement parks and game centers.

4. Measurements for purposes of Subparagraphs 13-17-050(B)(1) - (3) above shall be taken (a) from that point on the structure in which an sexually-oriented business is conducted (including projections therefrom) which is closest to the other use or district (unless the sexually-oriented business is in a multi-tenant structure, in which case the measurement shall be taken from the closest point on an exterior building wall of the business), to (b) that point on the structure in which the other use is conducted (unless that use is in a multi-tenant structure, in which case the measurement shall be taken from the closest point on an exterior building wall of that use), or that point along the exterior boundary line of the real property (where no structure is involved) closest to
5. All exterior doors of the structure in which the sexually-oriented business is located shall remain closed during business hours.

6. All materials, projections, entertainments or other activities involving or depicting "specified sexual activities" or exposing "specified anatomical areas" shall not be visible outside the structure in which the sexually-oriented business is located, nor from portions of the structure accessible to minors.

7. Sound from projections or entertainments shall not be audible outside of the structure in which the sexually-oriented business is located.

8. In addition to the prohibition against obscene signs in Subsection 13-23-060(B) herein, sexually-oriented businesses may not use window displays. Signs permitted for such businesses in Article 13-23 "SIGN REGULATIONS" herein shall be "simple" signs which only identify the business as a sexually-oriented business.

9. All sexually-oriented businesses shall strictly comply with the standards set forth in Article 9-07 of this Code.

10. Any sexually-oriented business lawfully operating on March 13, 2003, that is in violation of this Section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more sexually-oriented businesses are within one thousand feet (1000') of one another and otherwise in a permissible location, the sexually-oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is/are nonconforming.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 341, Amended, 11/03/94; Ord. No. 392, Amended, 06/27/96; Ord. No. 552, Amended, 03/13/03; Ord. No. 550, Amended, 04/24/03)

13-17-060 Off-Street Parking.

The off-street parking provisions of Article 13-24 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-17-070 Signs.

The sign regulation provisions of Article 13-23 shall apply.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-17-020; Ord. No. 178, Rep&ReEn, 05/26/88)
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Article 13-18  M2 (INDUSTRIAL; HEAVY)

13-18-010  Purpose.

The purpose of the M2 (Industrial; Heavy) District is to provide sufficient space in appropriate locations for heavy industrial development, including all types of industrial uses where any potential hazards to health or property are appropriately mitigated and adequate controls provided to avoid air, surface water and groundwater pollution, and latent radiation, fire and explosion danger (in compliance with all government standards). It is understood that uses in the M2 District will not be approved in cases where uncertainty exists as to compliance with the intent of the District.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 705, Amended, 12/20/07)

13-18-020  Use Regulations.

A. Permitted Uses: The following uses are permitted in the M2 District.

1. All permitted uses in the M1 district
2. Salvage Yards (including automobile salvage)
3. Outdoor Amusement Parks (including go-cart and race tracks)
4. Cemeteries (for human or animal interment)
5. Dairy Products Manufacturing
6. Drive-In Theaters
7. Drug Manufacturing or Processing.

B. Uses Permitted by Use Permit: The following uses are permitted by use permit (subject to hearing procedures set forth under Section 13-21-110).

1. Towers, Antennae and Wireless Telecommunications Facilities that comply with the requirements of this Chapter 13
2. Electronic Information Centers
3. Wrecking Yards (including automobile wrecking)
4. Heavy commercial uses which produce noise, vibration, smoke, dust, odor, heat or glare beyond the boundaries of the district, or pose latent radiation, explosion or fire danger.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 439, Amended, 06/25/98; Ord. No. 552, Amended, 03/13/03; Ord. 648, Amended 1/26/06; Ord. No. 705, Repealed, 12/20/07; Ord. No. 705, Ren&Am, 12/20/07, 13-18-030, Ord. No. 782, Amended, 12/19/13)

13-18-030 Density Regulations.
The density regulations in Section 13-17-030 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 705, Renumbered, 12/20/07, 13-18-040)

13-18-040 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.
The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter 13 shall apply, and the front twenty (20) feet of the lot shall be utilized for landscaping and entrance drives.


13-18-050 Off-Street Parking.
The off-street parking provisions of Article 13-24 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 705, Renumbered, 12/20/07, 13-18-060)

13-18-060 Signs.
The sign regulation provisions of Article 13-23 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 705, Renumbered, 12/20/07, 13-18-060)


**Article 13-19   PAD (PLANNED AREA DEVELOPMENT)**

13-19-010   Definitions.
13-19-020   Purpose.
13-19-030   Initiation.
13-19-040   Reserved.
13-19-050   Location and Size.
13-19-060   Plans Required and PAD Procedures.
13-19-070   Reversionary Clause.
13-19-080   PAD Amendments

13-19-010   Definitions.

PAD (Planned Area Development) Districts, as defined more fully in Section 13-02-010(B), involve groups of structures designed for construction as a unified project under a plan to be approved under this Article of the Zoning Chapter.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 772, Amended, 03/28/13)

13-19-020   Purpose.

The purpose of Planned Area Development (PAD) provisions is to:

A. Ensure orderly and thorough planning and review procedures that will result in high quality urban design and to encourage variety in architectural design through techniques including, but not limited to, variations in building style, lot arrangements and site planning.

B. Establish procedures to provide flexibility in design, density and development requirements for development plans while ensuring that such flexibility does not adversely affect the intent and purpose of the General Plan of the Town of Prescott Valley.

C. Encourage through innovative site planning such things as the preservation of natural character of the land, and economy in construction and maintenance of streets and utilities.

D. Permit flexibility in design so that developments would produce maximum choice in the types of environments, living units, and commercial installations and facilities available to the public, and produce an efficient, aesthetic and desirable use of open space.

E. Produce an environment of stable character in harmony with the surrounding areas and developments.
13-19-030 Initiation.

A. Action to add a PAD District to a property may be initiated by the owner or owners of property, the Planning and Zoning Commission, or the Town Council.

B. A PAD District may be added to an existing district to meet the intent of this Article or may be processed concurrently with a request to change an underlying zoning district.

13-19-040 Reserved.

13-19-050 Location and Size.

A PAD overlay zoning district may be established in any zoning district upon a finding by the Town Council, after receiving a recommendation from the Planning and Zoning Commission, that such a development will comply with the intent of this Article, and that the PAD overlay zoning district substantially complies with the intent and objectives of the General Plan and companion land development codes. A PAD shall be mandatory for developments over forty (40) acres in size.

13-19-060 Plans Required and PAD Procedures.

A. No use shall be permitted in a PAD District until a Preliminary Development Plan and a Final Development Plan have been reviewed and approved by the Commission and Council respectively, in accordance with the provisions of this Article.

B. All Preliminary Development Plans and Final Development Plans prepared for subdivisions shall be prepared in accordance with the requirements of the Subdivision Code in Chapter 14 of the Town Code.

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:

1. Relationship of the property to the surrounding areas that will be affected by
the proposed PAD.

2. A map showing the street system, lot lines and topography.

3. Proposed pattern of residential and/or commercial land uses, including areas to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and other similar public and semi-public uses, and the underlying zoning district.

4. A conceptual site plan for each building site and common open areas, showing the approximate location of all structures, buildings and improvements (except for single family detached units which shall be indicated by lot location only). The site plan shall also indicate the proposed access ways, easements and other public property needed for (and open spaces desired around) buildings and structures.

5. Preliminary plans and elevations of all building types. [These need not be the result of final architectural decisions and need not be in detail.]

6. An off-street parking and circulation diagram indicating the proposed movement of vehicles within the development and to and from the existing thoroughfares.

7. A tabulation of the total number of acres in the proposed project and a tabulation of overall density per gross acre.

8. Agreements or provisions of conveyance which govern the use, maintenance and continued protection of the planned development and any of its open areas.

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) apply to any Model Homes and Model Home Complexes approved in a Development Plan.

D. The Preliminary Development Plan shall be submitted to the Community Development Department. Once the Department determines that the Plan substantially conforms to the submission requirements of this Section, the Plan shall be presented to the Planning and Zoning Commission at a future regular meeting [but not less than thirty (30) days from the date of filing].

E. Preliminary Plan Review: The Planning Commission shall investigate and ascertain that the Preliminary Development Plans for a Planned Area Development meet the following conditions:

1. That the proposed project will constitute an environment of sustained desirability and stability and that it will be in harmony with the character of the surrounding developments and neighborhoods consistent with the purpose of this Article.
2. That the value or the use of the property adjacent to the area included in the Plan will not be adversely affected. To this end, the Planning Commission may require, in the absence of an appropriate physical barrier, that uses of least intensity be arranged along the boundaries of the project. The Planning Commission may impose either or both of the following requirements:

   a. Structures located on the perimeter of the PAD must be setback by a distance sufficient to protect the privacy and amenity of adjacent existing uses;

   b. Structures located on the perimeter of the PAD must be permanently screened in a manner which is sufficient to protect the privacy and amenity of the adjacent existing uses.

3. That every structure containing residential, commercial or industrial units shall have access to a public street directly or via a court, walkway or other common area, dedicated to the public use or owned and maintained as common ground.

4. That the proposed uses are or will be allowed in the underlying zoning district.

F. If the Commission finds that the proposed land uses illustrated on the Preliminary Development Plan are not in conformity with the current or proposed underlying zoning district or does not otherwise meet the intent and objectives of the General Plan or objectives of this Chapter, the Commission shall give no further consideration, unless, within ten (10) days after the decision of the Commission is rendered, the applicant requests an appeal of the Commission decision to the Town Council. Within thirty (30) days of the request for an appeal, the Council shall hold a public hearing to affirm, reverse or modify the Commission decision. If the Council concurs with the decision of the Commission in denying the appeal of a proposed PAD, the Council shall give no further consideration. If the Council upholds the appeal and reverses the Commission decision, the applicant shall be required to prepare a Final Development Plan according to the provisions and procedures contained in this Article.

G. If the Commission finds that the Preliminary Development Plan is consistent with the underlying zoning district and the objectives of the General Plan, the applicant shall then prepare and submit a Final Development Plan. The Commission may require that the applicant modify, alter, adjust or amend the Preliminary Development Plan in a manner, and to an extent, as it may be necessary and appropriate to the public interest. The time period for which Preliminary Development Plan approvals shall be valid shall essentially be the same as for Preliminary Plat approvals in Town Code Subsection 14-02-030(F) (as amended).

H. Final Development Plan: The Final Development Plan shall include all pertinent information relating to the proposed PAD and contained in the Preliminary Development Plan (as revised) and as may be required by the Community Development Department, the Planning and Zoning Commission, Town Council, and the officer in charge of administering this Chapter.

I. The Final Development Plan shall be inspected by the Town of Prescott Valley for
compliance with this Zoning Chapter and all other applicable regulations and ordinances.

J. The Final Development Plan shall be submitted to the Community Development Department. Once the Department determines that the Plan substantially conforms to the submission requirements of this Section, it shall be presented to the Town Council at a future regular meeting.

K. The decision of the Council in approving or disapproving the Final Development Plan shall be accompanied by a statement explaining to the applicant why a particular decision was rendered and that the proposed plan met or failed to meet the following conditions:

1. That the development is or is not consistent with the purpose and intent of the Comprehensive Plan and Zoning Chapter in promoting the health, safety, morals and general welfare of the public.

2. That the development is or is not designed to produce an environment of stable and desirable character and that the property adjacent to the area of the proposed development will or will not be adversely affected, including property values.

3. That every structure containing residential, commercial or industrial units does or does not have adequate access to public streets.

4. That the average density, excluding open areas occupied by streets, is or is not the density required by the pre-existing zoning district regulation otherwise applicable to the site. The Council may require that the applicant modify, alter, adjust or amend the Plan in manner and extent as it may deem appropriate to the public interest.

L. Before recommending approval of the Final Development Plan, the Council may make reasonable requirements including, but not limited to:

1. Use limitations

2. Landscaping

3. Screening and planting

4. Setback and building height

5. Paving and location of drives and parking areas

6. Drainage

7. Hillside requirements

8. Location of access ways and easements
9. Public property (including open spaces)
10. Shape and minimum size of individual lots
11. Grouping of uses and buildings
12. Maintenance of grounds
13. Regulation of signs
14. Fences and walls.

M. Upon the approval of the Final Development Plan by the Council, the PAD overlay zoning district may be applied to the proposed area of development and the strict application of the requirements of the underlying zoning district may be tailored to provide flexibility in design, density and development requirements of the approved Final Development Plan, provided the plan does not adversely affect the intent and purpose of the General Plan, nor adversely affect surrounding property (including property values

N. Once the Final Development Plan has been approved by the Council, it can be amended, changed or modified only through the procedures prescribed for application approvals.

O. After approval by the Council, the Final Development Plan shall be deemed an official plan, and the Town Clerk shall place it on record in the Office of the County Recorder of Yavapai County. After recordation, copies of the Final Development Plan shall be filed with the Town Clerk of the Town of Prescott Valley.

P. Easements, Streets and Other Public Property Dedications: To the extent that Final Development Plans are adopted as subdivisions in accordance with Chapter 14 of this Code, required easements, streets and other public property dedications shall be effective upon recordation with the County Recorder. In the case of non-residential PADs, conveyance of designated easements, streets and other public property shall be by separate deed approved as to form by the Town Attorney.

(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)

13-19-070 Reversionary Clause.

In the event that land located within the boundaries of the PAD cannot be developed as approved, the only alternative use of the land shall be in accordance with pre-existing use regulations existing immediately prior to said approval. If the building or work authorized by the building permit for a PAD is not commenced within twelve (12) months from the date that such permit was issued, or if the building or work authorized by the building permit is suspended or abandoned at any time after work has commenced for a period of six (6) months, the permit shall expire by limitation and become null and void. Before such work
can be re-commenced after permit expiration, a new building permit must be secured after the Final Development Plan, with appropriate modification, is resubmitted to the Town Council for public hearing and approval.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-19-080 PAD Amendments.

A. Amendments: The following procedures shall be followed for any amendment to a PAD including amendments to the Development Phasing Schedule.

1. Major Amendments:
   a. A PAD District applicant or his successors in interest may file a request for a major amendment with the Community Development Department.
   b. The change will be deemed major if it involves any one (1) of the following:
      (1) An increase in the approved totals of dwelling units or gross leasable area for the PAD District.
      (2) A significant change in zoning boundaries as determined by the Community Development Director from those approved for the PAD District.
      (3) Any change which could have significant impact on areas adjoining the PAD as determined by the Development Services Director.
      (4) Any change which could have a significant traffic impact on roadways adjacent or external to the PAD as determined by the Community Development Director.
   c. The Community Development Department will bring the major amendment before the Planning and Zoning Commission and Town Council and will submit background material relevant to the request.

2. Minor Amendments:
   a. A PAD District applicant or his successors in interest may file a request for a minor amendment with the Community Development Department if the Community Development Director determines that the request is not major, as defined above.
   b. The request will be routed for comment to any affected Town departments or other agencies for comment.
c. Upon receipt of comments or no later than ten (10) working days, the Community Development Director will determine whether to approve or deny the requested change.

d. If the requested change is approved, a letter of approval signed by the Town Manager will be mailed to the applicant with a copy filed for public record.

(Ord. No.772 , Enacted,03/28/13)
13-19a-010 Purpose.

Public lands, or those lands held in ownership of public or quasi-public agencies, constitute a large sector of the Town of Prescott Valley and are therefore set aside in a PL (Public Lands) District reflecting the present and future land uses of this public land. This designation separates these uses from the customary urban uses and is reflected on the official Zoning Map. The district is intended to provide areas within the community for location of parks, public open space, governmental buildings and facilities, schools and school grounds, quasi-public buildings and facilities, towers, antennae and wireless telecommunications facilities, and related uses for the enjoyment and use of present and future generations.

(Ord. No. 77, Enacted, 02/10/83; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 439, Amended, 06/25/98)

13-19a-020 Use Regulations.

A. Uses Permitted:

1. Parks and open spaces
2. Public recreation facilities
3. Golf courses, golf driving ranges
4. Zoos
5. Public schools and playgrounds
6. Universities and colleges
7. Governmental office buildings and grounds
8. Museums, observatories and similar quasi-public facilities
9. Libraries
10. Governmental service and maintenance facilities
11. Municipal water production and storage facilities
12. Sewage treatment facilities
13. Animal shelters
14. Flood control facilities
15. Historical landmarks
16. Hospitals
17. Fairgrounds
18. Fire and police stations
19. Accessory uses and structures incidental to permitted uses
20. Commercial uses incidental, accessory to or in conjunction with permitted uses
21. Essential public utility buildings and facilities
22. Towers, antennae and wireless telecommunications facilities that comply with the requirements of this Chapter.


C. Uses Permitted by Use Permit:

1. Residences, including mobile homes and manufactured homes in compliance with Chapter 15 of this Code, for caretakers and necessary employees and associates.

(Ord. No. 77, Enacted, 02/10/83; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 341, Amended, 11/03/94; Ord. No. 439, Amended, 06/25/98; Ord. No. 552, Amended, 03/13/03)

13-19a-030 Development Standards.

A. Design standards should encourage open space with a minimum of ten percent (10%) landscaping, in compliance with Article 13-26 of this Chapter. A landscaping plan must be approved by the Director of Planning.

B. Setback and yard requirements shall be the same as those of the adjacent use district.

C. Screening, landscaping, outdoor lighting, nuisance and hazard provisions of Article 13-26 of this Chapter shall apply to uses permitted by Use Permit, and shall be specified in the Use Permit.

D. Off-street parking facilities shall be provided for each use as specified under Article 13-24, or as specified in a Use Permit.

E. No sign, outdoor advertising structure, or display of any character shall be permitted
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except in accordance with the provisions of Article 13-23 or as authorized in a Use Permit.

(Ord. No. 77, Enacted, 02/10/83; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)
Article 13-19b  AG (AGRICULTURAL)

13-19b-010  Purpose.
The purpose of the AG (Agricultural) District is to designate "agricultural land", defined as land which is one or more of the following:

A. Cropland in the aggregate of at least twenty (20) gross acres;
B. An aggregate ten (10) or more gross acres of permanent crops;
C. Grazing land with a minimum carrying capacity of forty (40) animal units and containing an economically feasible number of animal units;
D. Land devoted to high density use in the production of commodities;
E. Land devoted to use in processing cotton necessary for marketing; or
F. Land devoted to use in processing wine grapes for marketing.

(Ord. No. 399, Enacted, 10/10/96)

13-19b-020  Use Regulations.

A. Uses Permitted:

1. All principal and accessory uses and structures related to use of the property as "agricultural land".

B. Uses Permitted by Use Permit:

1. Public utilities facilities.
2. Residences, including mobile homes and manufactured homes in compliance with Chapter 15 of this Code, for managers, caretakers, or watchmen, their immediate families, and necessary employees and associates.
3. Towers, antennae and wireless telecommunications facilities that comply with the requirements of this Chapter.
C. Prohibited Uses:

1. All other uses permitted or permitted by Use Permit in all other zoning districts under this Chapter.

(Ord. No. 399, Enacted, 10/10/96; Ord. No. 439, Amended, 06/25/98; Ord. No. 638, Amended, 10/13/05)

13-19b-030 Application of Sign Regulations.

The sign regulations of Article 13-23 of this Chapter shall apply to uses within the AG (AGRICULTURAL) District.

(Ord. No. 399, Enacted, 10/10/96)

13-19b-040 Application of Off-Street Parking Regulations.

The off-street parking regulations of Article 13-24 of this Chapter shall not apply to uses within the AG (AGRICULTURAL) District.

(Ord. No. 399, Enacted, 10/10/96)

13-19b-050 Application of Site Development Standards.

With the sole exception of the outdoor lighting provisions in Article 13-26a and the nuisance and hazards provisions in Section 13-26-070, the regulations in Article 13-26 "SITE DEVELOPMENT STANDARDS" of this Chapter shall not apply to uses within the AG (AGRICULTURAL) District.

(Ord. No. 399, Enacted, 10/10/96; Ord. No. 521, Amended, 05/09/02)
Article 13-20  DENSITY DISTRICTS

13-20-010  Density Districts.

A. Those areas of Prescott Valley subject to the provisions of this Chapter (except the Agricultural districts) are hereby divided into Density Districts, according to the cross references to use districts, intended to be combined with use districts for the purpose of regulating lot area and dimensions, amount of lot area required for each dwelling unit, yard width and depth, building height, spacing and percent of lot coverage. The following Density Districts [with the regulations thereof (shown on the accompanying chart), together with the general provisions applicable thereto in this Article] shall control just as though the same had been fully described in this Section. These Density Districts are shown on the Zoning Map, Town of Prescott Valley Zoning Code, which accompanies this Chapter, and which Map (with all notations, references, and other information as shown thereon) shall be as much a part of this Chapter as if fully described herein.

B. Lot Size and Area Minimums

<table>
<thead>
<tr>
<th>Density District</th>
<th>Width</th>
<th>Depth</th>
<th>Area</th>
<th>Density Formula</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>1,000 sq. ft.</td>
</tr>
<tr>
<td>2</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>2,000 sq. ft.</td>
</tr>
<tr>
<td>3</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>3,000 sq. ft.</td>
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<tr>
<td>4</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>4,000 sq. ft.</td>
</tr>
<tr>
<td>5</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>5,000 sq. ft.</td>
</tr>
<tr>
<td>6</td>
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<td>100 ft.</td>
<td>10,000 sq. ft.</td>
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<tr>
<td>8</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
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<tr>
<td>10</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>None</td>
</tr>
<tr>
<td>12</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>12,000 sq. ft.</td>
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<td>18</td>
<td>130 ft.</td>
<td>130 ft.</td>
<td>18,000 sq. ft.</td>
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<td>25</td>
<td>140 ft.</td>
<td>150 ft.</td>
<td>25,000 sq. ft.</td>
<td>None</td>
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<td>35</td>
<td>165 ft.</td>
<td>165 ft.</td>
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<tr>
<td>70</td>
<td>200 ft.</td>
<td>200 ft.</td>
<td>70,000 sq. ft.</td>
<td>None</td>
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<tr>
<td>175</td>
<td>300 ft.</td>
<td>300 ft.</td>
<td>175,000 sq. ft.</td>
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C. Buildings.

<table>
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<tr>
<th>Density District</th>
<th>Maximum Lot Coverage</th>
<th>Minimum Building Spacing</th>
<th>Maximum Stories</th>
<th>Height Ft.</th>
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<td>35</td>
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<tr>
<td>2</td>
<td>50%</td>
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<td>35</td>
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D. Yard Dimension Minimums

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<thead>
<tr>
<th>Density District</th>
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<th>Side Interior</th>
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E. Commercial Zones: The yard dimension minimums applicable to the respective Density Districts as defined herein shall not apply to any commercially-zoned lot, except as follows:

1. Any residential district uses shall maintain the same yards required by the Density District, except that where dwelling units, or guest units occupy an upper floor (the ground floor of which is used for business), such upper floor may maintain the same yards as are permitted for the ground floor.

2. A front yard of not less than twenty (20) feet shall be required where the proposed building is on a lot contiguous to a residually-zoned lot fronting on the same street (unless waived in writing by the owner of such residually-zoned lot).
3. Where the side lot line is common to the side line of a residentially-zoned lot, the side yard shall be no less than five (5) feet.

4. Where the rear lot line is contiguous to a residentially-zoned lot, the rear yard shall be no less than fifteen (15) feet.

5. On a corner lot, a minimum side yard of fifteen (15) feet is required on the exterior side.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-19, 13-19-010; Ord. No. 67, Amended, 02/25/82; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 259, Amended, 06/27/91; Ord. No. 375, Ren&Amd, 12/28/95, 13-20; Ord. No. 397, Amended, 08/08/96; Ord. No. 399, Amended, 10/10/96)
Article 13-21  GENERAL DISTRICT PROVISIONS

13-21-010  Applying General Provisions.

The following provisions shall apply to all districts, except as may be modified, supplemented or supplanted under the provisions of any particular district.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-010; Ord. No. 178, Rep&ReEn, 05/26/88)

13-21-020  Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards.

The provisions of Article 13-26 of this Chapter shall apply to each district with regard to landscaping, screening, outdoor lighting, nuisances and hazards. Furthermore, the provisions of Article 13-26a of this Code shall apply to each district with regard to outdoor lighting.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96; Ord. No. 521, Amended, 05/09/02)

13-21-030  Repealed.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-030; Ord. No. 162, Amended, 11/12/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Rep&ReEn, 07/22/93; Ord. No. 392, Repealed, 06/27/96)

13-21-040  Repealed.
13-21-050 Dwelling Prohibition.

Dwelling prohibition in any district shall not be construed to prohibit from any lot one (1) residence of an individual (and his family) acting in the capacity of manager, caretaker or watchman.

13-21-060 Height Limits.

Height limits, when designated in both stories and feet, shall not exceed the foot dimensions.

A. Spires, Chimneys, Towers, Etc:

1. The district height limitations for buildings are not applicable to spires, cupolas, chimneys, flues, vents, poles, or beacons; nor to any bulkhead, elevator, tank (or similar) extending above a room when same occupies no more than twenty-five percent (25%) of such roof area.

2. The district height limitations for buildings are not applicable to towers, antennae and wireless telecommunications facilities used solely for transmissions and receipt by a single use (including, but not limited to, amateur radio and devices necessary for use of a subscription to a commercial wireless provider service).

3. The district height limitations for buildings shall apply to towers, antennae and wireless telecommunications facilities other than those used solely for transmissions and receipt by a single use, located in any zoning district except the PL District and requiring a Use Permit, unless a greater height is expressly provided for as a condition of the Use Permit. Note the related setback requirements in Subsection 13-21-120(F).

4. The district height limitations for buildings are not applicable to towers, antennae and wireless telecommunications facilities other than those used solely for transmissions and receipt by a single use, located in the PL District.

5. Each of the structures enumerated in this Subsection must be so located on a lot that its reclining length (in case of collapse) would be contained within the bounds thereof, unless certifications are provided showing that the structures have been specially designed to be safe from collapse.

6. In determining height, the antenna and all related equipment shall be included.
B. Structures Near Airplane Runways or Landing Strips: Buildings or structures or any portions thereof exceeding a height of twenty (20) feet shall not be erected or structurally altered within five hundred (500) feet of the projected center line of an existing or proposed runway or landing strip for a distance of one thousand (1,000) feet from the end of the existing or proposed runway or landing strip. Beyond a distance of one thousand (1,000) feet from the end of the existing or proposed runway or landing strip, buildings or structures or any portion thereof shall not be erected to exceed a height that would interfere with the takeoff or landing of a plane with a glide angle of one (1) foot vertical for every forty (40) feet horizontal, such glide angle to be computed as beginning at a point on the extended center line of the runway two hundred (200) feet beyond and at the same elevation as the end of the runway pavement; or, if runway pavement is not provided, one hundred (100) feet beyond and at the same elevation as the end of the landing strip.

C. Fences, Walls, Screen Walls, Hedges and Shrubbery. Unless otherwise provided in this Chapter, the maximum height for fences, walls, screen walls, hedges and shrubbery shall be:

1. On any residentially-zoned lot (or that portion of other lots contiguous thereto): four (4) feet in front yard and six (6) feet in side or rear yards.

2. On commercially and industrially-zoned lots: eight (8) feet.

3. Corner Lots - Exterior Sides:
   Any fence/wall constructed on the exterior side lot line of a corner lot and/or between the exterior side lot line and the required exterior side set back line ("required exterior side setback area") shall not exceed four (4) feet in height as measured from the adjacent finished grade at the exterior of the fence/wall. Exterior side fences/walls that are constructed outside of the required exterior side setback area may be six (6) feet in height as measured from the finished grade at the exterior of the fence/wall.

4. Corner Lots Located in Planned Area Development (PAD) - Exterior Sides:
   Any fence/wall constructed within the required exterior side setback area of a corner lot located in a PAD may be six (6) feet in height provided that the fence/wall shall not be closer than ten (10) feet to the back of the adjacent curb.

5. Three (3) feet within the triangular area formed by measuring ten (10) feet along the boundary of roadways and drives from the intersection thereof (including hedges and other plantings). Height may be increased not to exceed four (4) feet, provided such height increase does not hamper visibility for traffic safety.

6. All fence/wall heights shall be measured from the adjacent finished grade at the exterior of the fence/wall. The measurement shall not include any retaining wall that is below the finished grade at the exterior of the fence/wall; however the measurement shall include any retaining wall that is above the finished grade at the exterior of the fence/wall as measured from the exterior of the retaining wall.
7. Decorative gates and entrance ways may exceed the height limits set forth herein up to a maximum of nine (9) feet provided that the width of the decorative gate or entrance way does not exceed 25% of the lineal footage of that portion of the attached fence or wall that runs along the property line upon which the gate or entrance way is located. In no instance shall the decorative gate or entrance way exceed nine (9) feet in height.

8. As specified in Article 13-26 of this Chapter.

D. Buildings.

1. No portion of any building exceeding a height of four (4) feet shall occupy the triangular area formed by measuring ten (10) feet along the right-of-way lines from the intersection thereof.

2. Buildings located on sloping lots are permitted an extra story on downhill side, provided the building height (measured from the floor above such extra story) does not exceed the maximum height in feet allowed in the district.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-20-060; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93; Ord. No. 392, Amended, 06/27/96; Ord. No. 439, Amended, 06/25/98; Ord. No. 629, Amended, 06/09/05; Ord. No. 638, Amended, 10/13/05)

13-21-070 Additional Lot Area and Dimension Regulations.

A. Any lot of record existing at the time this Chapter or amendments thereto become effective, which does not conform with the lot area or width requirements for the district in which it is located, may be used for any use permitted in that district provided other applicable regulations of this Chapter are complied with.

B. Any lot, after this Chapter or amendments thereto become effective, shall not be reduced in any manner below the lot area and dimension requirements of this Chapter for the district in which it is located, or if a lot is already less than the minimums so
required, such lot area or dimension shall not be further reduced.

C. Any lot, after this Chapter or amendments thereto become effective, shall not be reduced or diminished so as to cause the yards, lot coverage, or other open spaces to be less than that required by this Chapter, or to decrease the lot area per dwelling unit except in conformity with this Chapter.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

13-21-080 Accessory Buildings, Structures and Uses.

A. Accessory buildings, structures and uses, as defined in Section 13-02-010(B)(3) herein, are permitted in conjunction with any "principal" use, provided the same are compatible therewith and do not alter the character of the premises. Any reference to "Permitted Uses" shall be deemed to include such accessory buildings, structures and uses.

B. Accessory buildings, structures and uses may be attached to or detached from the "principal" building, except that no accessory buildings, structures or uses housing fowl or animals (other than domestic pets) may be attached to any dwelling unit.

C. Accessory buildings, structures or uses are allowed prior to installation of principal structures only when a construction permit is issued for the principal structure and construction of the same is commenced within six (6) months.

D. No detached accessory buildings, structures or uses designed or used for sleeping or living purposes shall be closer to any lot line than is required for a dwelling unit on the same lot.

1. Guest houses shall not exceed one thousand (1,000) square feet or twenty-five percent (25%) of the total square footage of the livable area under the roof of the primary residential structure (whichever is greater). All accessory dwelling units shall meet the setback requirements applicable to the primary residence in the respective zoning district.

E. Any detached accessory buildings, structures or uses not in the rear one-half (1/2) of the lot shall maintain such yards as are required for a dwelling unit on the same lot.

F. The minimum building spacing for detached accessory buildings, structures or uses shall be no less than three (3) feet.

G. Accessory buildings located in the rear half of any residential lot shall maintain the same setback at the rear lot line as required for an interior side setback for the zoning district in which the building is located.

H. Any accessory building in excess of ten (10) feet in height shall increase the distance of said building from the rear lot line by one (1) foot for each foot over ten (10) feet in building height.
I. On lots located in the twelve thousand (12,000) square foot density district and all preceding density districts, a single accessory building shall not exceed fifty percent (50%) or the total roof area of the principal dwelling unit including attached garages, carports, etc.

J. On lots located in the eighteen thousand (18,000) square foot density district and all density districts following, a single accessory building shall not exceed one hundred percent (100%) of the principal dwelling unit's roof area including attached garages, carports, etc.

K. Whenever doubt exists as to the appropriateness of an accessory building, the Board of Adjustments will interpret the matter.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-070; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 259, Amended, 06/27/91; Ord. No. 293, Amended, 03/25/93; Ord. No. 439, Amended, 06/25/98; Ord. No. 458, Amended, 04/08/99; Ord. No. 809, Amended, 09/24/15)

13-21-090 Density Formulas.

Density formulas are hereby established for each Density District for the purpose of determining (where applicable) the amount of lot area required for each dwelling unit, hotel or motel unit, or mobile/manufactured home space. The density formula may be reduced twenty percent (20%) for any units consisting of a combined bed-living room (commonly referred to as an efficiency apartment).

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-080; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 404, Amended, 11/07/96; Ord. No. 434, Amended, 01/22/98)

13-21-100 Swimming Pool Safety.

A. Any swimming pool, as defined in this Chapter, shall be protected by an enclosure surrounding the swimming pool area, as provided in this Section.

B. Enclosure Standards. Swimming pool enclosures shall meet the following requirements:

1. The swimming pool shall be entirely enclosed by a wall, fence or barrier not less than five feet (5') in height as measured from the finished grade on the exterior side of the wall, fence or barrier.

2. The wall, fence or barrier shall have no openings through which a spherical object four inches (4") in diameter can pass.

3. The horizontal components of any wall, fence or barrier shall be spaced not less than forty-five inches (45") apart measured vertically.

4. Wire mesh or chain link fences shall have a maximum mesh size of one and
three-quarter inches (1¾") measured horizontally.

5. The wall, fence or barrier shall not contain openings, handholds or footholds accessible from the exterior side of the enclosure that can be used to climb the wall, fence or barrier.

6. The wall, fence or barrier shall be at least twenty inches (20") from the water’s edge.

7. Gates for the enclosure shall:
   a. Be self-closing and self-latching with the latch located at least fifty-four inches (54") above the underlying ground or on the pool side of the gate with a release mechanism at least five inches (5") below the top of the gate and no opening greater than one-half inch (½") within twenty-four inches (24") of the release mechanism.
   b. Open outward from the pool.

C. Residence Constituting Part of Required Enclosure. If a residence or living area constitutes part of the enclosure required herein for a swimming pool or other contained body of water in lieu of the requirements of Subsection B, there shall be one of the following:

1. A minimum fifty-four inch (54") wall, fence or barrier to the pool area which meets all of the requirements of Subsection B, paragraphs 2 through 7, shall be constructed between the swimming pool or other contained body of water and the residence or living area.

2. All ground-level doors or other doors with direct access to the swimming pool or other contained body of water shall be equipped with a self-latching device which meets the requirements of Subsection D(1). Emergency escape or rescue windows from sleeping rooms with access to the swimming pool or other contained body of water shall be equipped with a latching device not less than fifty-four inches (54") above the floor. All other openable dwelling unit or guest room windows with similar access shall be equipped with a screwed-in-place wire mesh screen, or a keyed lock that prevents opening the window more than four inches (4"), or a latching device located not less than fifty-four inches (54") above the floor.

D. Pool Location.

1. In any single-family residential district, private swimming pools shall be in the side or rear yard, and there shall be a distance of at least ten (10) feet between any property line and the water’s edge.

2. In any commercial or multi-family residential district, there shall be a distance of at least twenty-five (25) feet between any property line and the water’s edge of a public or semi-public swimming pool.
E. Safety Education. A person on entering into an agreement to build a swimming pool or contained body of water or to sell, rent or lease a dwelling with a swimming pool or contained body of water shall give the buyer, lessee or renter a notice explaining safety education and responsibilities of pool ownership as approved by the Arizona Department of Health Services.

F. Exemptions. This Section shall not apply to:

1. A system of sumps, irrigation canals, irrigation, flood control or drainage works constructed or operated for the purpose of storing, delivering, distributing or conveying water.

2. Stock ponds, storage tanks, livestock operations, livestock watering troughs or other structures used in normal agricultural practices.

3. Residential fish ponds or decorative fountains.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-20-090; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 619, Amended, 03/24/05; Ord. No. 750, Amended 08/12/10)

13-21-110 Use Permits.

A. Use Permits are generally issued by the Board of Adjustment. However, Use Permits for towers, antennae, and wireless telecommunications facilities are issued by the Town Council after a recommendation from the Planning and Zoning Commission. Both the Board of Adjustment and the Town Council shall issue their decisions with regard to Use Permit applications within thirty (30) days after the last public hearing has been held on the application. The Board of Adjustment shall follow its procedures set forth in Town Code Article 13-29, and the Planning and Zoning Commission and Town Council shall follow the procedures for Zoning Map amendments set forth in Town Code Article 13-30. With regard to Use Permit applications for towers, antennae and wireless telecommunications facilities, a written decision shall be issued based on the evidence in the written record, and no decision shall attempt to regulate radiofrequency emissions (except to require that applicants meet FCC standards).

B. Use Permit applications must be accompanied by: a layout and landscape plan; typical building elevations and other pertinent development characteristics; total cost of the project, and evidence of the applicant's ability to complete the project. Any information of an engineering nature that the applicant submits, whether civil, mechanical, structural or electrical, must be certified by an Arizona licensed professional engineer.

C. Applications for Use Permits to construct towers, antennae or wireless telecommunications facilities shall be accompanied by the following additional information:

1. The zoning classification of the site;

2. A map of all properties within three hundred (300) feet of the proposed site, together with a mailing list of all property owners within three hundred (300) feet
and stamped envelopes pre-addressed to each such property owner;

3. A map of adjacent roadways;

4. A drawing of proposed means of access;

5. Elevation drawings of the exterior of each element of the proposed wireless telecommunications facility;

6. A complete landscape plan;

7. The setback distance between the proposed wireless telecommunications facility and
   a. the nearest residential unit,
   b. all residentially-zoned properties within three hundred (300) feet of the wireless telecommunications facility,
   c. all schools within three hundred (300) feet of the wireless telecommunications facility, and
   d. all hospitals within three hundred (300) feet of the wireless telecommunications facility;

8. The separation distance from other towers described in the inventory of existing sites, their type of construction, and the owners’ names and addresses;

9. The method of fencing;

10. Coloration;

11. Materials;

12. Illumination;

13. Camouflage;

14. Certification that the wireless telecommunications facility, as represented in the application, will comply with all FAA, FCC and other applicable regulations;

15. A map of all locations owned, leased or operated by the applicant (and their coverages) within ten (10) miles of the proposed site or which are capable of communication with the proposed site by wireless means;

16. A map of all designated multiple-site locations within two (2) miles of the proposed site;

17. An inventory of towers, wireless telecommunications facilities and alternative tower structures used by applicant which are existing towers, antennae, or
wireless telecommunications facilities, or for which a permit application has been submitted for zoning or construction, and all additional sites applicant intends to construct or utilize within one (1) year following the date of the application, which are within the jurisdiction of the Town or within one (1) mile of the municipal boundaries. Such inventory shall include the location, height, and type of each;

18. Certification, as of the date of the application, that all wireless telecommunications facilities within twenty five (25) miles of the proposed site which are owned, leased, or operated by any provider who will use the proposed site, comply with all applicable FCC, FAA and other applicable regulations;

19. Certification of whether the applicant is applying for collocation treatment;

20. Certification that police departments, fire departments, other public safety agencies, water departments and local governments having jurisdiction within five (5) miles of the site have been notified of the application;

21. Copies of all federal and state wireless telecommunications licenses for providers who will use the wireless telecommunications facility for which the application is filed;

22. Certification that no PL District site reasonably meets the needs of the applicant [listing all such sites within five (5) miles of the proposed site and the reason each is not adequate for reasonable commercial coverage]; and

23. A list of each wireless telecommunications facility with which the proposed site has the potential to interfere, including the name, address and phone number of each owner. Within ten (10) days following filing of the application, the applicant shall file a certificate that each of the listed persons have been given written notice of the application.

D. The granting of a Use Permit is a matter of grace, not of right (conditional or otherwise). The burden of proof lies with the applicant to satisfactorily show that any structure that is involved will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the same will be in full conformity with any conditions, requirements or standards prescribed by or under this Chapter.

E. With regard to applications for towers, antennae and wireless telecommunications facilities, the Board of Adjustment and the Town Council shall also consider such factors as the height proposed for facilities, proximity to other uses, proximity of historic sites, proximity of landmarks, vehicle traffic routes, proximity of medical facilities, air routes, topographical features, availability of utilities, site access, and suitability of alternative sites. With regard to alternative sites, the Board of Adjustment and the Town Council shall be guided by the most recently adopted Wireless Telecommunications Plan for Central Yavapai County which sets forth the priority of properties on which to place towers, antennae and wireless telecommunications facilities. In addition, the following performance criteria are deemed to be consistent with the health, safety and welfare of the community with
regard to siting of towers, antennae and wireless telecommunications facilities:

1. Existing structures will be preferred over new structures;

2. New structures which appear to be structures commonly found within the zoning district are preferred over apparent wireless telecommunications facilities;

3. Wireless telecommunications facilities which cannot be readily observed from adjacent streets are preferred;

4. Heights which do not exceed the height limitations for the particular zoning district are preferred;

5. Collocation of multiple uses on a single wireless telecommunications facility has significant favorable weight in evaluating an application;

6. Network development plans which achieve the fewest number of wireless telecommunications facilities reasonably necessary for commercial coverage have significant favorable weight in evaluating an application;

7. Location in the least restrictive zoning districts is preferred;

8. New facilities should not be sited within three hundred (300) feet of any residences (including single- and multi-family residences and residential facilities such as group homes and nursing homes), schools (but not including secondary school and college athletic fields), or hospitals; and

9. Suitability of the location for collocation of governmental public service wireless communication facilities has significant favorable weight in evaluating an application.

F. In approving an application (in all or in part), the Board of Adjustment and the Town Council may designate such conditions that will, in its opinion, secure substantially the objectives of this Chapter, and may require guarantees in such form as it deems proper under the circumstances to ensure that such conditions are complied with. Where any such conditions are not complied with, the approval shall cease and the Zoning Inspector shall act accordingly.

G. The granting of any Use Permit shall be contingent upon building permits being obtained within six (6) months and work being diligently pursued to completion. Failure to meet this condition shall void the Use Permit unless an extension of time is secured.

H. If the Use Permit is granted without an operational time limit, the Permit may operate permanently within the confines of this Chapter and the requirements imposed at the time of granting the Permit.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-100; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 439, Amended, 06/25/98)
13-21-120 Additional Yard and Open Space Regulations.

A yard or court shall be unobstructed from the ground up by structures (other than fences, free standing walls, signs and certain subsequently permitted deviations and projections). Where reference is to a "required setback" for a structure, the same shall designate the minimum yard therefor. No lot shall be reduced in such a manner to reduce any yard or open space below the minimum required therefor. No yard or open space required for a structure on one (1) lot shall serve the same purpose for a structure on another lot. Through lots fronting on two (2) streets shall be considered (for required setback purposes) as having two (2) front yards. No device (such as doors and windows) may be so installed as to protrude beyond a lot boundary in the operation thereof.

A. Yard Deviations (where not in conflict with future width line):

1. Front Yard Deviations
   a. On lots rising in elevation from front to center and exceeding twenty-six percent (26%) grade thereon, the front yard may be reduced not to exceed fifty percent (50%) of the required minimum.
   b. On lots zoned R1MH, a reduction in the required front setback from twenty-five (25) feet to twenty (20) feet shall be allowed if necessary to accommodate a longer mobile or manufactured home; provided, however, that the total length of such home so accommodated does not exceed the lot depth less forty-four (44) feet. No mobile or manufactured home shall be installed with a reduced front setback, unless such reduction is necessary to accommodate the home in conformance with this Section.

2. Side Yard Deviations
   a. On any interior residentially-zoned lot lacking rear access (other than from the front street), and where the septic system is in the rear yard, then one (1) side yard must measure no less than eleven (11) feet from the eave or dripline of the house to provide access to the rear yard. In the event that this Section should apply, then the opposite side yard may be reduced by no more than three (3) feet, when necessary. In the event that the septic system for the residence is in the front yard, the requirement of this paragraph is waived.
   b. On a corner lot backing to a key lot, no structure exceeding a four (4) foot height may be located adjacent to the side street within a triangular area formed by a line connecting the street intersection with the required front setback line of the key lot.
   c. When a lot sides on an alley, such required side yard adjacent thereto may be reduced not to exceed fifty percent (50%), provided such reduced setback, plus half (1/2) the alley width, is not less than the yard width required for the district.
d. On legal sub-standard width lots, an interior side yard may be reduced by half (1/2) the lot width shortage, provided such reduction does not exceed twenty-five percent (25%) of the required yard width.

3. Rear Yard Deviations

a. On lots of less than two hundred eighty (280) foot depth, the required rear yard may be increased by the width of a potential half-alley.

b. On lots exceeding a two hundred eighty (280) foot depth, the required rear yard may be increased by the width of a potential half-street.

B. Encroachment Into Yards (where not in conflict with future width lines). No structure (other than fences, free standing walls or signs) shall be located so as to encroach upon or reduce any open space, yard, setback requirement, lot area or parking areas as is designated under these provisions or under the provisions of the district in which located, except that:

1. All Yard Encroachments

a. Cornices, eaves, coolers and open balconies, fire escapes, stairways or fire towers may project no more than five (5) feet into any required yard or court [but no closer than seven (7) feet from any lot boundary].

b. Stills, leaders, belt courses (and similar ornamental features) and chimneys may project two (2) feet into any required yard or court.

2. Front Yard Encroachments

a. A bay window, oriel, entrance or vestibule [not exceeding a ten (10) foot width] may project three (3) feet into any required front yard.

b. An attached open porch or balcony or a carport may project no more than six (6) feet into any front yard.

3. Rear Yard Encroachments

a. A bay window, oriel, entrance or vestibule [not exceeding a ten (10) foot width] may project three (3) feet into any required rear yard.

b. An attached open porch or balcony or a carport may project no more than ten (10) feet into any required rear yard [but no closer than ten (10) feet from any common lot boundary].

c. A detached accessory structure may be placed in a required rear yard, provided same is not:

(1) Nearer the side line of the front half (1/2) of any adjacent lot than the required side yard of such lot.
(2) Nearer any property line than is allowed for a principal building or any portion of an accessory building to be used for dwelling or sleeping purposes.

C. Setbacks from streets and alleys (yard depth) are deemed as being measured from the boundary of a full width right-of-way (or what would be such where only a partial right-of-way exists), or from a future width line [See Subsection 13-21-130(C)]. Where reference is to measurements from street or alley centerline, same is deemed as being from what would be the centerline if a full right-of-way existed in accordance with the minimum right-of-way widths as are designated under Subsection 13-21-130(B).

D. Courts from which rooms depend for natural ventilation or light must be open to the sky and maintain a minimum dimension of five (5) feet [plus one (1) additional foot width for each story above the first].

E. For purposes of determining whether the installation of a tower, antenna or wireless telecommunications facility complies with zoning district development regulations, including (but not limited to) setback requirements, lot-coverage requirements, and similar requirements, the dimensions of the entire lot shall control even though the tower, antenna or wireless telecommunications facility may be located on a separately leased portion of the lot. Furthermore, setback and separation distances shall be calculated and applied irrespective of municipal and county jurisdictional boundaries.

F. The following setback requirements shall apply to all towers, antennae and wireless telecommunications facilities in zoning districts other than PL for which a Use Permit is required. Note, however, that standard setback requirements may be decreased because of a design safety certification under Subparagraph 13-21-060(A)(5) above, or as a condition imposed by the Board of Adjustment or the Town Council if the goals of this Chapter would be better served thereby:

1. Towers, antennae and wireless telecommunications facilities must be set back from any lot line a distance equal to at least one hundred percent (100%) of the height of the structure unless a greater setback is required for the particular zoning district.

2. Guys and accessory structures must satisfy the minimum zoning district setback requirements.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-20-100A; Ord. No. 66, Amended, 04/29/82; Ord. No. 78, Amended, 03/11/83; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 375, Amended, 12/28/95; Ord. No. 439, Amended, 06/25/98; Ord. No. 589, Amended, 03/25/04; Ord. No. 638, Amended, 10/13/05)

13-21-130 Streets and Alleys.

In providing for future growth, it is necessary that adequate street rights-of-way be planned and that such be kept clear of permanent structures, the removal of which (in all or part) necessitated by roadway widening could be a burden to the public. Where reference in this Chapter is to "streets", the same is deemed to mean a street right-of-way dedicated for public use, except as may be indicated otherwise on an approved, recorded plat.
A. Street Frontage: No lot of five (5) acres or less shall hereinafter be established without dedication across its full width, of a street (or street easement) or right-of-way, of sufficient width as may be applicable for such street alignment [or half (1/2) such right-of-way width where owner has no control to provide the other half (1/2)], except that in no case need such dedication be more than to create a one hundred (100) foot width [half (1/2) such as the case may be]; likewise if other streets or alleys adjoin such lot (or project along same) any permit shall be contingent upon dedication to complete owner’s share thereof. Similarly, such dedications as enumerated above shall be required in securing permits for existing lots.

B. Right-of-way widths are herein established as minimum widths required:

1. Arterial Roads - One hundred (100) feet;
2. Collector Roads - Forty (40) to fifty (50) feet;
3. Local Roads (not having topographic problems) - Fifty (50) feet;
4. Other Streets - Fifty-four (54) feet.

C. Future width lines are herein established from which setbacks for structures (other than signs, fences and free standing walls) shall be measured to comply with the district requirements, except as may be varied after findings and recommendations by the Planning and Zoning Commission that all or part of such future width is unwarranted. Where no setback is required, no such structure shall be located (or extended) nearer to the lot boundary than the future width line. Such future width lines are established as follows (except as may be indicated otherwise on the Zoning Map or on an official highway map):

1. Mid-Section Lines - Twenty-seven (27) feet on each side thereof;
2. Section Lines - Fifty (50) feet on each side thereof;
3. Federal Aid, State or Federal Highways - Forty (40) to sixty (60) feet (depending upon topography) on each side of such existing (or projected) centerline.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-110; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/14/95)

13-21-140 Temporary Buildings and Uses.

Temporary buildings and uses are permitted as follows:

A. Recreational vehicles may be temporarily occupied during the construction of a permanent dwelling (subject to the issuance of a temporary housing permit) only upon issuance of a building permit for the dwelling.
1. A temporary housing permit shall be required prior to the occupancy of such recreational vehicle. Issuance of a temporary housing permit shall be limited to a period of time not to exceed six (6) months from the date of issue, but said temporary housing permit may be renewed for a like period thereafter upon the property owner submitting satisfactory evidence that construction of the permanent structure is being diligently pursued to completion and indicating that the need to occupy such recreational vehicle continues to exist.

2. Unless such temporary housing permit is renewed, such recreational vehicle shall be disconnected from utilities and unoccupied or removed from the property upon expiration of the previously issued temporary housing permit, or within ten (10) days after completion of the construction work, whichever occurs first.

3. Fees for temporary housing permits shall be determined by the Town Council.

B. Temporary real estate offices may be occupied subject to Use Permit approval by the Board of Adjustment in accordance with application procedures outlined in Section 13-21-110, and subject to the following:

1. Such offices shall be located on the property being subdivided for sale as individual lots, and their use shall be limited to the sale of those lots.

2. Such offices shall be subject to the height, yard, intensity of use and parking regulations for the district in which they are located.

3. Any Use Permit granted for such offices shall be limited to a period of time not to exceed two (2) years from the date of issue, but said Use Permit may be extended for like periods thereafter if eighty percent (80%) of the lots in the property being subdivided have not been sold.

4. Unless such Use Permit is reissued, such offices shall be removed or eliminated from the property being subdivided upon the expiration of the previously granted Use Permit, or when eighty percent (80%) of the lots in said property are sold, whichever occurs first.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 167, Amended, 12/10/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-21-150 Livestock Privileges.

Except in the Agricultural districts, livestock, as defined in Article 13-02, shall only be allowed on lots which are one (1) acre or larger in size and shall be limited to two (2) such animals per acre except as follows:

A. No animals shall be allowed in the Town of Prescott Valley in contravention of existing restrictive covenants.

B. All such animals, where permitted, shall be kept in conformance with Chapter 6 of the
ZONING

Town Code of the Town of Prescott Valley.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-20-120; Ord. No. 58, Amended, 09/24/81; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 399, Amended, 10/10/96)


A. Applicability. All towers, antennae and wireless telecommunications facilities shall be subject to the requirements of this Section, except towers, antennae and wireless telecommunications facilities used solely for transmissions and receipt by a single use and not otherwise restricted within that district, including (but not limited to) amateur radio and devices necessary for a subscription to a commercial wireless provider service.

B. General Provisions.

1. Appearance.

a. Towers, antennae and wireless telecommunications facilities shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted so as to reduce visual obtrusiveness and blend with the surroundings.

b. Antennae and related electrical and mechanical equipment attached to alternative tower structures must be of a color compatible with the color of the supporting structures so as to make the antennae and related equipment visually unobtrusive.

c. Improvements comprising a wireless telecommunications facility shall, to the extent possible, use a mix of materials, colors, textures, screening, and landscaping in order to blend the improvements into the natural setting.

d. Towers, antennae and wireless telecommunications facilities shall not be artificially lighted unless required to be by the FAA or other applicable authority. If lighting is required, the application shall contain a list of optional light devices and a statement of the reason for selection of the light device specified over each of the other options. Economy and serviceability are among acceptable criteria for selection.

e. All towers, antennae and wireless telecommunications facilities shall meet or exceed the standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate them or their components. If such standards and regulations are changed, then the owners of the towers, antennae and wireless telecommunications facilities shall bring their facilities into compliance within six (6) months of the effective date of such standards (unless a different compliance schedule is mandated by controlling law).
f. No signs shall be placed or allowed to be placed on any tower, antenna or wireless telecommunications facility.

g. Towers, antennae and wireless telecommunications facilities shall not be placed in a direct line of sight with historic or scenic view corridors as designated by the Town or by any state or federal law or agency.

h. Accessory structures used in direct support of a tower, antenna, or wireless telecommunications facility are permitted but may not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of such facilities shall not be stored or parked on site.

2. Security. All towers, antennae, and wireless telecommunications facilities shall be equipped with an appropriate anti-climbing device or other similar protective device to prevent unauthorized access to the facilities.

3. Collocation. The policy of the Town is to encourage collocation.

a. Preference: An applicant who certifies in writing that the tower, antenna or wireless telecommunications facility constructed will be suitable for collocating multiple providers and, as a condition of zoning, executes a written agreement (Collocation Agreement) with the Town consenting to application of the terms of this provision shall, unless waived by the applicant, receive preferential treatment for either a final approval or rejection of an application for a Use Permit, or favorable terms for a lease agreement with the Town. Note that any such preferential treatment or favorable terms can only be given after the Town receives a complete and correct application (either for a Use Permit or a lease agreement), and all fees and required forms and documents.

b. Collocation Agreement: The Collocation Agreement shall provide for at least the following:

(1) The Applicant shall accept for collocation any FCC licensed wireless telecommunications provider (Additional User) who uses any compatible technology, on commercially reasonable terms considering all of the factors a reasonable leasing company would deem relevant in entering into such an Agreement.

(2) Any Additional User seeking collocation shall submit specifications for its equipment and use (Request) to the Applicant and the Applicant shall, within thirty (30) days, respond to such party in writing (Response), furnishing all technical requirements which must be resolved before collocation.
(3) The Applicant and the Additional User shall, in good faith, attempt to resolve any outstanding technical or business terms. If, after thirty (30) days from the Response, the Additional User believes the Applicant has not negotiated in good faith, the Additional User may submit to the Applicant, in writing, a request for arbitration, in which case the Applicant shall be obligated to cooperate with the Additional User to arrange for the American Arbitration Association to designate a person knowledgeable in collocation of wireless telecommunications providers to act as arbitrator and to decide all issues between the parties. The arbitration shall be held within thirty (30) days after the request for arbitration. Note that, upon the written agreement of both parties, a different procedure for binding dispute resolution may be used. The result of the arbitration or other resolution method agreed to by the parties shall be binding and non-appealable;

(4) If the arbitrator certifies in writing to the Town that the Applicant has failed to comply with the decision of the arbitrator within fifteen (15) days after its issuance by the arbitrator, then either the Use Permit or the lease agreement related to the particular tower, antenna or wireless telecommunications facility shall be terminated and the facility shall be removed within thirty (30) days of the date of the arbitrator's certificate. If the Applicant fails to remove the facility within the specified time, the Town shall have all of the remedies available to it for elimination of a use in violation of the Town Code;

(5) The Additional Party, upon submitting the Request, shall become a third party beneficiary to the Collocation Agreement;

(6) The Town shall not be a party to any contract between the Applicant and the Additional Party, and shall not be made a party to any dispute or arbitration between the two. Applicant shall indemnify, defend and hold the Town harmless from any cost, including reasonable attorneys' fees, associated with any such matters; and

(7) A lease or other agreement containing the business terms proposed by the Applicant for collocation shall be attached as an exhibit to the Collocation Agreement.

4. Modification of Structures. No existing tower, antenna or wireless telecommunications facility may be changed or modified except as follows:

a. The change or modification is required by a change in user or technology;

b. The change does not increase the height of the tallest component above the height approved in this Chapter, in a Use Permit, in a lease
agreement, or (in the case of an existing facility) above its current height;

c. At the conclusion of the change or modification, the structure complies with all requirements of the building department; and

d. Each of the documents and certifications required for a Use Permit are provided.

5. Abandonment of Facilities.

a. Any tower, antenna or wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, whether or not the owner or operator intends to make use of it or any part of it. The owner of a telecommunications facility and the owner of the real property where the facility is located shall be under a duty to remove the abandoned facility. If the facility is not removed within sixty (60) days of receipt of notice from the Town notifying the owner(s) of such abandonment, the Town may remove the facility and place a lien upon the property for the costs of removal. The Town may pursue all legal remedies available to it to ensure that abandoned telecommunications facilities are removed. Delay by the Town in taking action shall not in any way waive the Town’s right to take action. The Town may seek to have the telecommunications facility removed regardless of the owner’s or operator’s intent to operate the facility and regardless of any permits, federal, state or otherwise, which may have been granted.

b. If the owner of an abandoned telecommunications facility wishes to use such abandoned facility, the owner must first apply for and receive all applicable permits and meet all of the conditions of this Chapter as if such facility were a new facility.


a. All towers, antennae, and wireless telecommunications facilities shall be maintained in compliance with standards contained in applicable state or local building and technical codes, as well as the applicable health and safety standards established by the FCC or other bodies having jurisdiction, so as to ensure their structural integrity. If, upon inspection any such telecommunications facility is determined not to comply with the Code standards or to constitute a danger to persons or property, then upon notice being provided to the owner of the facility and the owner of the real property (if the owners are different), such owners shall have thirty (30) days to bring the facility into compliance. In the event such telecommunications facility is not brought into compliance within thirty (30) days, the Town may provide notice to the owners requiring the telecommunications facility to be removed. In the event such telecommunications facility is not removed within thirty (30) days of receipt of such notice, the Town may remove such facility and
place a lien upon the property for the costs of removal. Delay by the
Town in taking action shall not in any way waive the Town’s right to
take action. The Town may pursue all legal remedies available to it to
ensure that telecommunications facilities not in compliance with the
Code standards or which constitute a danger to persons or property are
brought into compliance or removed. The Town may seek to have the
telecommunications facility removed regardless of the owner’s or
operator’s intent to operate the facility and regardless of any permits,
federal, state or otherwise, which may have been granted.

b. Upon removal of the wireless telecommunication facility, the site shall
be returned to its natural state and topography, and vegetated
consistent with the natural surroundings.

C. Real property owners in PL zoning districts may require owners of towers, antennae,
and wireless telecommunications facilities to enter into lease agreements as pre-
requisites to such owners exercising the permitted use for towers, antennae, and
wireless telecommunications facilities in the PL district. Real property owners shall be
guided by the current Wireless Telecommunications Plan for Central Yavapai County,
as adopted by the Town from time to time in conjunction with other local
jurisdictions, in determining whether to enter into such lease agreements. The
decision to enter into lease agreements is at the sole discretion of the real property
owners, bearing in mind any prior contractual obligations and the option of tower,
antennae and wireless telecommunications facilities owners to seek Use Permits to
locate such facilities in other zoning districts if PL sites are unavailable. Prior to
entering into lease agreements, real property owners and potential lessees shall
conduct at least one (1) informational meeting for owners of real property located
within three hundred (300) feet of the proposed facilities.

(Ord. No. 439, Enacted, 06/25/98)
Article 13-22  

LAND SPLITS

13-22-010  Land Splits.
13-22-020  Reserved.
13-22-030  Reserved.

13-22-010  Land Splits.

A. In accordance with ARS §9-463.01(T) (as amended), this Article regulates land splits within the corporate limits with regard to division lines and area and shape of tracts or parcels. Any lot or parcel of improved or unimproved land whose area is two and one-half (2 ½) acres or less and is divided into two (2) or three (3) lots, tracts or parcels of land for the purpose of sale or lease is a land split for purposes of this Article.

B. Lot Dimensions and Area: No land split shall create a lot, tract or parcel that is smaller than the minimum dimensions and area, nor larger than the maximum depth (except if it is determined that a greater depth does not adversely affect projected street or alley alignments), provided under the regulations for the district of jurisdiction. Where no Density District has been established, then the regulations of D18 District shall control.

1. Substandard lots, tracts or parcels (either as to dimensions or area) that were legally established when same came under the district jurisdiction shall be considered as legal lots in that district.

2. Combined lots, tracts or parcels (to the extent of crossing common boundaries with structures) shall be considered as one (1) lot, except that the front of the individual lots shall remain as the front of the combined lots. Nothing contained herein shall be construed to allow the building over lot lines of 2 or more lots used as a building site where the lots have not been consolidated pursuant to Section 13-03-060 in this Chapter (as amended).

3. Wedge-shaped lots, tracts or parcels shall be considered legal width lots when same (measured at the front required setback line) is not less than the required width for a lot having parallel sides. However, a deeper setback line may be shown on a recorded plat at which location the minimum lot width is acceptable and the required front yard shall thereafter be measured thereto.

C. No land split shall occur which results in a lot, tract or parcel that does not comply with the area and shape requirements of the specific zoning district within which said lot is located, or which violates any other portion of this Code (including the review and Town approval process described hereinafter).

1. Review Process
a. When a land split is anticipated, the owner, representative or purchaser shall file with the Department a land split application form, along with 2 copies of a “record of survey” prepared by a registered land surveyor containing the surveyor’s certificate of accuracy and seal. The map of survey shall accurately set forth the boundaries of the lots, tracts, or parcels resulting from the land split, as well as any recorded easements, existing structures, and other information required on the application form.

b. The Department shall review the land split application and maps for compliance with the provisions of this Code. If the information is in order and complete and the land split complies with the Code, the Department shall approve the land split within seven (7) working days. Otherwise, the Department shall deny the same in writing within the same period.

c. Upon approval by the Department, 1 map of survey showing said approval shall be recorded in the Office of the Yavapai County Recorder.

2. Appeals: A decision by the Department to deny the land split may be appealed to the Prescott Valley Board of Adjustment, but any such appeal must be presented in writing to the Director within thirty (30) calendar days of the decision. Failure to comply with this time limit is jurisdictional and will preclude the appeal.

3. Civil Penalties

a. Failure to comply with the review and approval process as set forth in Subparagraph 13-22-010(C)(1) above (as amended), prior to a land split, is unlawful and constitutes a civil violation sanctioned as provided in Section 13-31-030 of this Chapter (as amended).

b. Recording a land split in the Office of the Yavapai County Recorder which is not in accordance with this Subsection 13-22-010(C) (as amended), is also a civil violation which shall be sanctioned as provided in Section 13-31-030 of this Chapter (as amended). Furthermore, no building permit or other permit to use, construct, occupy, provide utilities to, grade, work in right-of-way adjacent to, etc., may be issued for any lot, tract, or parcel resulting from any such unlawful land split.

4. Criminal Penalties: Notwithstanding Subparagraph 13-22-010(C)(3) above (as amended), it shall also be a class 3 misdemeanor for any owner, representative, or purchaser to record a land split in the Office of the Yavapai County Recorder prior to complying with the requirements of this Subsection 13-22-010(C) (as amended).

5. Exemption: The sale or exchange of real property to or between adjoining property owners, if such sale or exchange does not create additional lots,
tracts, or parcels, is exempt from the requirements of this Subsection 13-22-010(C) (as amended).

6. **No Warranty:** The purpose of this Subsection 13-22-010(C) (as amended) is public rather than private, and it is not a purpose of this Subsection to create additional rights under land splits nor to waive other Town regulatory or enforcement provisions. This Subsection 13-22-010(C) (as amended) shall not be construed as an indemnification by the Town, its officers and employees, to the owner or purchaser of any real property subject to this Subsection. An approval or denial under the provisions hereof does not constitute any representation or warranty as to the fitness of the property for use as intended. Property owners and subsequent purchasers remain obligated to comply with all Town Code provisions and procedures respecting such land, and any related uses and activities thereon.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-21-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 302, Amended, 07/08/93; Ord. No. 375, Amended, 12/28/95; Ord. No. 551, Amended, 04/24/03; Ord. No. 801, Amended, 02/12/15)

**13-22-020 Reserved.**

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-21-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 801, Rep&ReEn, 02/12/15)

**13-22-030 Reserved.**

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-21-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 801, Rep&ReEn, 02/12/15)
Article 13-23  SIGN REGULATIONS

13-23-010  Purpose.

The purpose of this Article is to provide fair, comprehensive and enforceable regulations that will foster a good visual environment for the Town of Prescott Valley, enhancing it as a place to live and do business. Signs are herein regulated to help maintain the health, comfort and well-being of the public; to prevent adverse community appearance from the unrestricted use of signs; to allow signs appropriate to the character of each zoning district and to promote traffic safety. These regulations are intended to improve the effectiveness of signs by allowing adequate and appropriate signs to effectively identify each business location and type of business conducted while not allowing unsafe, oversize or excessive signs which obscure the buildings and natural beauty of the Town and to protect travelers in the Town from injury or damage as a result of distraction or obstruction of vision attributable to faulty construction or improper location of signs.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 220, Rep&ReEn, 12/14/89)

13-23-020  Definitions.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banner &amp; Pennants</td>
<td>A temporary sign composed of fabric, pliable plastic, paper or other light material not enclosed in a rigid frame and secured or mounted so as to allow movement of the atmosphere to cause movement of the sign.</td>
</tr>
<tr>
<td>Billboard</td>
<td>See Sign, Off-site</td>
</tr>
<tr>
<td>Building Frontage</td>
<td>That portion of the building which lies parallel to the right-of-way.</td>
</tr>
<tr>
<td>Building, Interior</td>
<td>That portion of the building adjacent to an interior lot line or</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<td>------------------------------</td>
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</tr>
<tr>
<td>Side</td>
<td>which does not front on an exterior street side of the property.</td>
</tr>
<tr>
<td>Commercial Tourism Zone</td>
<td>Those areas of Prescott Valley designated by Town Council resolution as commercial tourism zones based upon the predominance of commercial tourism, resort and hotel uses within those zones.</td>
</tr>
<tr>
<td>Façade</td>
<td>Vertical wall surface extending above a porch roof, including a parapet wall.</td>
</tr>
<tr>
<td>Flags</td>
<td>Any fabric or banner containing distinctive colors, patterns, or symbols, used to represent a government entity, subdivision, or corporation.</td>
</tr>
<tr>
<td>Frontage/Exposure, Occupancy</td>
<td>The width of that portion of a multi-tenant structure which is occupied by a given tenant.</td>
</tr>
<tr>
<td>Highway/Freeway Interchange Area</td>
<td>Where ingress or egress is obtained to a state or federal highway or freeway; specifically delineated as lying within three-hundred feet (300') of the right-of-way and between the two (2) points of widening of the highway/freeway right-of-way approaching the interchange (see example).</td>
</tr>
<tr>
<td>Integrated Development Project</td>
<td>A commercial or mixed-use development of not less than twenty-five (25) acres in size that comprises properties in a defined geographical area and includes multiple businesses, property owners and parcels located adjacent to a numbered State Highway or Interstate Highway for which boundaries for signage purposes are approved with a Comprehensive Sign Package.</td>
</tr>
<tr>
<td>Maintenance</td>
<td>The replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear or damage beyond the control of the owner.</td>
</tr>
<tr>
<td>Parapet Wall</td>
<td>A wall extending above the roof line of a building.</td>
</tr>
<tr>
<td>Parcel</td>
<td>A parcel of land shown on a subdivision plat, record of survey map, or parcel map, or a parcel described by metes and bounds, which constitutes a development site (whether composed of a single unit of land or contiguous units under common ownership or development).</td>
</tr>
<tr>
<td>Roof line</td>
<td>The highest point of the main roof structure which shall not be...</td>
</tr>
<tr>
<td><strong>ZONING</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>Shopping Center</strong></td>
<td>A group of commercial establishments which offer goods or services to the public and which are planned, constructed or managed as one (1) entity and which provide customer and employee parking in a common parking lot.</td>
</tr>
<tr>
<td><strong>Sign</strong></td>
<td>Any object, device, display or structure, or part thereof, visible from a public right-of-way and situated outdoors or on the inside face of a window which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Excluded from this definition are national or state flags, window displays, athletic scoreboards, or the official insignia or signs of government.</td>
</tr>
<tr>
<td><strong>Sign, Animated</strong></td>
<td>Any sign or part of a sign which changes physical position by any movement, rotation, or undulation, or which gives the visual impression of such movement, rotation or undulation. This category of signs includes, but is not limited to, banners, pennants, flags and spinners as well as signs with flashing, intermittent or sequential illumination.</td>
</tr>
<tr>
<td><strong>Sign, Awning</strong></td>
<td>A sign that is mounted or painted on, or attached to an awning.</td>
</tr>
<tr>
<td><strong>Sign, Directional</strong></td>
<td>Signs limited to directional messages, principally to direct and aid the flow of pedestrian or vehicular traffic, such as “one-way”, “entrance”, and “exit”, building address, etc., as well as providing directional information relating to points of interest, institution, facilities and districts, and which contain no advertising, electronic changing information and are positioned as to not be a traffic or safety issue.</td>
</tr>
<tr>
<td><strong>Sign, Directory</strong></td>
<td>Any sign listing the names and/or uses and/or locations of the various businesses or activities within a building or a multi-tenant development (not for the purpose of bringing same to the attention of vehicular traffic)</td>
</tr>
<tr>
<td><strong>Sign, Double-Faced</strong></td>
<td>Any sign having copy on two (2) faces of equal dimension with an interior angle between the two (2) faces of forty-five degrees (45°) or less.</td>
</tr>
</tbody>
</table>
| **Sign, Electronic Information Center** | A sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. Such signs shall include the following modes of operation:

1. **Static.** Signs which include no animation or effects simulating animation.

2. **Fade.** Signs where static messages are changed by means of varying light intensity, where the first message gradually reduces in intensity to the point of not being visible and the subsequent message gradually increases in intensity to the point of visibility. |
3. **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 visibility simultaneous to the gradual appearance and visibility of the subsequent message.

4. **Travel.** Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.

5. **Scrolling.** Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

<table>
<thead>
<tr>
<th>Sign, Face</th>
<th>The area or display surface used for the message.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign, Flashing</td>
<td>Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by blinking, or any other means, so as to provide constant illumination.</td>
</tr>
<tr>
<td>Sign, Freestanding</td>
<td>Any non-movable sign which is not affixed to a building and is mounted on its own self-supporting structure.</td>
</tr>
<tr>
<td>Sign, Identification</td>
<td>A sign that includes, as copy, only the name of the business, place, organization, building or person it identifies.</td>
</tr>
<tr>
<td>Sign, Illuminated</td>
<td>A sign lighted by or exposed to artificial lighting either by lights on or in the sign, or directed towards the sign.</td>
</tr>
<tr>
<td>Sign, Monument</td>
<td>Any freestanding sign, other than a pole sign, placed upon or supported by the ground (independent of any other structure, except footing).</td>
</tr>
<tr>
<td>Sign, Non-conforming</td>
<td>Any sign which is not allowed under this Article, but which, when first constructed, was legally allowed by the Town of Prescott Valley or the political subdivision then having the control and regulation over construction of signs.</td>
</tr>
<tr>
<td>Sign, Obsolete</td>
<td>Any sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, activity conducted or product available on the premises where such sign is displayed.</td>
</tr>
<tr>
<td>Sign, Off-site, Off-premises</td>
<td>Any sign which directs attention to any business, commodity, service or entertainment/event conducted, sold or offered at a location other than the premises on which the sign is located.</td>
</tr>
<tr>
<td>Sign, Permanent</td>
<td>Any sign which is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position.</td>
</tr>
<tr>
<td>Sign, Pole</td>
<td>A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is above ground level.</td>
</tr>
<tr>
<td>Sign, Portable</td>
<td>A sign that is not permanently affixed to a building, structure or the ground.</td>
</tr>
<tr>
<td>Sign, Roof</td>
<td>A sign erected in any way upon a building or structure which extends above the roof line of the building or structure.</td>
</tr>
<tr>
<td>Sign, Temporary</td>
<td>Any sign (including A-shaped and V-shaped signs) which is designed for short-term use as regulated in this Article.</td>
</tr>
<tr>
<td>Sign, Wall or Wall-</td>
<td>A sign fastened to or painted on the wall of a building or</td>
</tr>
</tbody>
</table>
B. Design Criteria:
1. Signs are regarded as an integral and complementary element of the overall architectural character of the Town and shall be integrated with the building and landscaping design.

2. All signs, except those consisting of individual letters mounted against a non-differentiated surface, shall have edge treatment or border.

C. Measurement of Signs:

All sign areas shall be measured in accordance with the following:

1. The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any materials or colors forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural elements located outside the limits of the sign and not forming an integral part of the display (such as supports or uprights) shall not be included in determining the area of the sign.

2. The area within the perimeter of the entire illuminated surface of an internally illuminated sign, or that area within the perimeter of an internally illuminated architectural building feature which encompasses sign copy.

3. Multiple Faces of a Single Sign:
   a. If there are two (2) faces to a single sign and the interior angle is forty-five degrees (45°) or less, the entire area shall be the area of one (1) face only; or if the interior angle between the two (2) sign faces is greater than forty-five degrees (45°), the sign area will be the sum of the areas of each face.
   b. If there are three (3) or more faces to a single sign, the area will be the sum of the areas of each face.

4. Area of spherical, free-form, sculptural, and other non-planar signs will be the sum of the area of the sides of the smallest four-sided polyhedron that will encompass the sign structure.

5. All linear occupancy frontage distances shall be measured at sidewalk or grade level immediately adjacent to that portion of the structure being utilized for the occupancy in question.

6. Sign heights shall be measured as follows:
   a. Freestanding Sign: The height of freestanding signs shall be measured as the vertical distance from the nearest adjacent ground level to the top of the sign. The total sign height shall include any monument base, earthen works or other structure
erected to support or ornament the sign.

b. Wall Sign: The height of wall or fascia-mounted signs shall be measured as the vertical distance from the nearest adjacent ground level to the top of the sign (including ornamentation).

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 15/26/88; Ord. No. 220, Ren&Amd, 12/14/89, 13-23-020; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 816, Amended, 05/26/16)

13-23-040 Sign Standards.

A. Building Mounted Sign Standards

<table>
<thead>
<tr>
<th>PURPOSE</th>
<th>ZONING DISTRICTS</th>
<th>MAXIMUM DIMENSIONS</th>
<th>STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Mounted (Non-Residential Use)</td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>2 sq. ft of sign per 1 lineal ft of building frontage adjacent to Front Lot Line.</td>
<td>(1) Sign per front Lot Line</td>
</tr>
<tr>
<td>Directory</td>
<td>R-2, RCU, RS, C-1, C-2, C-3, PM, M-1, M-2</td>
<td>16 sq. ft 6 ft high</td>
<td>(1) Building mounted only. No advertising copy.</td>
</tr>
<tr>
<td>Directional</td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>24 sq. ft 6 ft high</td>
<td>(1) Building mounted only. No advertising copy.</td>
</tr>
<tr>
<td>Electronic Information Center</td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>4 sq. ft 5 ft high</td>
<td>Per Zoning Approval.</td>
</tr>
</tbody>
</table>

In the case of buildings which front on more than one street allowable signage must be placed on the side of the building on which it is calculated. More than one building-mounted sign is permitted, provided that the total signage does not exceed the maximum square footage allotment. No building-mounted sign shall project more than two (2) feet from the building or structure to which it is attached.

A Use Permit, subject to Use Permit application and
hearing procedures set forth under Section 13-21-110, shall be required for Electronic Information Centers.

| Shopping Centers (3 or more businesses) | C-1, C-2, C-3, PM, M-1, M-2 | 2 sq. ft of sign per 1 linear ft of building frontage along the street side of the building. | In the case of buildings which front on more than one street allowable signage must be placed on the side of the building on which it is calculated. |

1. No more than ½ of the allowable signage as calculated for the building frontage may be placed on any other one side of the building.

2. On a corner lot, the signage calculated for the building frontage may be placed on the second street side. If so placed, no greater than one half of the frontage allocation shall be placed on the building frontage. Signage on the second street side shall not include Electronic Information Centers.

3. Businesses which have three or more street fronts shall not be allocated additional signage beyond the first two streets.

4. If the main entrance to a business does not face any roadway, the tenant shall be allowed two (2) square feet of signage per one (1) linear foot of building frontage on the main entrance side of the building.

B. Freestanding Sign Standards

<table>
<thead>
<tr>
<th>PURPOSE</th>
<th>ZONING DISTRICTS</th>
<th>MAXIMUM DIMENSIONS</th>
<th>STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directional</td>
<td>R1L, R1M, R1MH, R-2, RCU, RS</td>
<td>4 sq. ft 5 ft high</td>
<td>Per zoning approval.</td>
</tr>
<tr>
<td></td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>4 sq. ft 5 ft high</td>
<td>Per zoning approval.</td>
</tr>
<tr>
<td>Flags</td>
<td>R1L, R1M, R1MH, R-2, RCU, RS</td>
<td>24 sq. ft</td>
<td>(1) per master planned community of 50 acres or more. (2) per model home/model home complex not to exceed aggregate of 24 sq. ft. *See “Exceptions” 13-23-050.A</td>
</tr>
<tr>
<td></td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>24 sq. ft</td>
<td>(1) per project/site</td>
</tr>
<tr>
<td>Integrated Development</td>
<td>Any Use District</td>
<td>300 sq. ft 30 ft high</td>
<td>25-50 acres</td>
</tr>
<tr>
<td>Project</td>
<td>150 sq. ft. 25 ft high</td>
<td>(1) sign structure per signed State Highway or Interstate Highway</td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>------------------------</td>
<td>---------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>400 sq. ft. 40 ft high</td>
<td>(1) additional freestanding sign structure per additional signed State Route entrance access</td>
<td></td>
</tr>
<tr>
<td></td>
<td>200 sq. ft. 30 ft high</td>
<td>Over 50 acres</td>
<td></td>
</tr>
<tr>
<td></td>
<td>*Subject to approval of a Comprehensive Sign Package</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Accessory Drive-thru-signage | C-1, C-2, C-3, PM, M-1, M-2 | 32 sq. ft 6 ft high | (1) per drive-in and placed so that it is not visible from the right-of-way. |

| Off-site, Directional Signs | 32 sq. ft 8 ft high | (2)Used only in “Specific Plan Developments” of 50 acres or more under ARS 9-461. Must be removed within 60 days of 80% of the lots being sold within the development. |

| Off-site, Directory | Individual sign areas are limited to 100 sq. ft. and sign height is limited to 8 ft. | Allowed only as part of the Prescott Valley Parkway Redevelopment Plan. Two (2) off-site signs may be erected located not less than three hundred (300) linear feet apart. The signs may be double-faced so that the Directory is visible to travelers going either direction on Highway 69. |

<p>| Portable/ Sandwich | C-1, C-2, C-3, PM, M-1, M-2 | 16 sq. ft 5 ft high | (1) per lot to be removed at the end of each business |</p>
<table>
<thead>
<tr>
<th>Boards</th>
<th>Property Identification</th>
<th>Day.</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1L, R1M, R1MH</td>
<td>4 sq. ft</td>
<td>(1) per residence</td>
</tr>
<tr>
<td>R-2, RS, RCU</td>
<td>32 sq. ft 6 ft high</td>
<td>(1) per project/site, if there are (2) entrances to the site on different streets (2) signs may be allowed with an aggregate area of 32 sq. ft.</td>
</tr>
<tr>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>50 sq. ft 20 ft high, except that freestanding signs located in a Highway/Free way Interchange Area (13-23-030) shall not exceed a height of thirty (30') feet or, shall not exceed a height twenty (20') feet above the highest roadway bed elevation in the Highway/Free way Interchange Area.</td>
<td>(1) per project/site</td>
</tr>
</tbody>
</table>

| Shopping Centers | C-1, C-2, C-3, | 50 sq. ft* 90 sq. ft* 130 sq. ft* 170 sq. ft* 200 sq. ft* | (1) sign per shopping center (2) signs per planned area development of 50 acres or more. No more than (1) sign per arterial roadway with a maximum of (2) per project. 2-5 units/tenants 6-9 units/tenants 10-13 units/tenants 14-17 units/tenants 20 or more units/tenants No other monument or pole signs shall be allowed in lieu of a shopping center sign. |

*aggregate sign areas
No single sign may exceed 100 sq. ft; however multiple signs may be used for the total aggregate signage allowed.

<table>
<thead>
<tr>
<th>Subdivisions</th>
<th>All Districts</th>
<th>MAXIMUM DIMENSIONS</th>
<th>STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>24 sq. ft 5 ft high</td>
<td>(2) per entry for planned area developments of 50 acres or less</td>
</tr>
<tr>
<td></td>
<td></td>
<td>32 sq. ft 8 ft high</td>
<td>(2) per entry for planned area developments of 50 acres or more</td>
</tr>
</tbody>
</table>

* See, “Flags”
* See, “Directional Signs”
* See, “Coming Soon Sign”

1. Freestanding monument signs shall not exceed a maximum height of 8 ft.

2. Freestanding pole signs shall be a minimum of 7 ft high and a maximum of 20 ft high.

3. With the exception of Off-Site Directory signs, all freestanding signs shall be a minimum of 6 feet from the property line to the closest projection of the sign.

C. Temporary Sign Standards

<table>
<thead>
<tr>
<th>PURPOSE</th>
<th>ZONING DISTRICTS</th>
<th>MAXIMUM DIMENSIONS</th>
<th>STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>R1L, R1M, R1MH, R-2, RCU, RS</td>
<td>32 sq. ft 8 ft high</td>
<td>1 per new subdivision; 2 per master-planned community (50 acres or more); on-site only</td>
</tr>
<tr>
<td></td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>32 sq. ft 8 ft high</td>
<td>1 per project or construction site</td>
</tr>
<tr>
<td>Signs Located on Construction Sites</td>
<td>R1L, R1M, R1MH, R-2, RCU, RS</td>
<td>24 sq. ft 8 ft high</td>
<td>1 per project or construction site; if more than 1 street entrance or project is 50 acres or more, then 2 per project or construction site with an aggregate area of 32 sq. ft</td>
</tr>
<tr>
<td></td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>32 sq. ft 8 ft high</td>
<td>1 per project or construction site; if more than 300 ft of street frontage, then 2 per project or construction site</td>
</tr>
<tr>
<td>Banners</td>
<td>RS, C-1, C-2, C-3, PM, M-1, M-2</td>
<td>32 sq. ft/6 ft high</td>
<td>6 times per year for a maximum of 4 consecutive days. A minimum of 14 days shall pass between each</td>
</tr>
<tr>
<td><strong>Inflatable Objects</strong></td>
<td><strong>RS, C-1, C-2, C-3, PM, M-1, M-2</strong></td>
<td><strong>20 ft high maximum.</strong></td>
<td>1 fixed Inflatable Object per business address. Inflatable Objects shall be permitted only twice (2) per year at three (3) day intervals. Inflatables shall not be roof-mounted and shall be securely fastened to a permanent structure and/or proper ground staking. Inflatables shall be placed on private property a minimum of (6) ft. back from any property line to the closest point of the inflatable. No inflatable shall be placed in or on any Public right of Way and shall not impede pedestrian or vehicular visibility or traffic. Separate permit required.</td>
</tr>
</tbody>
</table>
| **Signs in Residential Zones** | **All Districts** | **6 4 sq. ft 6 ft high** | Maximum of 1 sign per lot and 1 off-site sign per turning movement (provided that such off-site sign must be placed on private property, subject to the express permission of the property owner) beginning at residence of origin and continuing to (1) entrance of master-planned or clearly-defined subdivision, (2) main road, or (3) maximum 1.5 miles; maximum 3 days during daylight hours.

No illuminated signs; no signs within public rights-of-way or attached to trees, fences, utility poles, light posts, street signs, or other public facilities; no sign permit required. |
13-23-050 Exceptions.

The provisions of this Article, except Subparagraph 13-23-030 (A) (4), Subsection 13-23-060(B) and Subparagraph 13-23-110(A)(4), shall not apply to:

A. Flags, pennants and insignias of any national, state or other political unit.

B. Tablets, grave markers, headstones, statuary or remembrances of persons, buildings, events, and dates of erection, which are non-commercial in nature.

C. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holidays or events.

D. The erection, construction and maintenance of official traffic, fire and police signs, signals, devices and markings of the State of Arizona, the Town of Prescott Valley, or other authorized public agencies, or the posting of notices as required by law; provided that such signs do not constitute a traffic or safety hazard.

13-23-060 Prohibited Signs.

It shall be unlawful for any person to erect, display or maintain a sign or advertising structure falling within any of the following descriptions:

A. Animated or flashing signs (excepting clocks, barber poles, public service information signs, time or temperature signs, and Electronic Information Centers which otherwise comply with Subsections 13-26a-040(A), (C) and (D) of this Code).

B. Signs which are obscene, hazardous to traffic, imitative of official government signs (i.e. "stop", "danger", "caution", etc.) or obstructive to visibility so as to create a hazard to the public.

C. Any sign emitting sound or emitting any substance.

D. Windblown signs such as posters, banners, pennants, streamers, balloons or other inflated objects, except as provided for in Section 13-23-040(C). The tacking, painting, pasting or otherwise affixing of signs or posters of a miscellaneous character, visible from a public right-of-way, on the walls or buildings, sheds, trees, fences, utility poles or other structures, or upon vehicles where such vehicles are used primarily as support for such signs, is prohibited.
E. Portable signs, except the following:

   1. Business identification signs which are painted on or permanently affixed to an operable vehicle which is intended to be operated the highways on a regular basis and is not intended to be parked on the business premises in order to provide advertising in addition to or in place of signage allowed by this Article.

   2. Those permitted in Subsection 13-23-040(B).

F. Signs mounted on or against a vehicle when used for the purpose of providing stationary, permanent, or semi-permanent advertising or identification on or near the premise referred to by such signs.

G. Off-site signs, including billboards (except as permitted in Sections 13-23-040 and 13-23-140 of this Article).

H. Roof signs.

(Ord. No. 220, Enacted, 12/14/89; Ord. No. 276, Amended, 06/11/92; Ord. No. 521, Amended, 05/09/02; Ord. No. 529, Amended, 07/25/02; Ord. No. 542, Amended, 04/10/03; Ord. No. 648, Amended, 01/26/06; Ord. No. 689, Amended, 06/21/07; Ord. No. 816, Amended, 05/26/16)

13-23-070 Design Specifications.

A. General Compliance with International Building Code: All signs shall comply with the appropriate detailed provisions of the International Building Code relating to design, structural members, and connections.

B. Electric Signs: All electric signs shall conform in design and construction to the appropriate sections of the current National Electric Code and other requirements as may be deemed necessary by the Building Official.

C. Materials: Materials of construction for signs and sign structures shall be of the quality and grade as specified in the International Building Code.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-22-020, 13-22-050; Ord. No. 63, Amended, 11/12/81; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 220, Ren&Amd, 12/14/89, 13-23-040; Ord. No. 375, Amended, 12/28/95; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 590, Amended, 03/25/04)

13-23-080 Maintenance of Signs.

A. Maintenance and Repair: All signs shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of such sign. All cracked, broken or missing sign faces and non-functioning interior lamps shall be repaired or replaced within forty-five (45) working days following the receipt of notification from the Zoning Inspector that the sign requires repair or maintenance.
B. Obsolete or Abandoned Signs:

1. Any sign which is located on property which becomes vacant and unoccupied for a period of six (6) months or more, or any sign which was erected for an occupant or business unrelated to the present occupant or his business, or a sign which pertains to a time or event which no longer applies, shall be deemed to have been abandoned.

2. The owner of the property, his agent or person having the beneficial use of the property or structure upon which the sign is erected, shall remove the abandoned sign within six (6) months of the date of notification from the Zoning Inspector that the sign is obsolete.

3. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more.

(Ord. No. 220, Enacted, 12/15/89; Ord. No. 542, Rep&ReEn, 04/10/03)

13-23-090 Non-Conforming Signs.

A. A legal non-conforming sign may not be altered in any manner not in conformance with this Article; however, the sign(s) shall be maintained as required by Subsection 13-23-080(A) of this Article.

B. A legal non-conforming sign may be utilized in perpetuity, except as noted below:

1. Whenever the use of a given building or premise changes to another use allowed in the respective zoning district, all non-conforming signs on the building and/or premise shall be modified to bring it into conformance with these regulations.

2. Non-conforming signs shall be brought into conformance upon major additions, alterations or more than fifty percent (50%) destruction by fire or other causes of the building or premise upon which the non-conforming sign(s) are located.

(Ord. No. 220, Enacted, 12/14/89; Ord. No. 542, Rep&ReEn, 04/10/03)

13-23-100 Permits.

A. Permits Required:

1. It shall be unlawful for any person to display, install, alter, relocate or replace any sign without first obtaining a permit to do such work.
2. Signs not requiring permits: Sign permits shall not be required for name plate signs, temporary signs (except for banners and inflatable objects pursuant to Section 13-23-040(C)), copy changes on reader panels, or for minor repairs or repainting of any permitted sign.

3. Applications for permit:
   a. The application for permit shall be made by the owner, tenant, or lessee of the property for which the sign is proposed, or his authorized agent or contractor licensed by the State of Arizona. Applications shall be made in writing on forms furnished by the Planning and Zoning Department and shall be signed by the applicant.
   b. The application for permit shall include:
      (1) Site plan indicating the location of the sign in relation to right-of-way, easements, buildings and driveways.
      (2) Drawings indicating the dimensions of the sign, sign copy, materials and method of construction, and attachment to the building.
      (3) The address of the proposed sign location, the owner of the sign, the owner of the property, and the person or firm erecting the sign, and an estimate of the cost of the work.
   c. An approved insignia shall be placed on all signs at the time of final inspection by the inspector.

4. Sign permit fee schedule:
   a. Permit fees: There shall be a charge of one and one-half percent (1 ½%) of the value of the sign plus fifteen cents (15) per square foot or fifteen dollars ($15.00), whichever is greater.
   b. Double fees: The sign permit fees established in Subparagraph 13-23-100(A)(4) above shall be doubled in the event that any sign is installed prior to the issuance of a sign permit.

(Ord. No. 220, Enacted, 12/14/89; Ord. No. 375, Amended, 12/28/95; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 816, Amended, 05/26/16)

13-23-110 Enforcement.

A. Enforcement:
   1. The zoning inspector is responsible for the enforcement of this Article.
2. Unauthorized signs may be removed from any public right-of-way by the Zoning Inspector, except as otherwise provided by law. Such signs will be impounded and will be disposed of in thirty (30) days if not claimed by the owner.

3. The installation, erection or display of any sign in violation of this Article is hereby declared unlawful.

4. No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be promptly removed or repaired by the owner of the sign or the owner of the premises. For those signs as herein described whose ownership cannot be identified, the zoning inspector shall, immediately and without notice, remove or cause to be removed any such sign, except as otherwise provided herein.

B. Penalty - Enforcement:

1. Any person, entity or corporation which fails to maintain a sign, or builds, erects, paints, replaces, repairs, alters or otherwise places a sign in violation of the requirements of this Article is guilty of a class 3 misdemeanor.

2. The owner of any sign and the person or entity who assists a sign owner in altering or erecting a sign in violation of the provisions of this Article shall be equally responsible and culpable for such violations.

3. Except as otherwise provided herein, each day that a sign is illegally erected, constructed, reconstructed, altered or maintained shall not be considered a separate offense unless the violation constitutes an immediate threat to the health and safety of the general public, as determined by the zoning inspector.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-22-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 220, Ren&Amd, 12/14/89, 13-23-060; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 648, Amended, 01/26/06; Ord. No. 816, Amended, 05/26/16)

13-23-120 Liability.

The provisions of this Article shall not be construed to relieve or to limit in any way the responsibility or liability of any person, firm or corporation which erects or owns any sign for personal injury or property damage caused by the sign, nor shall the provisions of this Article be construed to impose upon the Town of Prescott Valley, its officers, or its employees, any responsibility or liability by reason of the approval of any sign under the provisions of this Article.

(Ord. No. 220, Enacted, 12/14/89; Ord. No. 375, Amended, 12/28/95; Ord. No. 539, Amended, 02/27/03; Ord. No. 542, Rep&ReEn, 04/10/03)

13-23-130 Appeal.

All rights enumerated in Section 13-29-050 of the Zoning Code are applicable to this Article
regulating signs.

(Ord. No. 220, Enacted, 12/14/89; Ord. No. 542, Rep&ReEn, 04/10/03)

13-23-140 Billboard Regulations.

A. Code Conformance: It is unlawful to construct, erect, alter, relocate or use any billboard sign in violation of this Section, except as provided by Subsection B of this Section. If any provision of this Section is in conflict with the provisions of any other Section of the Prescott Valley Town Code, the provisions of this Section shall prevail.

The Zoning Inspector shall issue a citation and file an action involving all violations of this Section. Such an action shall initially be filed with a court having jurisdiction to impose all penalties sought by the action. Only the superior court has jurisdiction to order removal, abatement, reconfiguration or relocation of a billboard sign. Notwithstanding any other law, each day that a billboard sign is illegally erected, constructed, reconstructed, altered or maintained shall not be considered a separate offense unless the violation constitutes an immediate threat to the health and safety of the general public.

B. Non-Conforming Billboard Sign:

1. Any billboard sign constructed prior to September 28, 1980 (or the effective date of Ordinance No. 33 which first established billboard regulations for the Town), or subject to the provisions of this Section by reason of annexation into the Town of Prescott Valley, which sign was erected in conformance with all ordinances and codes existing at the time of construction but is not now in conformance with the provisions of this Section, shall be designated a "non-conforming billboard sign" and may be continued in use, except under the following conditions:

   a. When such sign creates a traffic hazard due to any of the following:

      (1) Due to its position, shape, color, copy, format or illumination, such sign obstructs the view of or causes confusion with an official traffic sign, signal or device, or with any other official sign.

      (2) When such sign obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, alley or from another thoroughfare.

      (3) When such sign in any other way causes an unsafe obstruction for motor vehicle operators.

   b. When the costs of reconstruction or repair of such sign by reason of damage from any source, exceeds fifty percent (50%) of the then current replacement costs for damage incurred from any source.
c. When such non-conforming billboard sign is structurally altered, re-erected or replaced (unless such structural alteration, re-erection or replacement shall comply with the requirements of this Section).

d. When non-conforming outdoor light fixtures on such billboard are required to be brought into compliance with the provisions of Article 13-26a, pursuant to Subsection 13-26a-020(A).

C. Plans and Specifications:

1. Size: No sign structure face area, or combination of sign structure face areas, shall exceed two hundred (200) square feet in one (1) direction, except that back-to-back or V-shaped signs having an interior angle of forty-five degrees (45°) or less may have a maximum area of two hundred (200) square feet on each face. The maximum width shall not exceed twenty (20) feet, and the minimum height from the ground to the actual sign shall not be less than ten (10) feet.

2. Illumination:

   a. Signs may be illuminated pursuant to this Section, but such illumination shall comply with Subsections 13-26a-040(A), (C) and (D) of this Code, and shall not be intermittent, flashing, scintillating, animated or of varying intensity. If located in the same line of vision as a traffic control signal, no red, green or yellow illumination shall be used.

   b. In addition to compliance with the requirements of Subsections 13-26a-040(A), (C) and (D), the source of illumination for signs shall be so oriented or shielded so that it is not visible from any residential use or any public thoroughfare.

   c. On any lot adjacent to a residential district or separated therefrom only by a street or alley, any such illuminated sign structure must be placed in such a manner that the face of the sign is located behind the greater of either the existing or the required setbacks of adjacent residential lots (so that no portion of the sign face is visible from the adjacent residential lots at or in front of those residential setbacks), in addition to compliance with Subsections 13-26a-040(A), (C) and (D) of this Code.


4. Design:

   a. All billboard signs shall be designed in accordance with the Building Code of the Town of Prescott Valley.

   b. The engineered plans for all billboard signs must accompany the application for a building permit and are subject to approval by the Building Department prior to the issuance of a building permit.
Prescott Valley, Arizona

c. No such sign structure shall emit sound.

D. Locations:

1. Billboard signs may be located in the PM (Performance Manufacturing) District, subject to the provisions of this Section.

   a. A billboard sign shall not be located within four hundred (400) feet of any other billboard sign on the same street.

   b. A billboard sign shall not be located closer than six hundred (600) feet to the right-of-way line of any freeway except that, at an interchange of a freeway and an arterial street where the arterial street and the freeway cross at a ninety degree (90°) angle, billboard signs shall not be located closer than six hundred (600) feet from the center line of the freeway.

   c. A billboard sign shall be set back a minimum of fifty-five (55) feet from the center line of an arterial street. If the street should be increased to a width greater than one hundred ten (110) feet, the billboard shall be moved at the sign owner’s expense so as to be at least a distance equal to one-half (1/2) of the total ultimate right-of-way width from the center line of said arterial street.

   d. If the proposed billboard sign structure is within one hundred (100) feet of any existing building or buildings, no part of such sign structure shall be closer to the right-of-way line than the front line of the nearest building within one hundred (100) feet; and further provided that, when such sign structure is located between two (2) buildings that are within one hundred (100) feet of the advertising structure, no part of said structure shall be erected closer to any street line than an imaginary line drawn from the nearest front corner of one building to the nearest adjacent corner of the second building. When a building is constructed within one hundred (100) feet of an existing billboard sign, such billboard sign shall be relocated at the sign owner’s expense so as to comply with the provisions of this Subparagraph.

   e. Such sign structures must maintain a side yard setback from any residential district or residential use equal to that of the residential district or half of the sign structure height, whichever is the greater.

   f. No such sign structure shall be erected in any block in which the front third of any lots or parcels of land used for residential purposes comprise fifty percent (50%) or more of the block frontage. For the purpose of this Section, a corner lot shall be considered to be in that block on which it fronts.

   g. Notwithstanding any other requirement herein, no billboard sign shall be located within the Special Gateways/Highway Corridors of the Town
13-23-150 Comprehensive Sign Package.

A Comprehensive Sign Package is intended for coordinated developments over twenty-five (25) acres which can be defined as Shopping Centers, Planned Area developments (PADs) or Integrated Development Project (IDP) comprising properties as a defined geographical area under a common or joint ownership.

Application packets for Comprehensive Sign Packages may be obtained from the Community Development Department. Applications approved under this section shall be evaluated based upon the following criteria and will be approved by a separate Resolution of the Town Council or in conjunction with approval of a Final Development Plan:

1. Placement. All signs shall be placed where they are sufficiently visible and readable for their function. Factors to be considered shall include the purpose of the sign, its location relative to traffic movement and access points, site features, structures, and sign orientation relative to viewing distances and viewing angles. In commercial centers in which tenants are in locations having little or no street visibility, identification wall signs may be placed on walls of the tenants’ building.

2. Quantity. The number of signs that may be approved within any development shall not be greater than that required to provide project identification and entry signs, internal circulation and directional information to destinations and development subareas, and business identification. Factors to be considered shall include the size of the development, the number of development subareas, and the integration of sign functions.

3. Size. All signs shall be no larger than necessary for visibility and readability. Factors to be considered in determining appropriate size shall include topography, volume of traffic, speed of traffic, visibility range, proximity to adjacent uses, amount of sign copy, placement of display (location and height), lettering style and the presence of distractive influences.

Specific justification must be made if a request is submitted for a freestanding or wall sign to exceed by more than 50 percent any maximum height standard or by 25 percent any maximum area standard prescribed under this Article. Integrated Development Projects may exceed by more than 50 percent any maximum height standard or by 25 percent any maximum area standard for projects comprising 25 - 50 acres and may exceed up to 100 percent any maximum height standard or by 100 percent any maximum area standard.
4. Evaluation Criteria. In reviewing Comprehensive Sign Packages staff shall consider the following:

   a. The views of or from adjacent properties are not impaired;

   b. The signs do not interfere with public utilities, government uses, transportation, landscaping or other relevant factors;

   c. The width of the street, the traffic volume, and the traffic speed warrant the proposed signage;

   d. The signs do not pose a hazard to public safety.

Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the Community Development Director.

(Ord. No. 220, Enacted, 12/14/89; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 771, Amended, 11/08/12)
13-24-010 Purpose.

The purpose of this Article is to alleviate or prevent congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking of motor vehicles in accordance with the use to which the property is put. These requirements are designed to encourage effectively developed parking areas which provide sufficient quantities of parking spaces with ample areas for automobile maneuvering. It is the further purpose of this Article to place upon the property owner the primary responsibility for relieving public streets of the burden of on-street parking.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-23-010; Ord. No. 178, Rep&ReEn, 05/26/88)

13-24-020 General Regulations.

A. Except in the Agricultural districts, no building permit shall be issued nor use operated until the applicant has presented satisfactory evidence to the Town that he owns or has otherwise available for his use sufficient property to provide the parking required as specified in this Article.

B. Additions and Change of Occupancy. Except in the Agricultural districts, the standards for providing off-street parking shall apply at the time of the erection of any main building. With the same exception, these standards shall also be complied with when an existing building is altered or enlarged, or where the use is intensified by a change of occupancy, or by the addition of floor area, seating capacity, or seats.

C. Maintenance of Existing Parking. Off-street parking being maintained in connection with any existing main building or use shall be maintained so long as said main building or use remains; provided, however, that this regulation shall not require the maintenance of more parking space than is required herein for a new building or use.

D. Non-conforming Parking. Where automobile parking space is provided and maintained in connection with any existing main building or use as of September 4, 1980 and is insufficient to meet the requirements for the use with which it is associated, or where no such parking has been provided, then said building or
structure may be enlarged or extended only if automobile parking spaces are provided for said enlargement, extension or addition to the standards set forth in these regulations. No existing parking may be counted as meeting this requirement unless it exceeds the requirements for the original building, and then only that excess portion may be counted.

E. Combination of Uses. Where there is a combination of uses on a lot, the total parking requirement shall be the sum of such requirements for the various uses computed separately.

F. Collective Action Relative to Parking. This Chapter shall not be construed to prevent the joint use of parking spaces for two (2) or more buildings or uses if the total of such spaces when used together is not less than the sum of spaces required for the various individual buildings or uses computed separately.

G. Recreational and Commercial Vehicles.

1. In residential districts, recreational vehicles and single axle utility trailers shall not be stored in the required front yard or exterior side yard (that side yard abutting a street). For the purposes of this subparagraph (1), the term "recreational vehicle" includes travel trailers, motor homes, busses, pickup trucks with an installed camper which extends over the cab, unmounted camper shells, boats, boat trailers, off-road vehicles without an enclosed driver and passenger compartment, and aircraft.

2. Residential properties unable to accommodate a recreational vehicle within the rear or interior side yard may temporarily park one (1) recreational vehicle within the front or exterior side yard for loading and unloading purposes only for a period not to exceed forty-eight (48) hours (i.e. one day for loading and one day for unloading) in any one calendar month. Recreational vehicles shall not be parked within the street right-of-way, and shall not create a sight safety problem for any neighbor.

3. The parking, except for loading or unloading for a reasonable time, of any commercial vehicle of more than one (1) ton rated capacity on any lot in a residential district shall be considered a commercial use and is prohibited.

4. The parking of more than one (1) vehicle of not more than one (1) ton rated capacity, customarily in commercial use (such as delivery vans, flat bed and stake bed trucks, or trucks carrying a visible full or partial load, including but not limited to tanks, vehicles, building materials, trash or garbage during the time parked) shall be deemed a commercial use and is prohibited.

5. The term "on any residential lot" as used throughout this Subsection 13-24-020(G), includes parking in the open, in carports, and where only tarpaulins or other temporary means are used to shelter or conceal; the provisions of this Subsection 13-24-020(G) do not apply where parking or storage is within a completely enclosed permanent structure.

6. The parking or storage of backhoes, dump trucks, road graders, semi-truck
tractors and trailers, flatbed or enclosed trailers (other than camping, single axle utility or travel trailers), self-propelled industrial equipment such as tanks, pumps, machinery and other large equipment not customarily in residential use is prohibited except where active construction is in progress.

7. Any person, firm or corporation found guilty of violating any provision of this Subsection 13-24-020(G) shall be guilty of a misdemeanor. Upon conviction, the offense shall be treated as a class 3 misdemeanor. Each day such violation is permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

H. Handicapped Accessible Parking.

1. At the time of application for a building permit for a commercial, industrial or multi-family use, the Zoning Inspector shall determine the number of off-street parking spaces required, according to the following standards:

a. Handicapped-accessible parking spaces for multiple-family housing shall be provided as follows:

(1) Where parking is provided for all residents, one (1) accessible parking space shall be provided for each accessible dwelling unit.

(2) Where parking is provided for only a portion of the residents, an accessible parking space shall be provided on request of the occupant of an accessible dwelling unit.

(3) Where parking is provided for visitors, two percent (2%) of the spaces, or at least one (1) space, shall be accessible.

b. Handicapped-accessible parking spaces for health care facilities shall be provided as follows:

(1) At facilities providing medical care and other services for persons with mobility impairments: the number of parking spaces required in Subparagraph H(1)(c) herein.

(2) At outpatient units and facilities: ten percent (10%) of the total number of parking spaces provided serving each such outpatient unit or facility.

(3) Units and facilities that specialize in treatment or services for persons with mobility impairments: twenty percent (20%) of the total number of parking spaces provided serving each such unit or facility.

c. Handicapped-accessible parking spaces for all other facilities shall be provided as follows:
Prescott Valley, Arizona

<table>
<thead>
<tr>
<th>Total Parking In Lot</th>
<th>Required Number of Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>8</td>
</tr>
<tr>
<td>301 to 400</td>
<td>10</td>
</tr>
<tr>
<td>401 to 500</td>
<td>12</td>
</tr>
<tr>
<td>501 to 1000</td>
<td>2% of Total</td>
</tr>
<tr>
<td>1001 and more</td>
<td>20 + 1 per each 100 over 1000</td>
</tr>
</tbody>
</table>

2. Each handicapped-accessible parking space shall meet the following minimum requirements for size: width of eleven (11) feet and length of twenty (20) feet, with an adjacent access aisle on the right side five (5) feet in width. Two (2) accessible parking spaces may share a single five (5) foot wide access aisle. Every access aisle shall lead directly to a curb ramp and accessible route of travel.

3. All handicapped-accessible parking spaces shall be prominently outlined on all four (4) sides and shall have the international symbol of accessibility (see diagram) displayed on the ground within each space. The access aisle shall be included within the outlined area. The color scheme of the accessible parking space shall contrast with that of the surrounding regular parking.

Furthermore, all handicapped-accessible parking spaces shall be identified by a sign on a stationary post or object. These signs shall not be obscured by a vehicle parked in the space. The bottom of the sign shall be located not less than three (3) feet nor more than six (6) feet above the grade and shall be visible directly in front of the parking space. Accessible parking spaces shall be designated as reserved for the physically disabled by a sign showing the international symbol of accessibility in any color scheme on a contrasting background. Such signs must, at minimum, display the words "reserved parking" or "parking only".
4. Handicapped-accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In facilities with multiple accessible building entrances with adjacent parking, accessible parking spaces shall be dispersed and located near accessible entrances. Wherever practical, the accessible route of travel shall not cross lanes for vehicular traffic. Where crossing vehicle traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk.

Where parking is provided in a parking garage or under shade canopies, the ratio of covered to uncovered handicapped-accessible parking spaces shall not be less than the ratio of covered to uncovered non-accessible parking spaces. In parking garages, not less than twenty percent (20%) of the accessible spaces shall be designated for high-profile vehicles, with a minimum headroom clearance of nine (9) feet six (6) inches provided in all parking, maneuvering and circulation areas serving such spaces. Special signage shall be provided to identify high-profile accessible parking spaces and to direct users to the location of both high-profile and standard height accessible parking spaces, except when all accessible spaces are high-profile spaces.

5. Handicapped-accessible parking spaces and access aisles shall be level, with surface slopes not exceeding 1:50 (2%) in all directions. Access aisles shall be constructed so that the ground surface is stable, firm, and slip-resistant. Such access aisles shall not be constructed with surfaces of loose sand, gravel, wet clay, cobblestones, or similar material.

6. Whenever a parking area built before the effective date of this Subsection (as amended) does not have sufficient accessible parking spaces to comply with this Subsection (as amended), existing non-accessible parking spaces may be combined and converted to accessible parking spaces and associated access aisles, provided that the overall reduction in total parking spaces does not exceed five percent (5%) of the off-street parking spaces otherwise required by this Code.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 93, Amended, 02/09/84; Ord. No. 153, Amended, 07/02/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 181, Amended, 08/11/88; Ord. No. 285, Amended, 10/22/92; Ord. No. 399, Amended, 10/10/96; Ord. No. 650, Amended, 01/26/06)
13-24-030 Location of Parking.

A. Parking for all residential district uses shall be provided on the same lot or on a contiguous lot so zoned.

B. Parking for commercial or industrial district uses shall be provided on the same lot as the use they are intended to serve, or within three hundred (300) feet thereof on property so zoned.

C. Such off-street parking may be provided on a joint basis, provided all such supplied parking serves the minimum requirements for the sum of all uses served except in those instances where a mixed-use shared parking program has been approved pursuant to Section 13-24-070.

D. Any required yards may be used for parking or loading except as may be specifically prohibited by the district provisions.

E. Off-site parking on Town streets may be included for required parking if developed in conjunction with a comprehensive final development plan in the PAD District and approved by the Town Council as part of that final development plan.

F. Other off-site parking in the Town right-of-way may be included for required parking if such parking and the use is part of an approved Improvement District or otherwise approved by a development agreement with the Town.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-23-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 564, 07/10/03)

13-24-040 Design and Installation of Parking Facilities.

Parking areas permitted (or required) under the provisions of this Chapter (except such parking accessory to dwelling units) shall adhere to the following provisions:

A. Each parking space shall consist of an area of not less than nine (9) feet by twenty (20) feet (exclusive of drive-ways required to make such space accessible from public streets or alleys).

B. Off-street parking areas, necessary driveways and maneuvering areas, except detached single-family residential uses (but including model homes as defined in this Code), shall be improved with a permanent dust-free pavement, properly graded to prevent impoundment of surface water, permanently striped and maintained in a manner satisfactory to the Town Engineer.

C. All driveways shall be of sufficient width to permit access into spaces, but in no case less than twelve (12) feet for one-way and twenty-four (24) feet for two-way travel.

D. All off-street automobile parking facilities shall be designed with appropriate means of
vehicular access to a street, alley or public thoroughfare, as well as necessary maneuvering areas such as driveways. Whenever possible, the parking facility shall be designed so that vehicles exiting therefrom will not be required to back into any street. Maneuvering areas adjacent to parking spaces shall be designed so as not to disrupt traffic on public roadways, and arranged in accordance with the design standards set forth in the diagrams contained in this Section.

E. Protective screening shall be provided to adjacent residentially-zoned lots within two hundred (200) feet:

1. Where public parking areas front, side or rear on a street which is a boundary with a residential district, a solid wall or screen four (4) feet in height shall be erected.

2. Where such parking areas side or rear directly on a residential district, a solid wall or screen six (6) feet in height shall be installed on the district boundary line [said wall to be reduced to four (4) feet in height within the front yard area of the abutting residential district].

F. A minimum of ten percent (10%) of all parking lot areas shall be landscaped in accordance with the provisions of Article 13-26 "Landscaping Requirements".

G. In addition to complying with the requirements of Subsections 13-26a-040(A), (C) and (D) of this Code, any lights used to illuminate said parking area shall be so arranged and screened as to reflect the light away from adjoining lots in residential districts and from streets. Commercial lots or customer parking facilities (other than that area lying between a street and the principal building) shall require illumination.
13-24-050 Off-Street Parking Requirements (Minimum).

A. Definition of Floor Area:

1. Floor area shall mean the gross floor area and/or the open land area needed for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not mean floors or parts of floors used principally for non-public purposes such as storage, automobile parking, incidental repair, processing or packaging of merchandise, show windows, offices incidental to the management or maintenance of stores or buildings, or restrooms or other accessory space.

2. Where parking spaces are referenced to seats, each eighteen (18) inches of width shall be deemed as one (1) seat. Where there is uncertainty as to which of the herein enumerated categories of parking requirements any use falls, the Zoning Inspector's decision shall stand unless modified by the Board of
B. Requirements: Except in the Agricultural districts, for every structure or part thereof hereafter erected, or for any building converted to such uses or occupancy, or any addition thereto, there shall be provided on the premises, accessible off-street parking as set forth in the following:

<table>
<thead>
<tr>
<th>1. Residential Use:</th>
<th>Spaces Required:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. One (1) or two (2) family residences</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>b. Multiple family dwellings</td>
<td></td>
</tr>
<tr>
<td>Efficiency and one (1) bedroom units</td>
<td>1 1/2 per dwelling unit</td>
</tr>
<tr>
<td>Two (2) or more bedrooms</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>c. Rooming houses, fraternities, sororities, vacation rental/short-term rental</td>
<td>1 per sleeping/guest room</td>
</tr>
<tr>
<td>d. Mobile/manufactured home parks and subdivisions</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>e. Model homes</td>
<td>5 per dwelling unit</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Hotels, Motels:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 per guest room plus</td>
<td>1 per 3 employees plus additional parking spaces as required for any supplementary use that generates parking needs such as bars, restaurants, convention rooms, etc.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Institutional Uses:</th>
<th>Spaces Required:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Hospitals</td>
<td>1 per 3 beds plus 1 per staff physician plus 1 per 3 employees</td>
</tr>
<tr>
<td>b. Sanitariums, convalescent and nursing homes, children's homes, homes</td>
<td>1 per 3 beds plus 1 per employee</td>
</tr>
</tbody>
</table>
4. Offices and Clinic Uses:
   a. Offices, banks, savings and loan agencies
      Spaces Required: 1 per 200 sq. ft. of usable floor area plus 1 space per employee
   b. Medical and dental offices and clinics
      Spaces Required: 1 per 200 sq. ft. of gross floor area

5. Places of Public Assembly:
   a. Auditoriums, exhibition halls, theaters, convention facilities, meeting rooms
      Spaces Required: 1 per every 3 persons for which seating is provided
   b. Churches
      Spaces Required: 1 per every 3 persons for which seating is provided

6. Commercial Recreation:
   a. Skating rinks, dance halls, dance studios
      Spaces Required: 1 per 100 sq. ft. of usable floor area
   b. Bowling alleys
      Spaces Required: 4 per lane plus 1 per 5 seats in gallery, plus 1 per 2 employees
   c. Billiard parlors
      Spaces Required: 2 per billiard table plus 1 per employee
   d. Gymnasiums, health studios
      Spaces Required: 1 per 400 sq. ft. of usable floor area plus 1 per 2 employees
   e. Private golf clubs, swimming clubs, tennis clubs and similar
      Spaces Required: 1 space per 1 1/2 member families

7. Commercial Sales and Service:
   a. Restaurants, bars, cocktail lounges
      Spaces Required: 1 per 50 sq. ft. of usable floor area plus 1 per 2 employees
   b. Drive-in food or drink places with
      Spaces Required: 1 per 50 sq. ft. of
on-site consumption usable floor area

c. Mortuaries, funeral homes 1 per 3 seats plus 1 per official vehicle

d. Self-service laundries and dry cleaners 1 per 2 machines

e. Open air businesses, swap meets, mini-golf 1 per 1000 sq. ft. of open business area

f. Building material yards, plant nurseries, equipment or sales yards and similar 1 per 300 sq. ft. of sales and display area

g. New and used car lots 1 per 1000 sq. ft. of outdoor vehicle display area plus 1 per 200 sq. ft. of indoor floor area

h. Automobile service stations 3 per bay

i. Carwash 1 per employee, plus reserve space equal to five times the wash line capacity

j. Planned shopping centers under unified control Requirements for all uses elsewhere specified herein

k. Motor vehicle and machinery sales, auto repair shops 3 per service bay or 1 per 500 sq. ft. of floor area

l. Barber shops, beauty shops 2 per chair

m. Furniture and appliance stores, household equipment 1 per 800 sq. ft. of usable floor area

n. Supermarkets, drug stores 1 per 150 sq. ft. of usable floor area

o. Retail establishments not elsewhere listed 1 per 150 sq. ft. of usable floor area

p. Bus depots 1 per 150 sq. ft. of waiting area

q. Video rental outlets 1 per 200 sq. ft. of gross floor area
Public and Quasi-Public Uses:

- Elementary and intermediate schools: 1 per employee plus 1 per 10 students
- High schools: 1 per 5 students plus 1 per employee
- Junior colleges, colleges, universities: 1 per 3 students plus 1 per employee
- Trade schools: 1 per 5 students plus 1 per employee
- Golf courses - public: 5 per hole plus 1 per employee
- Post Offices: 1 per 200 sq. ft. gross of area plus 1 per employee
- Parks, public or private park area: 3 per each acre of area

Wholesaling and Warehousing Uses:

- Spaces Required: 1 per employee

Manufacturing and Industrial Uses:

- Spaces Required: 1 per 2 employees

13-24-060 Off-Street Loading Requirements.

A. Applicability: In all zoning districts (except the Agricultural districts), for every building or part thereof erected or enlarged after August 2, 1987 which is occupied by a use receiving or distributing 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 shall not be considered as satisfying requirements for off-street parking space.

B. Schedule of Loading Space Requirements:
ZONING

<table>
<thead>
<tr>
<th>Total Floor Area of Building</th>
<th>Number of Loading Space(s) Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>20,000 sq. ft. to 30,000 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td>30,000 sq. ft. to 50,000 sq. ft.</td>
<td>2</td>
</tr>
<tr>
<td>for each 100,000 additional sq. ft.</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

C. Location: Required off-street loading space shall not be permitted in any front yard, nor in any required side yard except in a non-residential district where a side yard abuts an alley. Off-street loading space may occupy all or any part of a required rear yard except as otherwise provided herein, and may be partially or entirely enclosed within a building.

D. Alleys: Where a building or use in a non-residential district abuts an alley, such alley may be used as maneuvering space for loading and unloading spaces; provided, however that no alley abutting any residential district may be so used.

E. Size: Every required off-street loading space shall have a minimum width of twelve (12) feet, a minimum length of forty-five (45) feet, and a minimum height of fourteen (14) feet exclusive of access aisles and maneuvering space.

(Ord. No. 152, Enacted, 07/02/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 399, Amended, 10/10/96)

13-24-070 Mixed Use Shared Parking Reductions.

A. Notwithstanding any other parking requirements set forth in this Code, a mixed-use shared parking program (“shared parking program”) may be applied where mixed-uses are proposed and the mix of uses creates staggered peak periods of parking demand. A shared parking program allows the property developer to use parking spaces more efficiently by allowing the same spaces to be “shared” by various land uses, thus reducing the total amount of required parking. A shared parking program may include parking on the same site or different sites subject to the provisions herein. In no case shall a shared parking program include the parking spaces required for residential uses.

B. The Community Development Director (“Director”) may approve a shared parking program upon application of a developer provided that: 1) pedestrian access is provided to and from the parking area and the building; and 2) all other requirements set forth herein are met.

C. Parking spaces that are reserved for a specific business purpose (e.g., reserved for doctors only) or designated and marked for use by handicapped persons shall not be counted toward meeting the shared parking requirements.

D. Those wishing to apply for a shared parking program must demonstrate to the Director the feasibility of shared parking pursuant to subparagraphs (F) & (G) of this Section.
Prescott Valley, Arizona

The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be twenty percent (20%).

E. Shared parking spaces may be located on a different lot than the use which it serves only where the following conditions are met:

1. The parking is located no more than 300 feet from the use that it serves. The distance between the use and the parking lot shall be measured following a reasonable and safe walking route from the main entrance of the use to the nearest parking lot;

2. The applicant(s) for a building permit or certificate of occupancy for the use which is to be served by a shared parking program shall submit a copy of a written agreement pursuant to subparagraph (H) of this Section along with his or her application for such permit or certificate.

3. There is no substantial conflict in the operating hours of the buildings served by the shared parking program.

F. Shared Parking Study: Determination of the shared parking requirements may be determined by use of the Mixed Use Shared Parking Calculation method set forth in subparagraph (G) below, or the Director may require a more detailed study which clearly establishes which uses will utilize the shared spaces at different times of the day, week, month or year. The study shall:

1. Be based on the Urban Land Institute's shared parking study methodology or other generally accepted methodology;

2. Address the size and type of activities, the composition of tenants, the rate of turnover for proposed shared spaces and the anticipated peak parking and traffic loads;

3. Provide for a reduction by not more than 20% of the combined parking required for each use;

4. Provide for no reduction in the number of spaces reserved for persons with disabilities or for a specific business purpose as described above;

5. Provide a plan to convert the reserved space to parking area; and

6. Be reviewed and approved by the Planning Director and the Town Engineer.

G. Parking Credit Schedule Chart for Mixed Use Shared Parking Calculation: The minimum number of parking spaces required for a shared parking plan may be determined by multiplying the minimum parking requirements for each individual use by appropriate percentage (as set forth below in the parking credit schedule chart-shared parking) for each of the five designated time periods and then add the resulting sums from each vertical column. The column total having the highest total value is the minimum shared parking space requirement for that combination of land uses.
### ZONING

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<thead>
<tr>
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<th>Weekday</th>
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<th>Weekend</th>
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<td>Restaurant associated with hotel</td>
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<td>Ent./Recr.</td>
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<td>(theaters, bowling alleys, cocktail lounge, and similar)</td>
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<tr>
<td>Day Care Facilities</td>
<td>5%</td>
<td>100%</td>
<td>10%</td>
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<tr>
<td>All Other</td>
<td>100%</td>
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**H. Agreement For Shared Parking Plan:** The developer(s) applying for a shared parking program in accordance with this Section shall submit a written agreement approved by the Town Attorney requiring that the parking spaces shall be maintained as long as the uses requiring the parking exist or unless the require parking is provided elsewhere in accordance with the provisions of this Section. Such written agreement shall be recorded by the developer(s) with the Yavapai County Recorder’s Office prior to the issuance of a building permit or certificate of occupancy, and a copy filed in the project review file. The agreement shall, at a minimum:

1. List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
2. Provide a legal description of the land;
3. Include a site plan showing the area of the parking parcel and open space reserved area which would provide for future parking;
4. Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
5. Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;

6. Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses;

7. Describe the obligations of each party, including the maintenance responsibility to retain and develop reserved open space for additional parking spaces if the need arises;

8. Incorporate the shared parking study, if applicable, by reference; and

9. Describe the method by which the covenant shall, if necessary, be revised.

I. In the event a use in mixed-use projects is changed, the application for the new business license (pursuant to Section 8-02-100) related to the changed use must be accompanied by evidence that the parking necessary for the new mix of uses does not exceed the amount that was required by the previous mix of uses.

(Ord. No. 564, Enacted, 07/10/03)
ZONING

Article 13-25  MOBILE/MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS

13-25-010  Purpose.

This Section is intended to provide standards for the design and establishment of temporary or long-term parking and occupancy areas for mobile homes, manufactured homes, and recreational vehicles. Principal uses in addition to the aforementioned include recreational and community facilities to be used by non-permanent occupants. Mobile/manufactured home parks and recreational vehicle parks are normally operated by a commercial enterprise charging a fee for the rental of a space within the park.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-24-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92)

13-25-020  Density Requirements.

The density formula for the D3 District shall be applied in determining the combined total of mobile homes, manufactured homes, recreational vehicles, or any permitted non-residential uses that may be located within any one (1) park, provided that:

A. Each mobile/manufactured home space shall have an area of not less than three thousand (3,000) square feet and a width of not less than thirty-six (36) feet.

B. Each recreational vehicle space shall have an area of not less than one thousand eight hundred (1,800) square feet and a width of not less than twenty-five (25) feet.

C. Recreational vehicle spaces shall not be permitted in mobile/manufactured home parks.

D. The height of the buildings within a mobile/manufactured home park or recreational vehicle park shall not exceed two (2) stories nor thirty-five (35) feet.

E. Maximum coverage, including buildings, mobile homes, manufactured homes, recreational vehicles, and paved areas shall not exceed sixty percent (60%) of the area within a park.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-24-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92)
13-25-030 Yards and Spacing.

The minimum distance from any portion of the mobile home, manufactured home, recreational vehicle or its accessory structures from the following lines shall be as follows:

A. Mobile/Manufactured Home Parks

1. From front space line: eight (8) feet from the nearest edge of an interior drive or roadway.
2. From rear space line: five (5) feet.
3. From other space boundaries not in common with the edge of an interior drive or roadway: five (5) feet.
4. From an exterior boundary of the park abutting public streets: twenty (20) feet; from all other exterior park boundaries: ten (10) feet.
5. From another mobile or manufactured home, or accessory structure on an adjoining mobile/manufactured home space: ten (10) feet.

B. Recreational Vehicle Parks

1. From front space line: five (5) feet from the nearest edge of an interior drive or roadway.
2. From the rear space line: five (5) feet.
3. From other space boundaries not in common with the edge of an interior drive or roadway: five (5) feet.
4. From an exterior boundary of the park abutting public streets: twenty (20) feet; from all other exterior park boundaries: ten (10) feet.
5. From another recreational vehicle or accessory structure on an adjoining recreational vehicle space: ten (10) feet.
6. The location of mobile homes or manufactured homes on recreational vehicle spaces is prohibited.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-24-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92)

13-25-040 Park Site Design Requirements.

A. Each parcel of land used for a mobile/manufactured home park or recreational vehicle park shall have a minimum area of three (3) acres.

B. Interior drives or roadways within a mobile/manufactured home park or recreational
vehicle park shall be paved to a minimum width of not less than twenty-two (22) feet.

C. A minimum of two (2) vehicular entrances shall be provided for each park, one (1) entrance of which may be kept closed to the general public if provision is made for emergency access.

D. Street lighting shall be provided along park streets for the safety of pedestrians and shall comply with the outdoor lighting provisions of Article 13-26a and Article 13-26 of this Code.

E. Service buildings to house toilet, bathing and other sanitation facilities shall be provided as required by the Yavapai County Health Department.

F. All mobile/manufactured home spaces or recreational vehicle spaces shall be connected to an approved sewage disposal facility.

G. All utility lines, cable TV and electric transmission lines under twelve thousand (12,000) volts shall be placed underground within a park. Each park space shall be provided with water, electric, telephone and gas lines, if needed. An approved fire protection system shall be installed by the developer.

H. Refuse collection areas shall be central and screened from public view in compliance with Article 13-26 of this Chapter.

I. Recreational vehicle storage areas, if provided in mobile/manufactured home parks, shall be at the minimum ratio of fifty (50) square feet of land for each mobile/manufactured home space. If no such storage areas are provided, recreational vehicles shall not be stored at mobile/manufactured home parks.

J. The total area set aside for recreation shall not be less than ten percent (10%) of the area within a mobile/manufactured home park or recreational vehicle park, and one or more recreational areas, having not less than three thousand (3,000) square feet in area, shall be set aside within such parks.

K. Mobile/manufactured home parks and recreational vehicle parks shall be screened in an attractive manner from surrounding lots by a solid fence, wall or suitable planting as follows:

1. Not less than four (4) feet in height nor more than six (6) feet in height when located in a front yard or street side yard.

2. Six (6) feet in height when located in any other yard.

3. When adjacent to any single-family residential district, in compliance with the requirements of Article 13-26 of this Chapter.

L. Landscaping shall be installed in accordance with Article 13-26.

M. Signs shall be permitted in accordance with Article 13-23.
N. A minimum of two (2) off-street parking spaces shall be provided for each mobile home or manufactured home, and a minimum of one (1) off-street parking space shall be provided for each recreational vehicle. Parking spaces shall be surfaced with dust-free materials. Guest parking shall be provided at a ratio of one (1) parking space for each five (5) mobile/manufactured home spaces or recreational vehicle spaces.

O. No mobile/manufactured home spaces or recreational vehicle spaces shall be occupied unless and until thirty percent (30%) of the total planned [or ten (10) spaces, whichever is greater] shall have been completely prepared and equipped for use in all respects, including drives and community facilities.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-24-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 392, Amended, 06/27/96; Ord. No. 521, Amended, 05/09/02)
Article 13-26  SITE DEVELOPMENT STANDARDS

13-26-010  Purpose.
13-26-020  Applicability.
13-26-030  How the Site Development Standards are Reviewed, Installed and Maintained.
13-26-050  Screening Provisions.
13-26-060  Prescott Valley Recommended Species List.
13-26-070  Nuisance and Hazards Provisions.
13-26-080  Topography.

13-26-010  Purpose.

A. Intent and Purpose:

1. This Article is intended to help achieve the overall land use and image objectives of the Prescott Valley General Plan.

2. The purpose of this Article is:
   a. To enhance the community's general welfare through the promotion of attractive site appearances;
   b. To reduce erosion, dust and glare; and
   c. To screen unattractive or incompatible uses.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-25-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Rep&ReEn, 06/27/96; Ord. No. 630, Amended, 06/30/05)

13-26-020  Applicability.

A. Generally:

The provisions of this Article apply to all new buildings and uses, and to all additions to existing buildings and uses which are larger than twenty-five percent (25%) of the existing building or use in all zoning districts and overlay districts.

New uses and additions to existing uses as noted in Subparagraph 13-26-020(A)(1) above mean any new or expanded use of an existing building or premises that requires the addition of parking spaces, pursuant to the off-street parking requirements of this Chapter, in an amount equal to or greater than twenty-five percent (25%) of the required parking for the previous occupancy.
B. Single-Family Residential Districts: A single-family residence (including site-built buildings, factory-built buildings, and manufactured homes) on its own individual lot in a single-family residential or multiple-dwelling district and not a part of a Planned Area Development or other overlay district, is subject only to the following provisions:


2. Subsection 13-26-050(D)(5), Satellite Dishes, Heating Fuel Tanks and Trash Dumpsters; and Article 13-26a, Outdoor Lighting Requirements.

3. Article 13-26a, Outdoor Lighting Requirements.

C. Agricultural Districts: Uses in the agricultural districts are subject only to the provisions in Article 13-26a and in Section 13-26-070.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-25-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 392, Rep&ReEn, 06/27/96; Ord. No. 399, Amended, 10/10/96; Ord. No. 521, Amended, 05/09/02; Ord. No. 630, Amended, 06/30/05)

13-26-030 How the Site Development Standards are Reviewed, Installed and Maintained.

A. Site Plan Review and Installation:

1. A “Site Plan” is a drawing, prepared to scale, which accurately depicts the locations and sizes of buildings, walls, lighting devices, and other structures; areas, types, and sizes of landscaping; areas for refuse collection, storage, parking, loading, vehicular access, and walkways; property lines and ultimate street rights-of-way; and that portion of rights-of-way to be landscaped or otherwise improved.

2. Prior to issuance of a building permit, a Site Plan drawn in detail and fully dimensioned to reflect compliance with all standards required in this Article and other articles of this Code, shall be submitted for the Town staff's review. When the Town staff determines that the Plan meets full compliance with all development standards and Code requirements, the Site Plan shall be approved.

3. Prior to issuance of an occupancy permit, all site development standards for screening, parking, loading, and driveway areas, and on-site and off-site landscaping with automatic irrigation systems (as required), shall be installed in accordance with the approved Site Plan. In lieu of such installation, where weather conditions warrant a delay [but for no more than six (6) months], a cash deposit or bond or letter of credit from an approved bank, naming the Town as beneficiary, in an amount which guarantees the complete installation of such site development standards, shall be filed with the Town.

B. Maintenance of Site Development Standards:
1. "Maintenance" is on-going repair, replacement, painting, trimming, mowing, pruning, weeding, watering, and other activities for the consistent upkeep of an attractive appearance.

2. All screening, lighting, on-site landscaping, and off-site landscaping shall be maintained by the owner, an owners' association, or the lessee of the site.

3. Approved and installed landscaped areas shall be maintained and shall not be used for vehicle parking, storage, or display of merchandise.

4. Areas designated for on-site detention of drainage water shall be maintained and used solely for that purpose.

5. Dead plants, trees, shrubs or ground covers; and damaged landscaping, irrigation devices or screening walls, shall be replaced in accordance with the approved Site Plan.

6. All of the site and land between the property line and the shoulder of the roadway shall be kept free of litter, weeds and trash.

7. Failure to maintain site development standards shall constitute a violation of this Article and shall be subject to the penalties prescribed in Article 13-31 of this Chapter.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-25-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 392, Rep&ReEn, 06/27/96; Ord. No. 563, Amended, 07/10/03)


A. The Purpose of Landscaping Provisions: The purpose of requiring landscaping is to provide for minimum standards which will beautify buildings and uses, screen unattractive areas, provide for safer vehicular movement, and encourage the development of a more attractive Prescott Valley image and streetscape.

B. Landscaping Defined:

1. The combination of living plants, trees, shrubs, vines, and ground covers used for creating an attractive appearance;

2. Inorganic ground covers, such as river rock and decorative stone, used in combination with living plants, trees, shrubs, and ground covers to create an attractive appearance; or

3. Plazas, patios, decorative courtyards, and other areas reserved for pedestrian use, water features, and public art, in combination with living plants, trees, shrubs, and ground covers, except that other paved surfaces are not included.
in this definition.

C. Basic Landscaping Requirements Include:

1. Installation of automatic irrigation systems of sufficient size and type to support and maintain all living landscaping materials, except that automatic irrigation systems are not required for undisturbed areas of native grasses and vegetation;

2. Installation of living landscaping selected from those specified in Subsection 13-26-060, Prescott Valley Recommended Species List, similar species recommended in Sunset Western Garden Book applicable to the Prescott Valley region, or other drought tolerant plants acclimated to the Prescott Valley region; and

3. Continued maintenance of all landscaping materials as required in Subsection 13-26-030(B) of this Article;

D. On-site Landscaping Standards Along Street Frontages:

1. Landscape Area: In all cases there shall be at least a ten-foot (10') wide landscaped border running continuously and contiguously with each street, except that lots in the multiple-dwelling district (R2) may reduce the minimum width of required landscaping borders to seven (7) feet.

2. On-site Landscaping Border Requirements:
   a. At least one (1) tree of minimum 15-gallon size for every thirty (30) lineal feet, or fraction thereof, of all adjacent street frontages;
      (1) Clustering of trees and shrubs is encouraged to create an attractive appearance in accordance with the requirements of this Section and to allow certain portions of a building to be visible. To achieve this objective, trees may be moved within the required landscape area; however the distance between trees should not exceed fifty (50) feet.

   b. At least one (1) 5-gallon shrub and four (4) one-gallon shrubs for every 100 square feet of total required landscape border area;
      (1) Five (5) one-gallon shrubs may be substituted for a single 5-gallon shrub for up to one-third of the number of 5-gallon shrubs required herein. The maximum distance between shrubs shall not exceed ten (10) feet.

   c. Sufficient inorganic or organic ground cover materials (in addition to shrub requirements) to completely control erosion and dust in the landscaped area;
(1) Undisturbed native grasses or re-seeded native grasses shall qualify as ground cover material.

d. The required on-site landscaping borders along street frontages shall not be obscured by walls exceeding one (1) foot in height [i.e. walls exceeding one (1) foot shall be located at least seven (7) feet from the property line within the landscaping border];

e. Landscaping borders for vehicle parking areas shall be subject to the provisions set forth in Section 13-26-040(I); and

f. Water detention basins may be located within the on-site landscaping frontage area if containing landscaping and slopes not exceeding 2:1.

E. Other On-Site Landscaping Requirements:

1. Undeveloped areas in all districts (except single-family residential district and approved screened storage or yard areas) extending beyond a required landscape border and which are not occupied by parking areas or structures shall contain additional inorganic ground cover materials to completely control erosion and dust. Undisturbed native grasses or re-seeded grasses may be applied.

2. Commercial Districts: The area between a required landscape border and a commercial or industrial building frontage shall contain the following landscaping.

   a. One (1) tree per 500 square feet of area.

   b. At least one (1) 5-gallon shrub per 100 square feet of total undeveloped area.

   c. Three (3) one-gallon shrubs may be substituted for a 5-gallon shrub for up to one-half of the 5-gallon shrub requirement.

3. Multi-Family Uses, Mobile/Manufactured Home Parks and Recreational Vehicle Parks:

   Properties zoned for multiple-family residential uses, mobile/manufactured home park or recreational vehicle parks shall contain at least one (1) 15-gallon tree and two (2) 5-gallon shrubs in addition to ground cover materials for each residential dwelling unit on the ground floor, and such landscaping is to be located in open courtyards and rear yards for use and enjoyment by the residents.

F. Types:

1. Trees planted within the first ten (10) feet of the property shall be selected from those specified in Subsection 13-26-060(A), and living plants, shrubs,
vines, and ground covers shall be selected from those specified in Subsection 13-26-060(C) of this Article.

2. Trees to be placed adjacent to pedestrian areas with sidewalks existing or planned shall be selected from those specified in Subsection 13-26-060(A).

3. Trees to be placed in other non-pedestrian street frontages may be a 50/50 mix of deciduous and evergreen trees and shall be selected from those specified in the "Deciduous Trees" and "Evergreen Tree" lists of Subsection 13-26-060(C). Landscaping may be located anywhere within the front twenty (20) feet of the street frontage to allow plantings to be staggered.

4. Trees placed on Public Lands (PL) shall be approved by the director.

5. Trees in PADs (pursuant to Article 13-19) will follow these guidelines unless approved as part of the Final Development Plan approval process.

G. Landscaping Standards for Vehicle Parking and Separation:

1. In addition to the landscaping border requirements set forth in Subsection 13-26-040(D), a minimum of ten percent (10%) of all parking lot areas, including parking and maneuvering spaces, access aisles, and driveways, shall be landscaped with living plants, trees, shrubs, and ground covers. The 10% landscaped area may include any parking island landscape area described below.

2. Landscaping Islands in Parking Areas:

   a. In parking areas, islands are to be installed with a minimum width of seven (7) feet running the full length of a contiguous parking space or, in an alternative design variation [ranging seventeen (17) feet to twenty
(20) feet], so that a minimum seven foot (7') width is maintained in the area of street installation;

b. A ratio of one (1) island is to be installed for every twelve (12) parking spaces, and in no instance shall more than eleven (11) contiguous parking spaces be installed in a row without the placement of a landscaped island, except as noted below.

c. Each island shall contain a minimum for each parking space length of one (1) 15-gallon tree and two (2) 5-gallon shrubs (which shall be kept trimmed so as to not exceed thirty-six (36) inches in height), and ground cover materials sufficient to control dust and erosion. However,

(1) An on-site landscaping border may substitute for a parking island where parking spaces abut it;

(2) Parking lots with over one hundred (100) spaces may install one landscaped island for every fifteen (15) parking spaces; and

(3) Parking lots in manufacturing and industrial zoning districts may install one (1) landscaped island for every twenty-five (25) parking spaces.

3. Vehicles Overhanging Landscaping:

a. Where the front end of parking spaces abut a landscaped area, wheel stops or concrete curbs shall be installed to limit vehicle overhang of the landscaped area to no more than thirty (30) inches;

b. Ground cover shall be installed within the allowable overhang area; and

c. Trees and shrubs shall be located beyond the allowable overhang area.
4. **Traffic Visibility:**

   a. Trees planted in parking areas and near driveways shall be of a species commonly and customarily pruned so as to allow visibility to drivers while providing a shade canopy above; and

   b. Wide-base spreading evergreens are prohibited where they may interfere with traffic visibility.

   c. Shrubs, ground covers, and other landscaping material may not exceed eighteen (18) inches in height from grade within any street corner or driveway intersection and any street area within a 40 foot triangle consistent with YAG Standard detail.

H. **Buffering of Parking Areas:**

1. In addition to the landscape requirements of Subsection 13-26-040(G), all parking areas with more than eight (8) spaces shall be buffered from street view by one, or a combination, of the following:

   a. Decorative solid, one hundred percent (100%) obscuring screening walls of materials, finishes and construction design compatible with the primary building on the site; or

   b. Dense landscaping of hedge shrubbery of such size and quantity as to completely obscure views within two (2) years after planting. The minimum height of hedge shrubbery plantings installed for parking buffering shall be at least 18-inches in height and provide a 50 percent density coverage and shall reach a minimum height of 36-inches and provide 100 percent screening density within two (2) years. The species shall be selected from those specified in 13-26-060(B).

   c. Earthen berms with a maximum slope of 2:1 and entirely covered with landscaping materials, including ground covers, vines and shrubs.

Where screening is provided by a solid wall for parking abutting it, the wall may be located three (3) feet into a landscaped border to allow for automobile overhangs or door swing area, as long as a minimum of seven (7) feet of
landscaping is maintained between the wall and the property line. Both such dimensions are measured from the centerline of the wall.

2. All buffering devices described above shall be of a minimum height of three (3) feet and a maximum height of four (4) feet above the finished grade of the parking area or roadway, whichever is higher.

3. For businesses principally engaged in the outdoor sale of boats, cars, trucks and recreational vehicles, the minimum height of the buffering devices required above may be reduced to one-and-one-half (1 1/2) feet where the finished grade of the display parking area is at least two (2) feet higher in elevation than that of the contiguous roadway, to allow visibility of display merchandise.

4. Where any parking lot area is situated across a street from a residential district:

   a. It shall be screened by a solid, one hundred percent (100%) obscuring screening wall, four (4) feet in height, above the finished grade of the parking area or roadway, whichever is higher; and

   b. Such wall shall be installed between the required landscaped border and the parking area, and may encroach into the landscaped border not more than three (3) feet as specified in Subparagraph 13-26-040(H)(1) above.
I. Off-Site Landscaping Standards:

1. Area Locations: The area between the property line and the shoulder of the roadway shall be landscaped continuously, except that such landscaped area may be interrupted by paved driveways and drainage ditches. Note, however, that drainage ditches are to be kept free of weeds, litter and other debris. Furthermore, all plans for structures within the right-of-way are subject to approval by the Public Works Director.

2. Types of Landscaped Material:
   a. Ground cover, of organic or inorganic materials, or in combination as previously specified in Subparagraph 13-26-040(D), in sufficient quantity to completely control erosion and dust within the area.
      (1) Undisturbed native grass areas may fulfill these off-site landscaping requirements; but
      (2) Trees, large shrubs, and hedges are not permitted, except in areas where maximum street construction widths are established by the Town Engineer.

3. Rights-of-Way Landscaping Within Subdivisions: Landscaping along rights-of-way and within medians in residential PAD subdivisions shall meet the basic landscaping requirements set forth in Subsection 13-26-040(C) and shall be reviewed by the Public Works Department to ensure plantings will not require extensive maintenance or water consumption. Such landscaping shall be approved as part of a Final Development Plan.

J. Exemptions:

1. Town Center Development and development in other Planned Area Development (PAD) districts utilizing street frontage building design (e.g. “Main Street”), or other innovative designs, may modify the landscaping border
requirements set forth herein when such landscaping is incorporated into a design package and approved in conjunction with a Final Development Plan pursuant to Section 13-19-060(D).

2. Approved screened-in storage areas for industrial districts and areas inside approved fenced yards for multi-family districts are exempt from all ground cover planting requirements; however, such districts shall at all times comply with any applicable dust control requirements.

3. On-site areas approved for future development are exempt from the landscaping requirements of this section but shall at all times comply with the ground cover requirements to control erosion and dust.

4. Legal substandard lots created with an approved subdivision plat prior to 1979 will be subject to the following exceptions:

   a. The total square footage of the required street frontage landscaping may be distributed within the front of the building line along the front and side lot lines in a width no less than five (5) feet. There shall be no less than a five-foot landscape border along the front of the property. Quantities shall be based on the amount of street frontage.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-25-040; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 279, Amended, 06/25/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 375, Amended, 12/28/95; Ord. No. 392, Rep&ReEn, 06/27/96; Ord. No. 563, Amended, 07/10/03; Ord. No. 630, Amended, 06/30/05)

13-26-050 Screening Provisions.
A. The Purpose of Screening Provisions: In conjunction with Subsection 13-26-010(A), the purpose of screening provisions is to separate incompatible uses, conceal objectionable areas, and buffer intense activities.

B. Definitions:

1. "Screening Walls and Devices", generally, are any structures intended to fully or partially conceal activities, storage, refuse, loading, parking areas, and mechanical equipment from view, or to separate incompatible uses. They include structures constructed of masonry units, wood, stone, earthen berms, and landscaping. However, wood fences and walls do not include structures constructed of plywood, pressboard, particleboard, chipboard, masonite or other similar manufactured materials.

2. "Solid Screen Wall" is a screening wall that obscures one-hundred percent (100%) of the enclosed activities or uses and shall be six (6) feet in height unless approved by the Board of Adjustment to be up to eight (8) feet in height.

3. "85% Screen Walls", defined for this Chapter to allow partial surveillance, are screening walls of masonry, wood or slatted chain-link fencing, so constructed as to completely block at least eighty-five percent (85%) of the view of enclosed activities or uses from adjacent real property that is approximately at the same elevation as the activity or use. Such screening is only allowed for commercial districts that are adjacent to other commercial districts.

C. Basic Requirements for All Types of Screening:

1. The height of screening walls and devices are measured from the highest finished adjacent grade of the element to be screened.

2. Openings in screening walls and buffer landscaping, no greater than six (6) feet in width for the facilitation of pedestrian and bicyclist traffic, are required where appropriate.

3. All required walls shall be located on-site and shall be reduced in height to no more than three (3) feet if there is potential of obstructing vision for vehicular traffic.

4. All screening walls and fences shall comply with the other articles of this Chapter, whichever provisions are more restrictive.

D. Screening of Refuse, Storage, Loading Docks, and Mechanical Equipment:

1. Refuse Collection Areas:

   a. Refuse collection areas and equipment shall be screened on three (3) sides by solid, one hundred percent (100%) obscuring screening walls, six (6) feet in height; and
b. Where the front of a refuse collection area faces a street or entry way into a site, such refuse collection area front shall be enclosed by opaque gates attached to the screening walls required above.

2. Outdoor Storage Areas:
   a. Outdoor storage of materials, equipment, vehicles or trailers shall be screened from view by screen walls of at least six (6) feet and not more than eight (8) feet in height; and
   b. Stacking of materials or equipment above the height of the screening walls is prohibited, except that vehicles greater in height than eight (8) feet may protrude above the screening wall.

3. Loading Dock Areas and Overhead Bay Doors:
   a. Loading, delivery or service areas shall be oriented away from public streets or be screened by six-foot (6') high screen walls with adjacent screening landscaping;
   b. Loading, delivery or service areas shall be screened from contiguous residential districts by six-foot (6') high screen walls and screening trees and landscaping as required in Subsection 13-26-040(F) of this Article; and
   c. In addition to loading, delivery or service areas, all overhead bay doors shall be oriented away from major streets, highways, and contiguous residential districts, or shall be screened by six-foot (6') high screen walls with adjacent screening trees and landscaping as required in Subsection 13-26-040(F) of this Article.
   d. Legal substandard lots created with an approved subdivision plat prior to 1979 will be subject to the following exceptions:
      (1) The requirements of Section 13-26-050(D)(3)(c) shall not be applied to legal non-conforming lots in RS and C1 districts where to do so would create undue hardship. In the event an overhead bay door must be oriented toward a major street, highway or contiguous residential district, said overhead bay door shall be no greater than twelve (12) feet in height. Additionally, the overhead bay door shall be screened by installing one of the following:
      (2) Building frontage landscaping installed adjacent to the overhead bay doors pursuant to Section 13-26-040(D), or
      (3) An awning above the overhead bay doors to create a visual break
4. Outdoor Mechanical Equipment:

a. Ground-mounted mechanical equipment shall be screened from view by screen walls, on all sides, of a height equal to or greater than the mechanical equipment;

b. Roof-mounted mechanical equipment shall be concealed on all sides by screening devices, equal to or greater in height than the mechanical equipment. Such screening devices shall be, or appear to be, an integral part of the building upon which they are mounted; and

c. Meters, pedestals, and junction boxes for public utilities are excluded from the above screening requirements.

5. Earth Satellite Receiving Dishes, Heating Fuel Tanks, and Trash Dumpsters:

a. Earth satellite receiving dishes [twenty-five (25) inches in diameter or larger] shall be ground-mounted and located in the rear half of any lot, except that a non-residential use may be permitted to be located on the roof if screened;

b. Liquid heating fuel storage tanks shall either be located within the rear half of a lot or shall be screened from view by a non-combustible wall, equal to or greater in height than the tank, and enhanced with landscaping; and

c. Trash dumpsters are prohibited from all single-family residences except as required during construction.

E. Screening of Outdoor Display and Vending Equipment:

1. Outdoor display of merchandise for other than outdoor businesses (e.g. plant nurseries and car sales) shall be limited to one (1) item per product of those product types that are typically and customarily used in the outdoors (e.g. lawn furniture, bar-b-que grills, etc.). All other outdoor display is prohibited.

2. Outdoor display of merchandise, as described above, shall be limited to the following locations and hours:

a. Under the roof overhang of a building; or

b. Under a freestanding, roofed structure; or

c. In an open area further from the street and beyond the required on-site landscaping frontage described in Subsection 13-26-040(D) of this
Article, and not within any required parking, water detention or landscaping areas; and

d. Any outdoor display of merchandise located within twenty (20) feet of a street right-of-way shall be buffered by a screening wall or earth berm with landscaping to a height of three (3) feet [See Subsection 13-26-050(F) below]; and

e. In no case shall any outdoor merchandise be located so as to interfere with vehicular or pedestrian movement, or with ramps for the handicapped; and

f. All outdoor displays shall be removed from the outdoors within one (1) hour after the close of business operations.

3. Outdoor vending machines and newsracks shall be located as follows:

a. Immediately adjacent to the walls of a building; or

b. Within a walled alcove, designed for containment of vending machines and newsracks; and

c. In no case so as to interfere with vehicular or pedestrian traffic or access to ramps for the handicapped.
F. Screening for Protection of Adjacent Properties:

The screening provisions listed below shall apply to developers of non-residential or multiple-family uses, or mobile/manufactured home parks or recreational vehicle parks, as follows:

1. A Solid Screen Wall shall be installed at a height of six (6) feet above the grade of the contiguous property for the following uses:

   a. Commercial and non-residential uses, when such uses are contiguous to any R1 or R2 residential district or any residential use in an RS district [except where such uses are contiguous to undeveloped property in RCU districts which are designated for high intensity uses in the adopted Prescott Valley General Plan and which are not located within the Civic/Business Center (Section 14) as described in the General Plan and any amendments thereto]; and

   b. In the case of Multiple-family residential uses comprised of three (3) or more units and contiguous to an R1 district or single family use in an RS district, or,

   c. Multiple-family residential uses with five (5) or more units or one (1) acre in size being contiguous to any R1 district and/or adjacent to multiple-family use in the R2 or RS district with less than five (5) units.

   d. Mobile/manufactured home parks or recreational vehicle parks when such uses are contiguous to any R1, R2 or RS district or residential use.

2. Screening trees are to be installed in addition to Solid Screen Walls for the following uses and shall include 15-gallon trees planted fifteen (15) feet on center, running the full length of common property lines inside the screen wall and such screening trees shall be of an evergreen (non-deciduous) type selected from Subsection 13-26-060, "Prescott Valley Recommended Species List."
a. Commercial and multiple-family residential uses where the lots are over one (1) acre in size and when such uses are contiguous to any R1 or R2 residential district or any residential use in an RS district [except where such uses are contiguous to undeveloped property in RCU district which are designated for high intensity uses in the adopted Prescott Valley General Plan and which are not located within the Civic/Business Center (Section 14) as described in the General Plan and any amendments thereto];

G. All walls, fences and other screening devices described in this Section shall be maintained as set forth in Subsection 13-26-030(B) of this Article.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-25-050; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Rep&ReEn, 06/27/96; Ord. No. 563, Amended, 07/10/03; Ord. No. 630, Amended, 06/30/05)

13-26-060 Prescott Valley Recommended Species List.

The following lists comprise selections of living trees, shrubs, vines, and ground covers suggested for installation of landscaping materials as required by this Article and for additional landscaping as desired. The species listed here have been selected based upon experienced hardiness in Prescott Valley's climate and elevation. Native and drought resistant plants are recommended and are so noted by symbol and footnotes.

A. Trees for Pedestrian Streets: In order to create an appearance of consistency and provide shading along pedestrian streets with sidewalks and sand trails, the following species are required for planting within the first ten (10) feet of on-site street frontage yards:

London Plane Sycamore, Honey Locust, Seedless Cottonwood, Chinese Elm, Purple Locust, Arizona (Modesto) Ash

B. Buffering of Parking Lots: The following shrubs should be used to buffer parking lots as stated in Section 13-26-040(H):

Juniper variety, Photinia, Spanish Broom, Mountain Mohagany, Rabbit Bush, Parney Cononeaster

C. Recommended Species List: The following is a list of recommended species of trees, shrubs, vines, groundcovers, perennials, native grasses and lawn grasses. The species of suggested trees and shrubs are divided into "deciduous" and "evergreen" varieties. The evergreen varieties are required for screening trees to buffer dissimilar uses as specified in Subparagraph 13-26-050(F)(2) above:

<table>
<thead>
<tr>
<th>DECIDUOUS TREES</th>
<th>DECIDUOUS SHRUBS</th>
<th>EVERGREEN TREES</th>
<th>EVERGREEN SHRUBS</th>
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<tbody>
<tr>
<td>Ash, Arizona</td>
<td>Barberry, Crimson</td>
<td>Arbor Vitae</td>
<td>Agave</td>
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<tr>
<th>Prescott Valley, Arizona</th>
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<tbody>
<tr>
<td><strong>Deciduous Trees</strong></td>
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<td>Ash, Mrshall</td>
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<td>Ash, Raywood</td>
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<td>Aspen, Quaking</td>
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<td>Crab, Flowering</td>
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<td>Fruit Trees</td>
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<td>Goldenrain Tree</td>
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<td>Locust, New Mexico</td>
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<td>Locust, Purple Robe</td>
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<td>Locust, Rubylace</td>
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<td>Locust, Shademaster</td>
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<td>Locust, Sunburst</td>
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<td>Locust, Thornless Hone</td>
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<td>Maple, Autumn Blaze</td>
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<td>Maple, Bigtooth</td>
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<td>Maple, Red Sunset</td>
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<td>Maple, Rocky Mountain</td>
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<td>Maple, Silver</td>
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<td>Oak, Emory</td>
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<td>Oak, Gambel's</td>
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<td>Oak, Pin</td>
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<td>Olive, Russian</td>
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<td>Pear, Bradford Flowering</td>
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<td>Plum, Flowering</td>
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<td><strong>Deciduous Shrubs</strong></td>
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<td>Buddleia</td>
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<td>Chokecherry</td>
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<td>Cotonester, Rock</td>
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<td>Crape Myrtle</td>
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<td>Curryleaf Mountain Mahogany</td>
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<td>False Mock Orange</td>
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<td>Quince</td>
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<td>Rose</td>
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<td><strong>Deciduous Shrubs (cont.)</strong></td>
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<td>Roundleaf</td>
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<td>Russian Sage</td>
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<td>Salvia Greggii</td>
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<td>Santolina</td>
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<td>Silver Buffaloberry</td>
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<td>Smooth Sumac</td>
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<td>Spirea, Anthony Waterii</td>
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<td>Spirea, Bridal Veil</td>
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<td>Spirea, Bridal Wreath</td>
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<td>Spirea, Little Princess</td>
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<td>Squabush</td>
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<td>Utah Serviceberry</td>
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<tr>
<td><strong>Deciduous Vines</strong></td>
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<td>Cedar, Atlas</td>
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<td>Cedar, Deodar</td>
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<td>Cypress, Arizona</td>
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<td>Cypress, Leylandii</td>
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<td>Fir, White</td>
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<td>Juniper, Rocky Mountain</td>
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<td>Pine, Bristlecone</td>
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<td>Pine, Pinion</td>
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<td>Spruce, Colorado</td>
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<td><strong>Evergreen Vines &amp; Ground Covers</strong></td>
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<td>Dragon's Blood Sedum</td>
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<td>Emerald Carpet</td>
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<td>Manzanita</td>
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<td>English Ivy</td>
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<td>Euonymus, Wintercreeper</td>
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<tr>
<td>Evergreen Candytuft</td>
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<td>Green Santolina</td>
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<td>Grey Santolina</td>
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<td>Halls Honeysuckle</td>
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<td>Dwarf Nandina</td>
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<td>Honeysuckle, Texas</td>
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<td>Mondo Grass</td>
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<td>Ornamental Strawberry</td>
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<td>Purple Leaf Winter Creeper</td>
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<td>Sargent Juniper - 18&quot;</td>
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<td>Warty Barberry</td>
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<td>Apache Plume</td>
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<td>Barberry, Evergreen</td>
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<td>Big Sagebrush</td>
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<td>Cliffrose</td>
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<td>Cotoneaster, Lowfast</td>
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<td>Dwarf Coyote Brush</td>
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<td>Holly, Yaupon</td>
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<td>Juniper, Old Gold</td>
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<td>Nandina, Standard</td>
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<td>Oregon Grape, Compact</td>
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<td>Photinia Fraseri</td>
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<td><strong>Perennials</strong></td>
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<td>Bronze Beauty</td>
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<td>Creeping Thyme</td>
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<tr>
<td>Harbour Lamb's Ear</td>
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<td>Mexican Primrose</td>
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<td>Peruvian &quot;Pink/Red&quot; Verbena</td>
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<td>Snow in Summer</td>
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<td><strong>Native Grasses</strong></td>
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<td>Buffalo Grass</td>
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<td>Blue Grama</td>
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<td>Weeping Love Grass</td>
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<td>Tall Fescue</td>
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<tr>
<td>Creeping Red Fescue</td>
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<tr>
<td><strong>Lawn Grasses</strong></td>
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13-26-070 Nuisance and Hazards Provisions.

A. Purpose of Nuisance and Hazards Provisions: In conjunction with Subsection 13-26-010(A), the purpose of these provisions is to prohibit or abate conditions which pose potential hazards and nuisances to the general welfare of the Prescott Valley residents and businesses.

B. No use shall be established, maintained or conducted in any district which may cause any of the following nuisances or hazards:

1. Dissemination of smoke, gas, dust, odor or any other atmospheric pollutant outside the building in which the use is conducted, or with respect to a use or any part thereof that is not conducted within a completely enclosed building, any such dissemination whatsoever.

2. Objectionable noise beyond the boundary of the district.

3. Discharge of any wastewater or materials not treated to the minimum treatment standards established by the Town and the Arizona Department of Environmental Quality, and validated by current, approved discharge permits issued by those agencies.

4. Dissemination of glare or vibration beyond the immediate site of the use.

5. Physical hazards by reason of fire, explosion, radioactivity or any similar cause to property in the same or an adjacent district.

(Ord. No. 392, Enacted, 06/27/96)

13-26-080 Topography.

In order to minimize visual impacts from cuts and fills and excessively high retaining walls, the following standards apply:
A. Single Family Residential Retaining Walls:

Retaining Walls shall not exceed six (6) feet in height in rear and side yards and four (4) feet in height in front yards. If higher retaining walls are required, the use of terraces or stepped walls may be allowed provided that each wall shall not exceed the height limits set forth herein and shall have a minimum horizontal terrace spacing of three (3) feet.

B. Commercial Retaining Walls:

Retaining walls shall not exceed 12 feet in height in rear and side yards and 8 feet in height in front yards. If higher retaining walls are required, the use of terraced or stepped walls may be allowed provided that each wall shall not exceed the height limits set forth herein and shall have a minimum horizontal terrace spacing of three (3) feet which will be landscaped in accordance with the standards below. Any commercial fencing above a retaining wall should be set back at the same three (3) foot terrace standard stated above along with all terraced landscaping provisions stated below. Any commercial fencing above a retaining wall shall be set back at the same three (3) foot terrace standard stated above and shall be landscaped in accordance with the standards below.

1. Landscaping standards shall be those set forth in Section 13-26-040(D)(2) for non-pedestrian street frontage with the exception that the required street trees may be replaced with other shrubs of similar size from the Prescott Valley Species List.

C. Other Grade Changes:

1. All other grade changes and disturbed areas not supported by retaining walls shall be landscaped with groundcover which can include any combination of grasses or shrubs from the Prescott Valley Species List in a minimum ratio of 50 percent living vegetation to 50 percent inorganic groundcover.

2. Any cuts not utilizing a retaining wall that are too steep for vegetation shall have terraced cuts following the same terrace and landscaping guidelines set forth in Subparagraph 13-26-080(B).

(Ord. No. 630, Enacted, 06/30/05)
Article 13-26a  OUTDOOR LIGHTING REQUIREMENTS

13-26a-010  Purpose.

It is the intent of this Article to apply lighting standards consistent with prior Town policy and Council actions in order to ensure minimal light pollution, reduce glare, promote public safety, and retain the enjoyment of Prescott Valley’s night-time quality. These provisions are also consistent with prior policy to allow for necessary commercial services and encourage quality development within the Town, particularly the area generally known as the Town Center (Section 14).

(Ord. No. 521, Enacted 05/09/02)

13-26a-020  Exemptions.

A. Existing Fixtures:

1. All existing outdoor light fixtures legally installed in conformance with adopted Town Code provisions in effect at that time, prior to the effective date of any new standards adopted by this Article, are exempt from new requirements of this Article, except that:

   a. When existing light fixtures are reconstructed or replaced, such reconstruction or replacement shall be in compliance with this Article.

   b. Mercury vapor fixtures shall be reconstructed or replaced in conformance with Subsection 13-26a-040(A)(2)(a).

B. Recreational Facilities. Lighting applications for recreational facilities as defined in Subsection 13-26a-030(A)(13), are exempt from the requirements of this Article. However, such applications shall be designed to utilize internal louvers and external shields to minimize upward light emissions and light trespass, and to reduce light levels to not more than one (1) foot-candle adjacent to any roadway and one-half (.5)
foot-candle at any residential property line. Any non-conforming lighting for recreational facilities is subject to a Use Permit granted by the Board of Adjustment.

C. Seasonal Decorations. Seasonal Decorations using typical unshielded low-wattage incandescent lamps shall be permitted in all zoning districts from 15 November thru 15 January. Such lighting shall be extinguished after 11:00pm or at the closing of business (whichever comes first).

D. Frosted Lamps. Light fixtures emitting not more than 1000 lumens and consisting of a frosted lamp shall be permitted, subject to the light trespass standards of Section 13-26a-060.

E. Temporary Exemptions:

   1. Exemptions to the requirements of this Article may be permitted for temporary events such as parades, special civic or public events, special business events, construction, business grand openings, etc. Such exemptions shall be permitted only by approval of the Community Development Director upon written request. Such permit shall be valid for not more than thirty (30) consecutive calendar days from the date thereon. Any individual requesting an exemption for a period greater than thirty (30) consecutive calendar days (or an extension beyond the original 30-day period), shall make application directly to the Board of Adjustment.

(Ord. No. 521, Enacted, 05/09/02)

13-26a-030 Definitions.

A. The following terms apply:

   1. "Catalog Cut" means a technical illustration provided by a manufacturer showing the cross-section of the complete fixture.
   2. "CCT or Color Correlated Temperature" means the equivalent color of a heated metal object to the accompanying temperature in Kelvin Scale (K).
   3. "Fixture Height" means the height measured from the top of a light fixture to the adjacent grade at the base of the support for that light fixture.
   4. "Flood Light" means a specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, with a clear or nearly clear glass envelope. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.
   5. "Foot-Candle (fc)" means one (1) lumen per square foot unit of Illuminance. It is the luminous flux per unit area in the Imperial system. One foot-candle equals approximately 0.1 lux.
6. "Fully-Shielded" means outdoor light fixtures shielded or constructed so that all of the light rays emitted by the fixture are projected below a horizontal plane passing through the lowest point on the fixture from which light is emitted. “Fully-Shielded” shall also conform to cutoff guidelines defined by IESNA as “the candlepower per 1000 lumens does not numerically exceed 25 (2.5%) at an angle of 90° above (nadir) horizontal, and 100 (10%) at a vertical angle of 80° above nadir.” Drop or sag lens type fixtures shall not be allowed.

7. “Horizontal Foot-Candle (hfc)” means the Illuminance measured by a light meter at the adjacent grade of the fixture or building on which it is attached, unless otherwise specified.


9. “Illuminance” means the intensity of light in a specified direction measured at a specific point.

10. "Individual” means any private individual, tenant, lessee, owner, or any commercial entity including, but not limited to, companies, partnerships, joint ventures or corporations.

11. “Lamp or Bulb” means a source of light.


13. "Light Fixture” means the complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket). Light Fixture shall also mean Luminaire as referenced by IESNA.

14. “Lumen” means a unit measurement to define the total output of light for a particular light fixture or lamp, and is specified by the manufacturer.

15. "Recreational Facilities” means public, municipal or private facilities designed and equipped for the conducting of sports, leisure time activities, and other customary and usual recreational activities. Outdoor Recreational Facilities include, but are not limited to, fields or stadiums for softball, baseball, football, soccer, golf, driving ranges and other "field sports," and courts for tennis, basketball, volleyball, handball and other "court sports."

16. "Town Standard” street lighting means the LSI (Model XCN4 3000K) light fixture models.
Prescott Valley, Arizona

(Ord. No. 521, Enacted, 05/09/02; Ord. No. 832, Amended, 08/10/17)

13-26a-040 Lighting Standards.

A. General lighting standards (unless specified elsewhere):

1. All light fixtures (unless specifically exempted) will be designed and installed as "fully-shielded" as defined in Subsection 13-26a-030(A) (1).

2. Light fixture types shall be regulated as follows:

   a. Installation of new mercury vapor (MV) fixtures was prohibited within the Town as of July 11, 1993 [being one (1) year after the effective date of Ordinance No. 276]. Mercury vapor fixtures shall be prohibited within the Town as an outdoor lighting source as of January 1, 2005.

   b. Metal halide (MH) fixtures shall be allowed for the following applications:

      (1) Approved outdoor merchandise sales display including, but not limited to, automobile sales.

      (2) Building-mounted lighting for accent and entrances installed per Subsection 13-26a-040(B).

      (3) Gas pump island areas under a canopy.

      (4) Main Street as defined in Subsection 13-26a-050 (B).

   c. Incandescent, fluorescent, high pressure sodium (HPS), low pressure sodium (LPS), quartz, and LED fixtures are allowed in all zoning districts, subject to all other provisions of this Article.

   d. Neon fixtures are allowed for accent lighting and shall be limited to a tube length being not more than the length of the building on which they are mounted or as part of an approved sign, and subject to all other provisions of this Article.

   e. Incandescent or arc-type searchlights, beacon lights or similar lighting devices projecting a beam of light into the sky are prohibited unless express permission is obtained from the Town Council. However, nothing herein shall prohibit emergency searchlights or beacons operated pursuant to public authority.

3. Any light fixtures placed in public rights-of-way shall meet the intent of this Article, and the requirements of any other adopted Town policy or standard, and shall first be approved by the Public Works Director.
4. For purposes of this Article, the following rated lamp wattages shall be accepted for lumen levels unless the Zoning Administrator determines, based on information from the lamp manufacturer, that the lamp emits more or less than stated herein.

Less than 1000 lumens - 60 watt incandescent, 75 watt flood, 25 watt fluorescent.
1000 - 2000 lumens - 100 watt incandescent, 120 watt flood light.
2000 - 4000 lumens - 160 watt flood light, 50 watt HPS, 50 watt MH, 40 watt fluorescent.
4000+ lumens - 100 watt MV, 100 watt MH, 110 watt florescent (48” tube).

B. The installation of building-mounted light fixtures shall be governed by the following:

1. Building-mounted light fixtures shall be HPS, MH or other allowed source, and all such fixtures are subject to the light trespass standards of Section 13-26a-060 and the lighting level standards of Section 13-26a-070.

2. Such light fixtures shall be installed per the following guidelines:
   a. Maximum of fourteen (14) feet in height within eighty (80) feet of, any residential zoning district, or if located across the street from a residential zoning district, and lamps shall not be more than 175 watts.
   b. Maximum of twenty-five (25) feet in height in all other locations, and lamps shall not be more than 250 watts.

3. Building-mounted light fixtures shall be at least fifty (50) feet apart on average. Fixtures that are fully-recessed and mounted under a canopy or other solid overhang portion of a structure are not subject to this spacing standard.

C. The installation of freestanding light fixtures shall be governed by the following:

1. Freestanding light fixtures shall be LED, HPS or LPS only (unless specified elsewhere), and all such fixtures are subject to the light trespass standards of Section 13-26a-060 and the lighting level standards of Section 13-26a-070.

2. Such light fixtures shall be installed per the following guidelines:
   a. Maximum of fourteen (14) feet in height within eighty (80) feet of any residential zoning district, or if located across the street from a residential zoning district, and lamps should not be more than 250 watts.
   b. Maximum of twenty-five (25) feet in height in all other locations and lamps should not be more than 400 watts.
Prescott Valley, Arizona

c. Maximum of thirty-five (35) feet in height in Industrial zoning districts (M1 or M2) when not visible from a highway, and at least 200 feet from a residential use. Lamps should not be more than 400 watts.

3. For purposes of this Article, height shall be measured from the top of a light fixture to the adjacent grade at the base of the support for said fixture.

Light fixtures shall be shielded so that the light source, and direct glare is not visible at a 6’ vertical distance at a residential property line.

D. Topographic Features:

1. Any light fixture installed on a hillside site being more than ten feet (10’) higher than an adjacent roadway, or residential zoning district and visible therefrom, shall be fully-shielded (and shall include any internal or additional external shielding) so as to prevent direct glare, and prevent the lamp from being visible from said adjacent roadway, or residential zoning district.

(Ord. No. 521, Enacted, 05/09/02; Ord. No. 832, Amended, 08/10/17)

13-26a-050 Town Center (Section 14) Lighting Standards.

A. Arterial Streets:

1. The illustration in Subsection 13-26a-050(E) below depicts those arterial streets that will utilize the light fixture manufactured by LSI (Model XCN4 3000K) as the "Town Standard" (or a substantially similar fixture as to type and color as approved by the Town Manager).

2. Other arterial streets and rights-of-way may utilize other light fixtures subject to Subsection 13-26a-050(C) below.

3. Pole heights for light fixtures for other arterial streets should be less than twenty-five (25) feet in height, and spacing and illumination levels should
enhance security and safety and should encourage pedestrian circulation (subject to approval by the Public Works Director).

B. **Main Street:**

1. The illustration in Subsection 13-26a-050(E) depicts those "Main Street" areas that will utilize the light fixture manufactured by Lumec (or a substantially similar fixture as to type and color).

2. The height of these fixtures shall match those currently installed on Main Street and the spacing and illumination levels should enhance security and safety and should encourage pedestrian circulation (subject to approval by the Public Works Director).

C. **Other Town Center (Section 14) Streets and On-Site Lighting:**

1. Other decorative-style light fixtures not in compliance with this Article may be utilized in the Town Center (Section 14) where unique pedestrian scale lighting and accent is desired, subject to the following standards:
   a. Unshielded light fixtures of only 1,000 total lamp lumens or less are allowed.
   b. Non fully-shielded light fixtures of 4,000 total lamp lumens or less are allowed only in conjunction with Final Development Plans per Subsection 13-19-060(G) and only if the same are not oriented towards any residential use or major roadway.
   c. If additional lighting is needed it shall take the form of higher-profile, fully-shielded light fixtures, subject to all other provisions of this Article.

D. **Parking Lots and Parking Structures:**

1. Parking lots and the upper level of any parking structures should be lit with neutral, non-decorative light fixtures similar to the Gardco Hardtop series, and poles should be simple and non-articulated.

2. Spacing and illumination levels should be based on an approved Site Plan per Subsection 13-26a-090(E).

E. **Illustrations:**
Prescott Valley, Arizona

13-26a-060 Light Trespass and Shielding.

A. All light fixtures shall be fully shielded as defined in Subsection 13-26A-030(A)(1), and shall be installed in such a manner that the light source and direct glare is not visible from adjoining residential uses.

B. Light levels shall not exceed one (1) hfc at any property line, and the total level of lighting at an adjoining residential property line shall not exceed one-quarter (.25) fc at a vertical point six (6) feet above grade.

C. Adjustable-type wall packs and fixtures shall not be set above a horizontal plane and shall be fully-shielded as defined in this Article.

D. Exemptions:

1. Light fixtures emitting no more than 2000 lumens as stated in Subsection 13-26A-070(E), subject to all other provisions of this Article.
2. Incandescent spot lights in commercial uses of no more than 4,000 lumens in a shielded fixture, used for landscape or building accent, if such fixtures are mounted at ground level, are directed away from roadways and residential property, and project not more than a 45-degree angle above horizontal. Such light fixtures shall be spaced not more than one (1) per 30-feet of building wall face, or one (1) per monument sign face.

(Ord. No. 521, Enacted, 05/09/02)

13-26a-070 Lighting Level Guidelines.

A. General:

1. Light levels set forth in this Section are defined as foot-candle levels of illuminance and may be indicated as either maintained average levels according to IESNA guidelines or as a maximum value, and may be indicated as either horizontal or vertical foot-candles.

2. Unless otherwise specified, maximum illuminance levels shall conform to lowest levels recommended by IESNA.

3. For uses not specified herein, the Community Development Director may approve levels of illuminance based on minimum guidelines established by the IESNA.

B. Building-Mounted Light Fixtures:

1. Exterior, building-mounted light fixtures shall be 25,000 lumens or less and shall not exceed twenty (20) hfc of illuminance.

2. Building entrances, loading areas, drive-through and ATM locations, and fixtures otherwise fully-recessed and mounted under a canopy or other solid overhang portion of a building or structure shall not exceed twenty (20) hfc of illuminance.

C. Parking Lots and Freestanding Light Fixtures:

1. Only LED, HPS or LPS light fixtures shall be used for parking lots and freestanding light fixtures. The lighting systems for parking lots shall be so designed as to produce an average maintained light level on the horizontal pavement surface that does not exceed an average of two and one-half (2.5) fc and the maximum-to-minimum uniformity ratio shall not exceed twenty to one (20:1) with a maximum level of ten (10) fc. Additionally, a CCT of \( \leq 3500K \) shall be maintained for all LED lighting.

D. Outdoor sale displays and canopies may be illuminated with MH light fixtures as stated in Section 13-26a-040 (A) (2) (b), at the following lighting levels:
1. Illumination for pump islands under canopies shall not exceed an average illuminance of ten (10) hfc or a maximum of twenty (20) hfc.

2. Automobile sales lighting shall be installed according to one of the following standards, and total site lighting shall be reduced to at least 25% of the regular levels, after 11:00 p.m. or one-half (1/2) hour after the close of business (whichever is later).

   a. *(All numbers in hfc. Maximum Average is the maintained average level.)*

<table>
<thead>
<tr>
<th>Area</th>
<th>Max. Avg.</th>
<th>Max.</th>
<th>Min</th>
<th>Max/Min</th>
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<tr>
<td>Merchandise</td>
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<td>5:1²</td>
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<td>Feature Display</td>
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<td>Other/Employee</td>
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<td>10</td>
<td>0.5†</td>
<td>20:1 Max.</td>
</tr>
</tbody>
</table>

   † *Recommended minimum levels but not required.*

   ‡ *Recommended maximum ratio but not to exceed 10:1*

   § *Front row adjacent to street.*

   b. Light levels for the overall site shall not exceed an average of twelve (12) maintained hfc, with a maximum of twenty (20) hfc, not counting those fixtures fully recessed and mounted under a canopy or other solid overhang portion of the building or structure, which shall not exceed a maximum of thirty (30) hfc.

3. Other seasonal retail outdoor lighting areas shall not exceed ten (10) fc.

E. Residential Fixtures:

1. The following light fixtures up to 2000 lumens are allowed in residential districts and are exempt from the full-shielding requirements of Subsection 13-26a-030(A)(1) when all such fixtures are a minimum of thirty (30) feet apart (on average):

   a. Lighting fixtures emitting not more than 1000 lumens and consisting of a frosted lamp.

   b. Floodlights or shielded spot light fixtures emitting not more than 2,000 total lumens that project at a down-angle of at least 45-degrees (whether or not on a motion sensor) or not.

2. The following light fixtures are allowed in residential districts and are exempted from the 30-foot average spacing requirements:

   a. Low-voltage systems at ground level.
b. Fixtures up to 2000 lumens that are fully-recessed under a solid overhang of the structure or that are otherwise fully-shielded so that the lamp is not visible from an adjoining residential property.

3. Maximum installation height of any light fixture shall be twelve (12) feet from adjacent grade.

4. The total level of lighting at an adjoining residential property line shall not exceed one-quarter (.25) fc at a vertical point six (6) feet above grade, except that; light fixtures emitting less than 1000 lumens and consisting of a frosted lamp are exempt when installed on a permitted residence or accessory structure at a minimum of thirty (30) feet apart (on average).

(Ord. No. 521, Enacted, 05/09/02; Ord. No. 832, Amended, 08/10/17)

13-26a-080 Applicable Codes.

All outdoor electrically-powered illuminating devices shall be installed in conformance with the provisions of this Article, the Town of Prescott Valley Administrative Code and the National Electrical Code (all as adopted by the Town from time to time), as well as other applicable Town zoning and nuisance regulations.

(Ord. No. 521, Enacted, 05/09/02; Ord. No. 590, Amended, 03/25/04)

13-26a-090 Permit Process and Plans.

A. Any individual intending to install or replace an outdoor light fixture shall submit an application to the Building Official providing evidence that the proposed work will comply with this Article. Should any outdoor light fixture or the type of light source therein be changed after the original installation, a change request shall be submitted to the Building Official for his approval prior to the change (together with adequate information to assure compliance with this Article).

B. Applications for permits shall include manufacturer's catalog cuts and drawings (including sections where required), and specifications identifying lamp types and lumen outputs.

C. Utility companies that enter into an approved contract with the Town by which they agree to comply with these provisions shall be exempt from obtaining a permit for the installation of individual outdoor light fixtures.

D. Permits for installation of outdoor light fixtures shall be issued as either a separate lighting permit or as part of a building permit, upon compliance with the requirements of this Article. All appeal procedures generally applicable to issuance of building permits shall apply hereto.

E. Lighting Plans:
1. Approval of one or more outdoor light fixtures expected to utilize 100,000 lumens or more in the aggregate shall require a lighting plan which includes the following:

   a. A Site Plan indicating the proposed location of each of the lighting fixtures.

   b. A description of each illuminating device, fixture, lamp, support and shield. This description shall include (but shall not necessarily be limited to) manufacturer's catalog cuts and drawings (including sections where required), and specifications identifying lamp types and lumen outputs.

   c. Point-to-point photometric calculations (in foot candles) at intervals of not more than ten (10) feet at ground level [and at five (5) feet above ground where required by the Building Official].

F. If any subdivision proposes to have street or other common or public area outdoor lighting, the final plat or Final Development Plan shall contain a statement certifying that the applicable provisions of this Article will be adhered to.

(Ord. No. 521, Enacted, 05/09/02)

13-26a-100 Penalties.

Any individual violating any of the provisions of this Article shall be deemed guilty of a class 2 misdemeanor, and such individual 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 Article is committed, continued or permitted. Upon conviction of any such violation, the individual may be punished as set forth in ARS §§13-707, 13-802 and 13-803, as amended from time to time.

(Ord. No. 521, Enacted, 05/09/02)
Article 13-27 ENFORCEMENT


For the purpose of enforcement of the provisions of this Chapter, a Zoning Inspector, and such Deputy Zoning Inspectors as may be required, shall be appointed by the Town Council. The Zoning Inspector and Deputy Inspectors shall administer and enforce this Chapter, including the receiving of applications, the inspection of premises, and the issuing of zoning permits. No zoning permit shall be issued except where the provisions of this Chapter have been complied with.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-26-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 607, Amended, 12/02/04)


A zoning permit shall be required for any building or structure which is less than one hundred forty-four (144) square feet in size; all fences that are four (4) feet in height or greater; and all signs that are exempt from building permit requirements under town Code Article 7-01-040(D). All applications for a zoning permit shall be submitted to the Community Development Department on forms supplied therein, together with a plot plan and any other information required by the Zoning Inspector for the enforcement of this Chapter. All such permits shall be obtained prior to the start of construction. No such permit shall be required for improvements of a value not exceeding five hundred dollars ($500), nor for new construction of a value not exceeding one hundred dollars ($100). Value of construction shall be deemed to include cost of materials and normal labor charges. Nothing herein contained shall require any change in plans, construction, size or designated use of any structure, or part thereof, the construction of which had been started prior to coming under the influence of these regulations and diligently pursued, provided a zoning or building permit was secured prior to commencing where the value of such exceeds one thousand dollars ($1,000.00).

A. Permit Issuance

For each permit issued the Inspector shall provide:

1. To the applicant a fee receipt and copy of an approved plot plan (if applicable).

2. To the Town Clerk one (1) copy of the permit fee receipt.
B. Information Required

1. Street address (if any) and legal description of the property and dimensions thereof.

2. Nature of the proposed use of the structure and premises and cost of structures.

3. Dimensions, area and height of each improvement.

4. Location of existing and proposed structures on the lot and spacing between same.

5. Such other information as the inspector may require for the purpose of determining whether the application complies with the requirements of this Code.

C. Permit Validity:

No zoning permit presuming to give authority to violate any of the provisions of this Chapter or any existing law shall be issued, and if issued shall not be valid except insofar as the work or use which it authorizes is lawful and permitted. In all other instances, the permit is valid provided:

1. Construction is commenced within six (6) months of date of issuance and diligently pursued thereafter.

2. Any requirements or stipulations conditional upon which the permit was issued are complied with.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-26-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 268, Amended, 12/12/91; Ord. No. 607, Amended, 12/02/04)

13-27-030 Reserved.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-26-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 607, Rep&ReEn, 12/02/04)

13-27-040 Inspection.

The Zoning Inspector (or any Deputy Inspector) may, in the discharge of his duties as stated herein, and for good and probable cause, enter any premises, building or other structure during normal working hours to inspect same in connection with any application made under the terms of this Chapter, or for any investigation as to whether or not any portion of such premises, building or other structure is being used in violation of this Chapter. The owner or occupant of any premises sought to be inspected shall be noticed personally in writing (or by registered mail) at least twenty-four (24) hours prior to such inspection in all cases in which
entry has been refused. Every person who, after receipt of such written notice, denies, prevents or obstructs (or so attempts) access to such premises shall be guilty of a class 1 misdemeanor.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-26-040; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 600, Amended, 07/22/04)

13-27-050   Other Permits.

All other permit applications provided for in this Chapter shall be filed in the Community Development Department and transferred thereafter through proper channels.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-26-050; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 607, Amended, 12/02/04)

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) 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 7-01-030 of this Code
4. Temporary Housing Permits:
   - Residential: $160.50
   - Residential Extension: $80.25
   - Non-Residential: $321.00
   - Non-Residential Extension: $0

B. Board of Adjustment Town Council Hearing Applications and Appeals:

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<th></th>
<th>Residential</th>
<th>Non-Residential/Commercial</th>
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<tbody>
<tr>
<td>Appeals/Interpretations</td>
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<tr>
<td>Base Variance</td>
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C. Planning Applications:

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<th>Non Residential/Commercial</th>
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<tr>
<td>$0</td>
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<td>(When done in conjunction with a General Plan Amendment, Annexation or Zoning Map Change)</td>
<td>(When done in conjunction with a General Plan Amendment, Annexation or Zoning Map Change)</td>
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<td>General Plan Amendments, Major</td>
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<td>General Plan Amendments, Minor</td>
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<tr>
<td>Minor Land Division Review (dividing of one meets &amp; bounds parcel into three parcels or less)</td>
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<td>$0 if recorded with the Town prior to being split. $214 if split prior to being recorded with the Town.</td>
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D. Subdivision Applications:

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<td>Preliminary Plat</td>
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<td>$802.50 plus $10.70 per lot</td>
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<tr>
<td>Final Plat</td>
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<td>Preliminary Development Plan</td>
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<td>$802.50 plus $37.45 per acre or portion of an acre without a zoning map change</td>
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<tr>
<td>Final Development Plan</td>
<td>$401.25 plus $5.35 per lot</td>
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<td>Master Plan</td>
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<td>$802.50 plus $37.45 acre or portion of an acre without zoning map change (Maximum $15,000)</td>
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<td>Minor Plat or Development Plan Modifications</td>
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### E. Zoning Map Changes:

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<td><strong>Tier I Rezoning</strong>&lt;br&gt;Non-Planned Area Development (PAD)</td>
<td>$428.00 plus $16.50 per acre or portion of an acre (Maximum $15,000)</td>
<td>$1,377.50 plus $16.05 per acre or portion of an acre (Maximum $15,000)</td>
</tr>
<tr>
<td><strong>Tier II Rezoning</strong>&lt;br&gt;Planned Area Development (PAD) including underlying rezoning</td>
<td>$535.00 plus $16.05 per acre or portion of an acre (Maximum $15,000)</td>
<td>$1,337.50 plus $16.05 per acre or portion of an acre (Maximum $15,000)</td>
</tr>
<tr>
<td><strong>Tier III Rezoning</strong>&lt;br&gt;Includes Planned Area Development (PAD), underlying rezoning and Preliminary Development Plan or Master Plan</td>
<td>$1,605.00 plus $37.45 per acre or portion of an acre (Maximum $15,000)</td>
<td>$1,605.00 plus $37.45 per acre or portion of an acre (Maximum $15,000)</td>
</tr>
</tbody>
</table>

### F. Zoning Clearance Fees (site plan review):

<table>
<thead>
<tr>
<th>Category</th>
<th>Residential</th>
<th>Non-Residential/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached &amp; Detached Accessory Structures</td>
<td>$26.75</td>
<td>$26.75</td>
</tr>
<tr>
<td>Churches, Clubs or other non-profits</td>
<td>$107 (3,000 sq. ft or less) $160.50 (3,000 sq. ft or more)</td>
<td>$107 (3,000 sq. ft or less) $160.50 (3,000 sq. ft or more)</td>
</tr>
<tr>
<td>Mobile and Manufactured Homes</td>
<td>$16.05</td>
<td>N/A</td>
</tr>
<tr>
<td>Multiple Family Residences</td>
<td>$26.75 per unit (2-4 Units)</td>
<td>$26.75 per unit with a maximum of $500 (5 or more Units)</td>
</tr>
<tr>
<td>Remodels/Additions</td>
<td>$16.05</td>
<td>$107</td>
</tr>
<tr>
<td>Revised Plot Plans</td>
<td>$16.05</td>
<td>$26.75</td>
</tr>
<tr>
<td>Site Built or Modular Units</td>
<td>$16.05</td>
<td>$160.50 (3,000 sq. ft or more)</td>
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G. Professional Services:

<table>
<thead>
<tr>
<th>Service</th>
<th>Rate</th>
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</thead>
<tbody>
<tr>
<td>Planning Technical Design Services</td>
<td>$80.25/hr</td>
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<tr>
<td>Clerical</td>
<td>$26.75/hr</td>
</tr>
<tr>
<td>Computer System Usage</td>
<td>$37.45/hr</td>
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</table>

H. Sale of Reports/Maps/Data:

<table>
<thead>
<tr>
<th>Report/Map</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan 2025 Book - COLOR PLAN</td>
<td>$37.45</td>
</tr>
</tbody>
</table>

(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)
Article 13-28  PLANNING AND ZONING COMMISSION

13-28-010  Town Council.

The Prescott Valley Town Council shall establish and appoint the Planning and Zoning Commission which shall, in turn, perform the duties prescribed by Title 9, Chapter 4, Articles 6, 6.1 and 6.2 of the Arizona Revised Statutes.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-28-020  Structure.

A. The Planning and Zoning Commission shall be composed of seven (7) residents of the Town who shall serve without pay. The Town Council may hire clerical and technical aid for the Commission. The Zoning Inspector shall serve as ex-officio member (without vote) and shall make recommendations concerning the matters before it. Members of the Commission shall be appointed for three (3) year staggered terms, but shall serve at the pleasure of the Council.

B. The Commission shall elect its own Chairman and Vice-chairman from its membership, each of whom shall serve for a period of one (1) year from date of election. Upon the expiration of the term of office of the Chairman, or in any event where the office shall become vacant, the Vice-Chairman shall automatically become Chairman and an election shall be held for the office of Vice-Chairman.

C. If any member shall miss three (3) consecutive meetings or be guilty of misconduct, a quorum of the membership may, by majority vote, recommend to the Council that such member be asked to resign and a new member be appointed as replacement.

D. The Commission shall adopt such other rules for its operation as may be needed from time to time (provided that such rules shall not be inconsistent with any provisions of this Chapter), and shall conduct all meetings according to Robert’s Rules of Order.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-020; Ord. No. 42, Amended, 10/07/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)
13-28-030  Duties.

It shall be the duty of the Commission to formulate, create and administer any lawful plan duly adopted by the governing body for the present and future growth of the Town pertaining to the use of land and buildings 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 in the best interests of the citizens of the Town; to promulgate rules of procedure for approval by the governing body, and to supervise the enforcement of those rules.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-28-040  Meetings.

The Commission shall provide in its rules for its meetings; provided that special meetings may be called by the Chairman. In addition, any three (3) members of the Commission may make 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. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-040; Ord. No. 178, Rep&ReEn, 05/26/88)

13-28-050  Voting.

Four (4) members shall constitute a quorum. The affirmative vote of four (4) members shall be required for passage of any matter before the Commission. The minutes of the meetings shall reflect the "Ayes" and "Nays" cast on a particular measure and shall reflect the vote of each member present. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberations on the matter in question.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-050; Ord. No. 178, Rep&ReEn, 05/26/88)

13-28-060  Fees.

The Commission shall be authorized to establish a uniform schedule of fees for service with all receipts to be paid into the general fund of the Town. Such fee schedules shall become effective upon approval by the Town Council.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-060; Ord. No. 178, Rep&ReEn, 05/26/88)
13-28-070 Public Hearings.

The Commission shall hold a public hearing on any proposed Zoning Code amendment. After the hearing, the Commission shall prepare a written recommendation to the Town Council. The recommendation will include the reasons for the recommendation and will be transmitted to the Town Council within ten (10) days of the public hearing. The Town Council shall then hold a second hearing on the proposed Zoning Code amendment. After the hearing, the Town Council shall make a final determination on the proposed Zoning Code amendment and may adopt or reject, in whole or part, the Commission’s recommendation. Notice of both public hearings shall be provided in a single Notice disseminated in the form, time and manner specified in A.R.S. §9-462.04.

(Ord. No. 645, Enacted, 01/26/06)
Article 13-29    BOARD OF ADJUSTMENT

13-29-010 Town Council.
13-29-020 Structure.
13-29-030 Procedure.
13-29-040 Powers.
13-29-050 Hearing Applications.
13-29-060 Hearings and Rulings.

13-29-010 Town Council.

The Prescott Valley Town Council shall establish and appoint the Board of Adjustment which shall, in turn, perform the duties prescribed by Title 9, Chapter 4, Article 6.1, Arizona Revised Statutes.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-28-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-29-020 Structure.

A. The Board of Adjustment shall be composed of five (5) residents of the Town who shall serve without pay. Such appointees shall not include any individual or any person employed by any individual who is, during the term of appointment, serving as a member of the Planning and Zoning Commission. The Director of Planning and Zoning shall serve as an ex-officio member (without vote), and shall make recommendations concerning the matters before the Board. Members of the Board of Adjustment shall be appointed for three (3) year staggered terms, but shall serve at the pleasure of the Council; provided however, that with appointments beginning in 1987, one (1) member shall be appointed to a term of one (1) year, two (2) members shall be appointed for a term of two (2) years, and two (2) members shall be appointed for terms of three (3) years. All subsequent appointments shall be for terms of three (3) years.

B. The Board of Adjustment shall elect its own Chairman and Vice-Chairman from its membership, each of whom shall serve for a period of one (1) year from date of election. Upon the expiration of the term of office of the Chairman, or in any event where the office shall become vacant, the Vice-Chairman shall automatically become Chairman and an election shall be held for the office of Vice-Chairman.

C. If any member shall miss three (3) consecutive meetings or be guilty of misconduct, a quorum of the membership may, by majority vote, recommend to the Council that such member be asked to resign and a new member be appointed as replacement.

D. The Board of Adjustment shall adopt such other rules for its operation as may be needed from time to time (provided that such rules shall not be inconsistent with any provision of this Chapter), and shall conduct all meetings according to Robert's Rules.
13-29-030 Procedure.

Board meetings and hearings shall be open to the public. Three (3) Board members shall constitute a quorum and the affirmative vote of three (3) members shall be required for passage of any matter before the Board. The Board shall adopt and maintain other procedural rules not inconsistent with this Chapter and the laws of Arizona. The Board shall also select, from its members, a Chairman and Secretary. The Chairman shall be the executive officer of the Board with the power of administering oaths and taking evidence and shall preside over its meetings and hearings. The Secretary shall cause minutes of the meetings and hearings to be kept, showing records of votes, examinations and other official actions (all of which shall be filed in the Office of the Zoning Inspector).

13-29-040 Powers.

The Board shall have the power to:

A. Decide if there is error in any order, requirement or decision of the Inspector in the enforcement of this Chapter; reverse or affirm, wholly or partly, or modify the order or decision appealed from and make such order or decision as ought to be made (and, to that end, shall have the powers of the Inspector).

B. Interpret this Zoning Chapter when the meaning of any word, phrase or section is in doubt, or where doubt exists as to whether a "non-listed" use is similar enough to listed uses as to clearly have been intended to be included in particular zoning districts, either as a Permitted Use or a Use Permitted by Use Permit (as the case may be).

C. Authorize in specific cases such Variance from the terms of this Chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions herein will, in the Board's opinion, deprive the subject property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

D. Allow the extension of a district where the boundary thereof divides a lot, and grant such extension conditionally upon development of the extended area following an approved plan (particularly in instances where the Town Council has adopted a zoning request in such a manner that a project development is to follow permission to extend
such zoning).

E. Determine the location of a district boundary where doubt exists as to the location of same on the Zoning Map.

F. Modify the Zoning Inspector's protective requirements in instances where a district use is conditional upon certain stipulations to be specified by the Inspector.

G. Grant the Inspector clearance to issue a building permit where the applicant has failed to secure the same prior to commencing construction (but only in cases where the Inspector has chosen to allow such applications to be filed prior to court action).

H. Hear and determine appeals from notices to abate public nuisances (junked motor vehicles) per Article 9-04a of this Code, and from notices of intent to abate nuisances and remove vehicles (abandoned vehicles) per Article 11-04.

I. The Board of Adjustment may not:

1. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the Zoning Chapter, provided the restriction in this subparagraph shall not affect the authority to grant Variances pursuant to this Article.

2. Grant a Variance if the special circumstances applicable to the property are self-imposed by the property owner.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-28-040; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 375, Amended, 12/28/95; Ord. No. 559, Amended, 07/10/03; Ord. No. 588, Amended, 03/25/04; Ord. No. 638, Amended, 10/13/05)

13-29-050 Hearing Applications.

Applications for a hearing shall be filed in the Office of the Zoning Inspector on forms provided therefor by any person or by any officer, department, board or bureau of the Town affected by any order or decision of the Inspector within thirty (30) days thereafter, and specifying the grounds thereof; or for ruling on other matters of Board jurisdiction.

A. An appeal shall stay all proceedings in the matter appealed from unless the Inspector certifies to the Board that by reason of the fact stated in his certificate, a stay would (in his opinion) cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order granted by the Board or by a court of record on application and notice to the Inspector.

B. Where an application involves a definite development scheme, it must be accompanied by: layout and landscape plan; typical building elevation and other pertinent development characteristics; total cost of the project; and evidence of ability and intention of the applicant to proceed with actual construction and diligently pursue to completion.
ZONING

C. A Variance appeal applicant should be prepared to show:

1. That there are special circumstances or conditions applicable to the property of application, or to adjacent property, or to the neighborhood, that justify a Variance from the requirements so that strict application thereof would deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

2. That such granting will not materially affect the health or safety of the neighborhood residents nor the public welfare, or be injurious to property or improvements.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-28-050; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 588, Amended, 03/25/04)

13-29-060 Hearings and Rulings.

The Board of Adjustment shall hold at least one (1) public hearing (within a reasonable time from date of application) after giving notice thereof to parties of interest and the public by both publication in a newspaper of general circulation in accordance with A.R.S. §9-462.04, as amended, and by posting the notice in conspicuous places close to the property affected. The Board shall render a decision within thirty (30) days after initial hearing on same, unless an extension is concurred in by the applicant. If less than the full Board is present at the hearing, the applicant may demand a hearing before the full membership in which case the thirty (30) day ruling deadline shall be waived.

A. In approving an application (in all or in part), the Board may designate such conditions in conjunction therewith that will, in its opinion, secure substantially the objectives of this Chapter, and may require guarantees in such form as it deems proper under the circumstances to ensure that such conditions are complied with. Where any such conditions are violated or not complied with, the approval shall cease and the Zoning Inspector shall act accordingly.

B. In granting permission to proceed on a specific development scheme or on a permit for a construction variance, the same shall be contingent upon permits being obtained and work commenced within six (6) months and being diligently pursued. Failure to do so shall void the ruling unless a longer time is granted or an extension of time is secured.

C. The concurring vote of a majority of the Board members shall be necessary to render a ruling.

D. Any decision of the Board of Adjustment may be appealed to the Superior Court.

E. Each case considered by the Board of Adjustment has special and unique factors and conditions differentiating it from all other cases, related or otherwise. Therefore, no decision of the Board of Adjustment shall be construed as establishing a precedent or precedents which shall in any way restrict the exercise of the powers of the Board of Adjustment in any subsequent case.
(Ord. No. 9, Enacted, 06/28/79; Ord. No. 23, Amended, 02/13/80; Ord. No. 37, Renumbered, 09/04/80, 13-28-060; Ord. No. 171, Rep&ReEn, 01/14/88; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 541, Amended, 02/27/03)
**Article 13-30  AMENDMENTS**

13-30-010 Authority.

The Planning and Zoning Commission may, from time to time, adopt recommendations to amend, supplement or change zoning boundaries or regulations herein or subsequently established. Recommendations for such amendments may be initiated by the Commission, the Town Council or by application in accordance with this Article. No amendment affecting a zoning boundary shall be passed until a public hearing is held in accordance with this Article.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-29-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-30-012 Neighborhood Meeting.

A. Neighborhood Meeting Requirements. Persons who wish to submit applications requesting amendments to the Town’s General Plan, Town zoning regulations or the Town zoning map, or requesting review of Specific Area Plans shall first schedule and conduct at least one (1) neighborhood meeting in accordance with this Section.

B. Neighborhood Meeting Schedule. The neighborhood meetings required herein shall be conducted for the purpose of receiving comments on proposed applications and shall be conducted at least thirty (30) days prior to any public hearing on the application.

C. Neighborhood Meeting Notification. At least ten (10) days prior to any neighborhood meeting, notification shall be provided as follows:

1. Notification by first-class mail to all property owners of record within one thousand (1,000) feet of the property to be included in the application;

2. Notification by first-class mail to all homeowners associations within 1,000 feet of the property to be included in the application;

3. The Zoning Administrator may expand the notification area set forth herein if he/she determines that the potential impact of the proposed application extends beyond the required notification area;

4. Notification by first-class mail to any persons who have specifically requested notice regarding proposed zoning applications by registering their names and
addresses with the Town. Such registration may be accomplished by any writing addressed to the Zoning Administrator. Such registrations shall continue for one (1) year unless renewed by the person(s) requesting notice;

5. The notice shall set forth the substance of the proposed application and shall include the time, date and place of the neighborhood meeting. A copy of the notice shall be submitted to the Zoning Administrator prior to the neighborhood meeting; and

6. Posting of one or more signs on the property in locations clearly visible to adjacent residents setting forth the time, date and place of the neighborhood meeting, with an attached information tube containing copies of the meeting notice. The sign or signs shall comply with the requirements for notification signs set forth in ARS §9-462.04 (as amended).

D. Neighborhood Meeting Procedure. Neighborhood meetings shall be conducted at a location and time, and following a meeting format, approved by the Zoning Administrator. Town staff may or may not attend such meetings (at their discretion) and may augment the meeting record described hereinafter as staff deems necessary.

E. Record of Proceedings. Persons holding the neighborhood meetings required herein shall prepare the following for submittal prior to any public hearing on the application:

1. Certification, on a form established by the Zoning Administrator, that the neighborhood meetings were noticed and conducted in compliance with the requirements of this Section;

2. A dated photograph of the notification sign or signs posted in compliance with the requirements of this Section; and

3. A written summary of the neighborhood meetings, including a list of all attendees' names and addresses and a summary of any comments received as a result of the neighborhood meetings.

F. Additional Neighborhood Meetings. The Zoning Administrator may require that additional neighborhood meetings be held. If a subsequent application is substantially different from what was presented at neighborhood meetings, additional meetings may be required by the Zoning Administrator at his/her sole discretion. The same notification procedures prescribed herein shall be followed.

G. Other Required Meetings. Where an application has already been filed and neighborhood meetings were not otherwise required, the Zoning Administrator may at his/her sole discretion require that one or more neighborhood meetings be held as required herein if he/she makes a determination that the application may substantially impact adjacent neighborhoods.

H. Neighborhood Meeting Waivers. The Zoning Administrator may waive the requirement for a neighborhood meeting where a person submits an application requesting amendments to Town zoning regulations or to the Town zoning map pursuant to a
previously-approved General Plan Amendment which was subject to a previous neighborhood meeting and public hearing. In such cases, the Zoning Administrator shall prepare a written statement setting forth the reasons for approving the waiver.

(Ord. No. 637, Enacted, 08/25/05)

13-30-015 Pre-Application Review.

A. Pre-Application Review. All persons who wish to submit applications requesting amendments to the Town’s General Plan, Town zoning regulations, or the Town zoning map, or requesting review of Specific Area Plans shall first participate in a pre-application review with Town staff before submitting an application.

B. Requests for Pre-Application Review. Requests for pre-application review shall be filed with the Community Development Department on a form established by the Zoning Administrator. The Zoning Administrator shall endeavor to arrange pre-application reviews with appropriate Town staff at a date, time and location convenient to all involved. Nothing herein shall preclude additional meetings being held as part of the pre-application review as mutually determined by the person or persons requesting the review and the Zoning Administrator.

C. Pre-Application Review Process. Pre-application reviews are one or more informal meetings with appropriate Town staff assigned by the Zoning Administrator. At such meetings, staff shall review the information that persons wishing to apply for amendments to Town zoning regulations or to the Town zoning map would include in their applications. At such meetings staff shall also review with the persons the record of proceedings for neighborhood meetings held under Section 13-30-012 or the requirements for such neighborhood meetings if they have not yet been held. During such meetings, staff shall provide informal comments on the information provided. No later than fifteen (15) calendar days after the last meeting, staff shall also mail by first-class mail at the address indicated by the person or persons requesting the pre-application review a written summary of staff comments. A copy of said summary shall be included with any subsequent application filed with the Community Development Department.

(Ord. No. 637, Enacted, 08/25/05)

13-30-020 Applications.

A zoning ordinance that changes any property from one zone to another, that imposes any regulation not previously imposed or that removes or modifies any such regulation previously imposed must be adopted following the procedure prescribed in this Article and in the manner set forth in A.R.S. §9-462.04 (as amended). Applications for any of the aforementioned amendments shall be made on the Town’s form and shall be signed by the property owner or owners for all property included in the application. Such applications shall not be complete unless they indicate compliance with the pre-application review requirement of Town Code §13-30-015.

A. Prior to any public hearing required under Section 13-30-030 of this Article, all landowners of property adjacent to and situated within three hundred (300) feet from the property that is the subject of the zoning ordinance and all other potentially affected citizens shall be given the opportunity to review the proposed amendments to this Chapter or Zoning Map as set forth in the application (“citizen review process”). This citizen review process shall include the following:

1. Upon receipt of a complete application, the Zoning Administrator shall provide written notice of the application to all landowners of property adjacent to and situated within three hundred (300) feet from the property that is the subject of the zoning ordinance and to such other persons as the Zoning Administrator reasonably determines to be other potentially affected citizens.

2. The written notice shall include a general explanation of the substance of the proposed zoning ordinance and shall indicate the name, address and phone number of the member of the planning staff whom an adjacent landowner or other potentially affected citizen may contact before the public hearing to express any issues or concerns that the landowner or citizen may have with the proposed rezoning.

3. A staff report summarizing any issues or concerns so expressed shall be presented to the Planning and Zoning Commission (and Town Council if applicable) at the public hearing on the application. A copy of said staff report shall also be provided to the applicant within a reasonable time prior to the public hearing.

13-30-030 Public Hearing.

Every application submitted pursuant to Section 13-30-020 of this Article shall be considered by the Planning and Zoning Commission at a public hearing in the manner set forth in A.R.S. §9-462.04, as amended.
Article 13-31 VIOLATIONS AND PENALTIES

13-31-010 Building Permit Required.

It is unlawful to erect, construct, reconstruct, alter or use any building or other structure or any land within any area subject to the provisions of this Chapter without first obtaining a building permit from the Zoning Inspector, where such permit is required thereby.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-010; Ord. No. 178, Rep&ReEn, 05/26/88)

13-31-020 Violations.

It is unlawful to erect, construct, reconstruct, maintain or use any land in any area subject to the provisions of this Chapter in violation of any regulation or provision herein. Each and every day during which such violation continues is a separate offense, except as otherwise provided herein.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 539, Amended, 02/27/03)

13-31-030 Misdemeanor.

Any person, firm or corporation found guilty of violating any regulation or provision of this Chapter and any amendment thereto, shall be guilty of a misdemeanor, and upon conviction thereof, the same shall be treated as a Class 3 misdemeanor, unless otherwise specified herein. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such thereunder, except as otherwise provided herein.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-030; Ord. No. 150, Amended, 07/02/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 539, Amended, 02/27/03; Ord. No. 600, Amended, 07/22/04)

13-31-040 Remedies.

If any building or structure is or is proposed to be erected, constructed, reconstructed,
altered, maintained or used, or any land is or is proposed to be used in violation of this Chapter, the Town Council, the Town Attorney, the Zoning Inspector, or any adjacent or neighboring property owner who is specially damaged by the violation, in addition to the other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent or abate or remove the unlawful erection, construction, reconstruction, alteration, maintenance or use.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-040; Ord. No. 178, Rep&ReEn, 05/26/88)

13-31-050 Responsibility.

All remedies provided herein shall be cumulative and not exclusive. The conviction of any person, firm or corporation hereunder shall not relieve such person from the responsibility to correct such violation, nor prevent the enforcement, correction or removal thereof.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-050; Ord. No. 178, Rep&ReEn, 05/26/88)

13-31-060 Conviction.

Conviction for a class 3 misdemeanor shall be punishable as provided by law.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-060; Ord. No. 150, Amended, 07/02/87; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 13-32    SEVERABILITY

13-32-010    Severability.

13-32-010    Severability.

This Chapter and the various parts thereof are hereby declared to be severable. If any Section, Subsection, Subparagraph, clause, word or phrase herein is for any reason held to be unconstitutional, such holding shall not effect the validity of the remaining portions of this Chapter.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-31, 13-31-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Ren&Amd, 12/28/95, 13-32)
Article 13-33  PROTECTED DEVELOPMENT RIGHTS

13-33-010  Definitions.

In this Article, unless the context otherwise requires:

A.  "Development Plan" means a subdivision final plat in conformance with Article 14-02 or a PAD plan in conformance with Article 13-19 of a project site submitted by a Landowner that provides detailed information as to how a proposed project will be developed in compliance with Town ordinances and regulations.

B.  "Landowner" means any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns and personal representative of the owner, or a representative authorized by a Landowner to submit to the Town a development application for a property for approval.

C.  "Property" means all real property subject to zoning regulations and restrictions by the Town.

D.  "Protected development right" means the right to undertake and complete the development and use of property under the terms and conditions of a Protected Development Right Plan and this Article, without compliance with subsequent changes in zoning regulations and development standards during the term of the Protected Development Right, except as provided by A.R.S. § 9-1204 and Section 13-33-080.

E.  "Protected Development Right Plan" means a Development Plan identified as a Protected Development Right Plan at the time of the Landowner's submission, that, if approved by the Council, grants to the Landowner a Protected Development Right to undertake and complete the development and use of the property as shown thereon for a specified period of time. A Protected Development Right Plan, at a minimum, shall describe with a reasonable degree of certainty all of the following:

1.  The proposed uses of the site.
2. The boundaries of the site.

3. Significant topographical and other natural features affecting development of the site.

4. The number of dwelling units or other structures, and

5. The location of all existing and proposed utilities and a provision for other infrastructure on the site, including water, sewers, roads and pedestrian walkways.

F. "Non-Phased Protected Development Right Plan" means Protected Development Right Plan which, at a minimum, shall describe with a reasonable degree of certainty all of the elements of a Protected Development Right Plan as set forth in Subsection F, above, as well as all of the following:

1. The requirements for final site development approval and for issuance of a building permit.

2. The general location on the site of the proposed buildings, structures and other improvements.

3. The square footage and height of the proposed buildings and other structures.

A final subdivision plat that meets the requirements of Article 14-02 of the Prescott Valley Town Code and A.R.S. § 9-463.01 and was identified and submitted by the Landowner for approval through the process established in this Article shall be a Non-Phased Protected Development Right Plan.

G. "Phased Protected Development Right Plan" means a Development Plan for a master planned development in accordance with the requirements of a Planned Area Development in Article 13-19 and a Development Master Plan in Article 14-02 and containing the elements articulated in Subsection E above.

(Ord. No. 554, Enacted, 05/22/03)

13-33-020 Protected Development Right Approval.

A Protected Development Right shall be granted upon approval by the Council of a Development Plan identified at the time it is submitted as a Protected Development Right Plan.

(Ord. No. 554, Enacted, 05/22/03)

13-33-030 Effective Date; Exceptions.
A. A Protected Development Right shall be deemed established with respect to a property on the Effective Date of the Council's approval of the Protected Development Right Plan.

B. A Protected Development Right Plan approved with a condition or stipulation that a variance be obtained does not confer a Protected Development Right until the necessary variance is obtained. Approval of a Protected Development Right Plan does not guarantee approval of a variance.

(Ord. No. 554, Enacted, 05/22/03)

13-33-040 Submission Procedures and Requirements.

When a Development Plan is required to be processed in accordance with this Article, preparation, application, and approval shall be as follows:

A. Phased Protected Development Right Plan. A Phased Protected Development Right Plan shall be submitted to the Town in accordance with the PAD plan approval process described in Article 13-19.

B. Non-Phased Protected Development Right Plan. A Non-Phased Protected Development Right Plan shall be submitted to the Town as described for preliminary and final plat approval in Article 13-19 and Article 14-02.

C. Council Consideration.

1. The Mayor and Council shall consider for approval Protected Development Right Plan submitted in accordance with this Article and Arizona Revised Statutes (A.R.S.) §§9-1201 through 1205, inclusive.

2. A Protected Development Right is subject to the terms and conditions imposed by the Council on the Protected Development Right Plan approval and nothing in this Article is intended to or shall preclude the Council from establishing such terms and conditions.

3. Nothing in this Article is intended to or shall preclude the Town’s other additional requirements for submittal or approval of Development Plans for any land use category or district and such requirements may include, but are not limited to, traffic reports or studies, drainage reports or studies, master street plans, development phasing schedules and phased public infrastructure schedules.

D. Subsequent Reviews and Approvals. After the approval of a Protected Development Right Plan, the plan will be subject to subsequent reviews and approvals by the Council, as set forth in the original resolution of approval, to ensure compliance with the terms and conditions of the original approval.
E. Later Detailed Plan Submittals. The Landowner shall submit a more detailed plan for each phase of a phased development in order to obtain final site development approval to develop the property.

(Ord. No. 554, Enacted, 05/22/03)

13-33-050 Revocation for Non-compliance.

The Town may revoke, upon notice to the Landowner and public hearing, its approval of the Protected Development Right Plan for failure to comply with applicable terms and conditions imposed on the approval as well as Landowner's failure to submit a more detailed plan for each phase of a Phased development for final site development approval.

(Ord. No. 554, Enacted, 05/22/03)

13-33-060 Duration of Protected Development Right.

A. A Protected Development Right established under a Protected Development Right Plan is valid for three years for a Non-Phased development or five years for a Phased development.

B. The Town may extend for a maximum of two additional years the duration of a Protected Development Right obtained through approval of a Protected Development Right Plan, if a longer time period is warranted by all relevant circumstances, including the size, type and phasing of the development on the property, the level of investment of the Landowner, economic cycles and market conditions. The decision to extend the time period for a Protected Development Right is in the discretion of the Town. However, a Protected Development Right shall not remain established for more than five years for a Non-Phased development or seven years for a phased development.

C. A Protected Development Right terminates at the end of the applicable period established under this section. If a building permit has been issued before the date of termination of a Protected Development Right, the Protected Development Right remains valid until the building permit expires, but in no event for longer than one year. On expiration, only principal structures for which footings or foundations have been completed may be finished under the Protected Development Right. On the expiration of a Protected Development Right, development may continue based on a valid building permit and according to standards in effect at that time. An unexpired building permit issued for a property with a Protected Development Right neither expires nor shall be revoked merely because a Protected Development Right expires under the time limitations specified in this section.

(Ord. No. 554, Enacted, 05/22/03)
Limitations.

A Protected Development Right is established only for the specific elements of the development or other specific matters shown on the approved Protected Development Right Plan. A Protected Development Right is not established for any elements or other matters, or portions of any elements of the development or other matters not shown on the approved Protected Development Right Plan.

(Sub. No. 554, Enacted, 05/22/03)

Subsequent Changes Prohibited; Exceptions.

A. A Protected Development Right established under this section precludes the enforcement against the property to which the Protected Development Right applies of any legislative or administrative land use regulation by the Town or pursuant to an initiated measure that would change, alter, impair, prevent, diminish, delay or otherwise impact the development or use of the property as set forth in an approved Protected Development Right Plan, except under any one or more of the following circumstances:

1. With the written consent of the affected Landowner.

2. On findings, by ordinance or resolution, and after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project were to proceed as approved in the Protected Development Right Plan.

3. On findings, by ordinance or resolution, and after notice and a hearing, that the Landowner or his representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval of the Protected Development Right Plan by the Town.

4. On the enactment of a state or federal law or regulation that precludes development as approved in the Protected Development Right Plan, in which case the Council, after notice and a hearing, may modify the affected provisions, on a finding that the change in state or federal law has a fundamental effect on the Protected Development Right Plan.

B. A Protected Development Right does not preclude the enforcement of a subsequently adopted overlay zoning classification that imposes additional requirements and that does not affect the allowable type or density of use, or ordinances or regulations that are general in nature and that are applicable to all property subject to land use regulation by the Town, such as building, fire, plumbing, electrical and mechanical codes.

C. Notwithstanding any other provision of this Article, the establishment of a Protected Development Right does not preclude, change or impair the authority of the Town to
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adopt and enforce zoning ordinance provisions governing nonconforming property or uses.

D. This Article does not alter or diminish the authority of the Town to exercise its eminent domain powers.

(Ord. No. 554, Enacted, 05/22/03)


The Council may designate, by ordinance or resolution, a Development Plan as a Protected Development Right Plan even if not identified as a Protected Development Right Plan at the time of Landowner submission. The Council must make a finding on the record that it’s granting of a Protected Development Right to undertake and complete the development shown on the Development Plan will promote reasonable certainty, stability and fairness in the land use planning and regulatory process and that it will secure the reasonable investment-backed expectations of the Landowner.

(Ord. No. 554, Enacted, 05/22/03)

13-33-100 Approval Not Conditioned Upon Waiver.

The Town shall not require a Landowner to waive a Protected Development Right as a condition of development approval.

(Ord. No. 554, Enacted, 05/22/03)

13-33-110 Protected Development Right; Exercise; Agreements.

A. A Protected Development Right obtained under this Article is not a personal right but attaches to and runs with the applicable property. After approval of a Protected Development Right Plan, all successors to the original Landowner are entitled to exercise the Protected Development Rights.

B. Nothing in this Article precludes judicial determination, based on common law principles or statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this Article, nothing herein shall be construed to alter the existing common law of vested rights.

C. Nothing in this Article shall preclude, change or limit the ability of the Town to enter into a development agreement as authorized in A.R.S. §9-500.05.

(Ord. No. 554, Enacted, 05/22/03)

13-33-120 Resolution of Conflict.
In the event of a conflict between the provisions of this Article and A.R.S. §§9-1201 through 9-1205, inclusive and as they may be amended, the statutory provisions shall govern.

(Ord. No. 554, Enacted, 05/22/03)
CHAPTER 14.  SUBDIVISIONS

Article 14-01 GENERAL PROVISIONS
Article 14-02 PLATTING PROCEDURES AND REQUIREMENTS
Article 14-03 SUBDIVISION DESIGN STANDARDS AND PRINCIPLES
Article 14-04 STREET AND UTILITY IMPROVEMENT REQUIREMENTS
Article 14-05 MODIFICATIONS
Article 14-06 ABANDONMENT
SUBDIVISIONS

Article 14-01 GENERAL PROVISIONS

14-01-010 Purpose and Intent.

A. The purpose of this Chapter is to regulate the subdivision of lands within the Town of Prescott Valley in accordance with Article 6.2, Chapter 4, Title 9 Arizona Revised Statutes (as amended) by providing (among other things) standards for the design of subdivision plats; minimum requirements for the installation of streets, sewer and water utilities and other improvements as a condition of plat approval; controls on lot sizes and other regulations necessary for the public health, safety or general welfare; dedication of public streets, easements or other rights-of-way; acceptable engineering of public improvements; posting of necessary assurances for public improvements; and reservation of adequate sites for parks, schools, recreation areas and other public facilities.

B. The provisions of this Chapter may apply in conjunction with the provisions for Planned Area Developments (PADs) in Article 13-19 of this Code (as amended) land splits in Article 13-22 of this Code (as amended). Nothing herein shall preclude formation of exclusively non-residential PADs under Article 13-19 which are not subdivisions.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-01-010; Ord. No. 375, Amended, 12/28/95; Ord. No. 801, Amended, 02/12/15)

14-01-020 Definitions.

In addition to the definitions in Article 6.2, Chapter 4, Title 9 Arizona Revised Statutes (as amended), the following definitions shall apply to this Chapter:

1. “Access” means the location means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Chapter.

2. “Acre” means a parcel of land containing 43,560 square feet of area within the property lines of said parcel.

3. “Alley” means a private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.

4. “Approved Lending Institution” means any title insurance company, title
insurance agent, bank, savings and loan association or mortgage lending company currently approved by the Federal Housing Administration to act as a mortgagee and qualified to transact business in the State of Arizona, and any other lending institution approved by the Town Attorney.

5. “As-Built Drawings” means a revised set of drawings submitted by an engineer reflecting all changes made in specifications and working drawings during construction and showing exact dimensions, geometry, and location of all elements of work completed.

6. “Block” means property fronting on one (1) side of a street and so bounded by other streets, canals, railroad rights-of-way, unsubdivided acreage, or other barriers (except alleys) of sufficient magnitude as to interrupt the continuity of development on both sides thereof.


8. "Conditional Approval" means an affirmative action by the Commission or Council indicating that approval will be forthcoming upon satisfaction of certain specified conditions.

9. "Condominium" means the improvement of property in accordance with Town standards where an undivided interest in common, in all or a portion of the property is coupled with the right of exclusive occupancy of any unit of airspace thereon. A condominium may include an individual interest in common in a portion of the building or buildings; a separate interest in a portion of a building; or a separate interest in a portion of the property together with an undivided interest in common in a portion of the property.

10. "Department" means the Community Development Department of the Town of Prescott Valley.

11. "Development" means the utilization of land for public or private purposes.

12. “Drainage Easement” means an easement on a property that allows access to part of the property for the purpose of maintaining storm drainage. The drainage easement may include a culvert or drain that feeds into a drainage system or may describe a particular area upon the property where runoff shall be allowed to flow freely.

13. "Easement" means a grant by the owner for use of land by the public, a corporation or person for designated purposes.

14. "Engineering Plans" means plans, profiles, cross-sections and other required details for the construction of improvements, prepared by a registered engineer in accordance with the approved Preliminary Plat and in compliance with standards of design and construction set forth from time to time in this Code.
15. "Exception" means any parcel of land within the subdivision which is not owned by the subdivider or not included in the recorded plat. All such exceptions must be noted on the Final Plat as "not a part of this subdivision".

16. "Final Approval" means unconditional approval of the Final Plat of a subdivision. Such final approval must be certified on the plat by the Mayor and attested by the Town Clerk.

17. "General Plan" means a plan, or parts thereof, providing for the future growth and improvement of the Town and for the general location of streets, schools, recreation areas, public building sites, and other physical development (sometimes referred to as the Comprehensive Plan).

18. "Improvements" means required installations set forth in this Chapter as a condition to approval, acceptance and recordation of the Final Plat.

19. "Improvement Standards" means the set of adopted regulations setting forth the details, specifications and instructions to be followed in the planning, design and construction of required Improvements.

20. "Irrigation Facilities" means canals, laterals, ditches, conduits, gates, pumps and related equipment necessary for the supply, delivery and drainage of irrigation water.

21. "Lot" means a parcel of land within a single block which, by reason of ownership, recording, or use is separate and distinct from other such parcels and has its principal frontage on a dedicated street, street easement, or private access way.
   a. "Corner Lot" means a lot abutting on 2 or more intersecting streets where the angle of intersection does not exceed one hundred thirty-five degrees (135°).
   b. "Interior Lot" means a lot having only 1 side abutting on a street.
   c. "Key Lot" means an interior lot, 1 side of which is contiguous to the rear line of a corner lot.
   d. "Through Lot" means a lot abutting 2 parallel or approximately parallel streets.

22. "Lot Area" means the area in square feet lying within the lines of the lot.

23. "Lot Depth" means the distance between the mid-point of the front and rear lot lines.

24. "Lot Line" means:
   a. Front: that line abutting the street. On corner lots the front line shall be the shorter of the 2 street lines as originally platted, subdivided, or
laid out. Where lines are equal, the front line shall be that line which is the front by reason of prevailing custom of other buildings in the block. The front lot line of a through lot is that line which is the front by reason of usage of adjacent lots. Such a lot exceeding one hundred eighty-eight (188) feet in depth shall be considered as 2 lots each with its own frontage.

b. Rear: that line opposite the front line. Where the side lines meet in a point, the rear line shall be considered parallel to the front line or a tangent of the mid-point of a curved front line and lying ten (10) feet within the lot.

c. Side: those lines connecting the front and rear lot lines.

25. "Lot Width" means:
   a. If side lines are parallel, the shortest distance between the side lines.
   b. If side lines are not parallel, the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the zoning district in which the lot is located. The axis of a lot shall be a line joining the midpoint of the front and rear property lines.

26. "Master Development Plan (MDP)" means a preliminary plan for the development of a large or complicated area, the platting of which is expected in progressive stages. An MDP may be designed by the subdivider or by the Department, and shall be subject to Commission or Council approval.

27. “Multi-Use Path (MUP)” means any 2-way path or trail designated for multiple, non-motorized uses such as bicycle or pedestrian use. MUPs are constructed of concrete or asphalt and shall be designed in accordance with AASHTO standards and shall be wheelchair accessible where possible. MUPs shall generally correspond to the Minor Arterial and Collector Roadway System identified in Chapter 6 “Circulation Element” of the General Plan (Exhibit CIR-11) (as amended) and Section 14-03-100 of this Chapter (as amended). An MUP may be developed adjacent to the roadway or as a “greenbelt” path set back or independent from an adjacent roadway.

28. "Neighborhood Plan (NP)” means a plan to guide future platting of vacant adjacent parcels in an area not initially subject to an MDP, to correlate street patterns and other land-use relationships.

29. "Open Space Lands" means any space or area characterized by natural scenic beauty (or whose existing openness, natural condition, or present state of use (if retained) would maintain or enhance the preservation of natural or scenic resources, or the production of food or fiber).

30. “Owner” means the person or persons holding title by deed to land, holding title as a vendor under land contract, or holding any other title of record.
31. "Plat" means a map of a Subdivision.
   a. "Preliminary Plat" means a preliminary map, including supporting data, indicating a proposed subdivision design prepared by a registered civil engineer, a registered land surveyor, a landscape architect, or an architect in accordance with this Chapter and applicable Arizona Revised Statutes. A preliminary site plan for a condominium development shall be considered a Preliminary Plat.
   b. "Final Plat" means a map of all or part of a subdivision, including supporting data, essentially conforming to an approved Preliminary Plat and prepared by a registered civil engineer, a registered land surveyor, a landscape architect, or an architect in accordance with this Chapter and applicable Arizona Revised Statutes.
   c. "Recorded Plat" means a Final Plat bearing all certificates of approval required by this Chapter and applicable Arizona Revised Statutes, duly recorded in the Yavapai County Recorder's Office.
   d. "Reversionary Plat" means:
      (1) a Final Plat for the purpose of reverting previously subdivided land to unsubdivided land; or
      (2) a Final Plat for the purpose of vacating streets or easements previously dedicated to the public; or
      (3) a Final Plat for the purpose of vacating or redescribing lot or other parcel boundaries previously recorded.

32. "Preliminary Approval" means affirmative action on a Preliminary Plat, noted thereon, indicating that approval of a Final Plat will require satisfaction of specified conditions (allowing the subdivider to proceed with final engineering plans and Final Plat preparation).

33. "Private Access Way" means any access to 1 or more lots or air spaces which is owned and maintained by an individual or group of individuals for reasons of neighborhood identification, control of access or special development nature, but constructed in accordance with adopted Improvement Standards (or other Town standards set forth in this Code).

34. "Right-of-Way" means any access. Public rights-of-way may include areas required for public use pursuant to the General Plan. Public rights-of-way may be designated by Plat dedication or by conveyance of fee title or easements by deed.

35. “Sidewalk” means a concrete public way with curb, gutter and driveway cut-outs constructed in accordance with adopted Improvement Standards and located within the Street Right-of-Way.
36. “Street” means any existing or proposed street, avenue, boulevard, road, lane, parkway, place, bridge, viaduct, or easement for public vehicular access; or a street shown in a Plat heretofore approved pursuant to law; or a street in a Plat duly filed and recorded in the County Recorder’s Office. A street includes all land within the street Right-of-Way, whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking space, bridges, and viaducts. Streets may be designed as federal, state or county highways or roadways.

a. “Freeway - Expressway” means a street providing for the expeditious movement of large volumes of through traffic between areas or across, around or through the Town (including a divided arterial street with full control of access and not intended to provide direct access to abutting land). Freeways - Expressways will normally be a portion of a system or network.

b. “Arterial” means a street that provides for the movement of large volumes of traffic within and through urban areas of the Town (with direct access to abutting land). Arterials will normally be a portion of a system or network.

1. “Major Arterial” means a street that serves centers of activity and carries the major portion of traffic entering and leaving the Town or bypassing central areas.

2. “Minor Arterial” means a street that interconnects with and augments the Major Arterial system and provides access to Collectors. Minor Arterials do not typically penetrate neighborhoods.

c. “Collector” means a street that provides movement for a moderate volume of traffic and links neighborhoods, businesses and industry with the Arterial system. Collectors also provide for traffic movement within neighborhoods and direct access to abutting properties.

d. “Frontage Road” means a Collector located within a Freeway - Expressway Right-of-Way and parallel to the Freeway - Expressway traffic lanes.

e. “Local Street” means a street that serves relatively low traffic volumes and provides access to residents, businesses, or other abutting properties. The traffic volume generated by the adjacent land uses is largely short trips or a relatively small part of longer trips where the Local Street connects to the Collector.

f. “Cul-de-Sac” means a Local Street having one end permanently terminated in a vehicular turnaround (or an equally convenient form of turning) and backing areas as may be recommended by the Town Engineer.
g. "Parkway" means any of the above street types which is intensively landscaped to provide attractive or scenic appearance, or located in a park or park-like area. Parkways may be restricted to non-commercial traffic.

h. “Marginal Access Road” means a partial street or half street (with related curb, gutter and sidewalk) that the Town requires an abutting business or other use to build as a condition of occupancy or operation.

37. "Street Classification Plan" means a plan for a system of Arterials (present and future).

38. "Subdivider" means a person, firm, corporation, partnership, association, syndicate, trust or other legal entity that files the application and initiates proceedings for a subdivision in accordance with the provisions of this Chapter and applicable Arizona Revised Statutes (as amended). Agents for legal entities are not subdividers and subdividers need not be property owners. The Town Council may itself prepare or have prepared a Plat for the subdivision of land under municipal ownership.

39. "Subdivision" means improved or unimproved land or lands divided for the purpose of financing, sale, or lease, whether immediate or future, into four (4) or more lots, tracts, or parcels of land; or, if a new Street is involved, any such property which is divided into 2 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 2 parts. Subdivision also includes any condominium, cooperative, community apartment, townhouse, or similar project containing 4 or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon. Subdivision does not include the following:

a. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.

b. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.

c. The leasing of apartments, offices, stores or similar space within a building, mobile/manufactured home park, or recreational vehicle park.

d. Mineral, oil or gas leases.

40. “Subdivision Design” means Street alignment, grades, and widths; alignment and widths of easements and Rights-of-Way for drainage, sanitary sewers and public utilities; arrangement and orientation of lots; and locations of buildings (together with refuse collection and maintenance easements in condominium developments).

41. “Trail” means a public Right-of-Way that serves the same purpose of
connection and linkage between public and quasi-public facilities in the Town as an MUP but also connects with existing or planned regional trails in Yavapai County and other municipalities. Trails are of similar width but are typically not hard-surfaced or AASHTO or ADA compliant (in that they are in natural existing terrains).

42. "Usable Lot Area" means that portion of a lot usable for, or adaptable to, the normal uses made of property. Excluded are areas covered by water, grades exceeding twenty percent (20%), or easements which limit normal property uses.

43. "Utilities" means facilities (underground or overhead) which provide electric, natural gas, steam, telecommunication, potable water, irrigation water, storm water, cable, wastewater collection and treatment, or similar services, owned and operated by any person, firm, corporation, department or board duly authorized by state or municipal regulations.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-01-020; Ord. No. 282, Amended, 10/22/92; Ord. No. 375, Amended, 12/28/95; Ord. No. 751, Amended, 08/12/10; Ord. No. 772, Amended 03/28/13; Ord. No. 801, Amended, 02/12/15)

14-01-030 Fees.

Applications for Preliminary and Final Plat approval shall be accompanied by a non-refundable filing fee pursuant to Section 13-27-060 of this Code (as amended).

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-01-030; Ord. No. 375, Amended, 12/28/95; Ord. No. 801, Rep&ReEn, 02/12/15)

14-01-040 Reserved.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-01-040; Ord. No. 801, Rep&ReEn, 02/12/15)
Article 14-02  PLATTING PROCEDURES AND REQUIREMENTS

14-02-010 Outline of Procedures.

The preparation, submittal, review and approval of all Subdivision Plats located inside the limits of the Town shall proceed through the following stages:

A. Pre-application stage.
B. Preliminary Plat stage.
C. Final Plat stage.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-02-010; Ord. No. 801, Amended, 02/12/15)

14-02-020 Pre-Application Stage.

A. Purposes: This stage affords the Subdivider the opportunity of obtaining the advice and assistance of, and informally discussing the proposed Subdivision with the Department prior to the expense of a Preliminary Plat preparation. It also affords the Department the opportunity to give informal guidance at a time when potential points of conflict can be most easily resolved, subsequent relations improved, official action simplified, and undue expense and delay saved by the Subdivider.

B. Actions by the Subdivider: The Subdivider shall meet informally with the Department to present a general outline of his proposal including, but not limited to:

1. Concepts and ideas regarding land use, street, and lot arrangements and tentative lot sizes.
2. Tentative proposals regarding water supply, sewage disposal, surface drainage, and street improvements.

C. Actions by the Department: The Department shall discuss the proposal with the Subdivider and advise him of procedural steps, design and improvement standards, and general plat requirements. Then, depending upon the scope of the proposed development, the Department shall proceed with the following investigations:
1. Advise the Subdivider if a zoning change will be required and that such change must be obtained prior to additional processing of the application.

2. Advise the Subdivider if a General Plan amendment will be required and that such amendment must be obtained prior to additional processing of the application.

3. Determine the adequacy of existing or proposed schools, parks, and other public spaces.

4. Inspect the site or otherwise determine its relationship to Arterials, utility systems, and adjacent land uses, and determine if there are any unusual problems related to topography, utilities, flooding, etc.

5. Provide the applicant with all of the necessary Town application forms; review with the applicant the submittal requirements and the neighborhood meeting requirements; and discuss the applicable schedules for the project.

6. Determine the need for preparation and review of an MDP prior to subsequent consideration of a Preliminary Plat. Advise the Subdivider if an MDP is required and to what extent it shall be prepared by the Subdivider and by the Department.

D. Master Development Plan (MDP): The Department shall use the following guidelines in establishing the need for an MDP: whether the tract is sufficiently large to comprise an entire neighborhood; whether the tract initially proposed for platting is only a portion of a larger landholding of the Subdivider; or whether the tract is a part of a larger land area (the development of which is complicated by unusual topographic, utility, land use, land ownership or other conditions). The entire land area considered in determining the need for an MDP need not be under the Subdivider's control but may be part of a multi-faceted plan encompassing multiple developers and uses. MDPs shall be mandatory for developments of one hundred (100) or more acres consisting of a mixture of residential zoning districts and optional neighborhood commercial districts that support the needs of the neighborhood.

1. Preparation: The MDP shall be prepared to scale, accurate to a level commensurate with its purpose, and shall include:

   a. General street patterns with particular attention to Collectors and future circulation throughout the neighborhood.

   b. General location and size of school sites, parks, or other public areas.

   c. Location of shopping centers, multi-family residential areas, or other proposed land uses.

   d. Methods proposed for sewage disposal, water supply, and storm drainage.
e. Location of buildings and circulation for condominium developments.

f. A statement by the Department that the development conforms to the (i) Parks, Trails and Open Space Master Plan, (ii) Town’s most current adopted transportation plans, and (iii) General Plan.

2. Approval: Upon acceptance of the general design approach by the Department, the MDP may be submitted to the Commission and Council for their consideration. If development is to take place in several parts, the MDP should be submitted as supporting data for each part. The MDP should be kept up-to-date by the Subdivider and the Department as modifications take place.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-02-020; Ord. No. 375, Amended, 12/28/95; Ord. No. 801, Amended, 02/12/15)

14-02-030 Preliminary Plat Stage.

The Preliminary Plat stage of land subdivision includes submittal, review, and approval of the Preliminary Plat. The Subdivider shall provide the Department with all information essential to determine the character and general acceptability of the proposed development.

A. Zoning: The Subdivision shall be designed to meet the specific requirements for the zoning district within which it is located. However, in the event that a zoning amendment or a zoning adjustment is necessary for conformance with district regulations, said action shall be initiated by the property owner or his authorized agent. The Department shall not proceed with processing of the Preliminary Plat until the necessary amendment or adjustment has been obtained. Any furtherance of pre-development activity engaged in, by, or on behalf of the Subdivider while an application for zoning amendment or variance is pending shall in no instance be construed as having been undertaken in reliance on a favorable determination of such application (notwithstanding the nature of a Department recommendation on the matter). In any event, any such zoning amendment or adjustment required in relation to the Preliminary Plat shall have been adopted prior to Preliminary Plat approval.

B. State and County Sanitary Sewerage and Water Supply Requirements: Where location of the development requires that the State and/or County be involved in sewage disposal, water supply, or fire protection, the Subdivider shall have first informed the appropriate State and/or County department of his tentative plans and learned the general requirements prior to Preliminary Plat review by the Department.

C. Preliminary Plat Submission:

1. Three (3) copies of the Preliminary Plat and other required supporting data prepared in accordance with requirements set forth in this Section shall be filed with the Department. Submission shall include fees as required by Section 14-01-030 of this Chapter (as amended). Copies of the Preliminary Plat shall be reproduced in the form of blue line or black line prints on a white background. The Preliminary Plat and all required supporting data shall also be provided in approved digital image format. Scheduling of the case for Commission hearing
shall be dependent upon adequacy of data presented and completion of processing.

2. The submittal shall be checked by the Department for completeness. If it is incomplete as to those requirements set forth in this Section, the submittal shall be rejected and the Subdivider notified within five (5) days from the date the map was received.

D. Preliminary Plat Review:

1. On receipt of the Preliminary Plat, the Department shall perform its review for compliance with public objectives. In so doing the Department shall give special attention to design principles and standards as set forth in Article 14-03 of this Chapter (as amended); to streets and thoroughfares (as related to the Town transportation plans) and to neighborhood circulation; to utility methods and systems; to existing and proposed zoning and land use of the tract and its environs; to land required for schools, parks, and other public facilities; to the mailbox plan as approved by the US Post Office; and to any traffic impact analysis required by the Town Engineer.

2. The Department shall distribute copies of the Plat to the appropriate agencies for review.

3. The Department shall collect the written comments of the reviewing offices, determine whether the proposed Preliminary Plat substantially conforms to the submission requirements, prepare a report, and present it to the Commission.

E. Preliminary Plat Approval:

1. If the Department report indicates that the requirements of this Chapter have been met, the Commission shall consider the Preliminary Plat at the next regular meeting.

2. The Commission shall consider the Preliminary Plat and the Department's recommendations and, if satisfied that all objectives have been met, the Commission shall approve the Preliminary Plat.

3. If the Plat is generally acceptable but requires minor revision before proceeding with preparation of the Final Plat, the Commission shall find Conditional Approval. At the direction of the Commission, the Plat may be given approval subject to the revisions in accordance with the stated conditions and reviewed by the Department.

4. If the Commission finds that the Plat requires major revision, the Plat may be continued pending revision or re-submittal for the same tract or any part thereof, and shall follow the aforementioned procedure.

F. Significance of Preliminary Approval: Preliminary approval constitutes authorization for the Subdivider to proceed with preparation of the Final Plat and the engineering plans and specifications for improvements. Preliminary approval is based upon the
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following items:

1. All subsequent Final Plats submitted within the Preliminary Plat shall comply with the basic conditions under which the Preliminary Plat is granted by the Commission.

2. Preliminary Plat approvals shall expire after twenty-four (24) months from the date of Commission approval unless a Final Plat which complies with the provisions of this Article is submitted for approval prior to the expiration of said period. Notwithstanding this requirement, a different period of validity may be negotiated as part of a development agreement between the Subdivider and the Town pursuant to ARS §9-500.05 (as amended).

3. Preliminary Plat approval, in itself, does not assure final acceptance of streets for dedication or continuation of existing zoning requirements for the tract or its environs, nor constitute authorization to record the Plat.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-02-030; Ord. No. 268, Amended, 12/12/91; Ord. No. 375, Amended, 12/28/95; Ord. No. 386, Amended, 07/11/96; Ord. No. 442, Amended, 08/27/98; Ord. No. 751, Amended, 08/12/10; Ord. No. 772, Amended 03/28/13; Ord. No. 801, Amended, 02/12/15)

14-02-040 Information Required for Preliminary Plat Submittal.

A. Identification and Descriptive Data:

1. Proposed name of Subdivision and its location by section, township, range, and reference by dimension and bearing to a section or quarter section corner.

2. Name, address, and phone number of engineer, surveyor, landscape architect, or land planner preparing the Plat.

3. Name, address, and phone number of Subdivider.

4. Scale, north point, and date of preparation (including dates of any subsequent revisions).

5. A location map which shows the relationship of the proposed Subdivision to Arterials and any other facilities which might help to locate the Subdivision. This map may be on the Preliminary Plat but, if this is not practical, then a separate map showing title, north point, scale, and date shall be provided.

B. Existing Conditions Data:

1. Topography by contours or "spot elevations" related to USC&GS survey datum, or other datum approved by the Town Engineer shown on the same map as the proposed Subdivision layout. Contour interval shall be such as to adequately reflect the character and drainage of the land.

2. Location of fences, water wells, streams, canals, irrigation laterals, private
Prescott Valley, Arizona

ditches, washes, lakes or other water features; direction of flow; location and extent of areas subject to inundation (whether such inundation be frequent, periodic or occasional).

3. Location, widths and names of all platted streets, railroads, utility rights-of-way of record, public areas, and permanent structures to remain (including water wells and municipal corporation lines within, adjacent to, or extending from the tract).

4. Location of all existing improvements on public rights-of-way and on private property (including utility lines and trees).

5. Name, book, and page numbers of any recorded adjacent Subdivisions having common boundaries with the tract.

6. By note, the existing zoning classifications of the subject tract and adjacent tracts.

7. By note, the acreage of the subject tract.

8. Fully-dimensional boundaries of the tract to be subdivided.

9. Engineers’ calculations and estimated values for each tributary storm runoff for the 100-year and 50-year frequency storms (said values to be indicated along the boundary of the Plat for all points of drainage entering the property).

C. Proposed Conditions Data:

1. Street layout, including location, width, curve radii, and proposed names of streets, alleys and crosswalks; and connections to adjoining platted tracts.

2. Typical lot dimensions (scaled); dimensions of all corner lots and lots of curvilinear sections of streets; individual lot numbers; total number of lots or dwelling units.

3. Proposed landscape, recreation and open space elements.

4. Designation of all land to be dedicated or reserved for public use (with use indicated).

5. Clearly-designated land for which multi-family, commercial, or industrial use is proposed (together with existing zoning classifications and status of zoning change, if any).

6. Proposed development units.

7. Proposed storm water disposal system and preliminary calculations and layout of proposed drainage system. The direction of proposed street drainages to be indicated by arrows on the Plat and, if required by the Town Engineer, a proposal to provide for detention of storm water.
8. Compliance with:
   a. The Town Flood Control Regulations in Chapter 12 of this Code (as amended) relating to the construction (or prevention of construction) of streets in land established as being subject to periodic inundation.
   b. Rules as may be established by the Arizona Department of Transportation relating to provisions for safety of entrance upon and departure from abutting State Freeways - Expressways and Arterials.
   c. Statutes, ordinances, rules and regulations of the appropriate State, County, or Town departments (as applicable), relating to the provision of domestic water supply and sanitary sewerage disposal.

D. Proposed Utility Methods:

   1. Sewage Disposal: A statement as to the type of facilities proposed shall appear on the Preliminary Plat.
   2. Water Supply: A statement as to the water supply for the development shall appear on the Preliminary Plat.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-02-040; Ord. No. 268, Amended, 12/12/91; Ord. No. 375, Amended, 12/28/95; Ord. No. 563, Amended, 07/10/03; Ord. No. 772, Amended 03/28/13; Ord. No. 801, Amended, 02/12/15)

14-02-050 Final Plat Stage.

This stage includes the final design of the Subdivision, engineering of the public improvements, and submittal by the Subdivider of the Plat and plans, final reports (drainage, soils, water and sewer), Covenants, Conditions & Restrictions, and documented proof of a mailbox plan approved by the United States Postmaster, Prescott, Arizona for review and for action by the Department and Council.

A. Zoning: Zoning of the tract shall permit the proposed use, and any zoning amendment necessary shall have been adopted by the Council prior to filing of the Final Plat.

B. Easements: It shall be the responsibility of the Subdivider to provide on the Final Plat, prior to Plat recordation, the location and width of easements as required for utility and drainage purposes.

   1. The following notation shall be placed upon all Final Plats which provide utility easements: “No structure of any kind shall be constructed or placed within or over the utility easement except utilities; wood, wire or removable section type fencing; asphalt paving; or grass. It shall be further understood that the Town shall not be required to replace any obstructions, paving or planting that must be removed during the course of maintenance, construction or reconstruction.”
2. The following notation shall be placed on all Final Plats which provide drainage easements: “No structure of any kind shall be constructed nor any vegetation planted or allowed to grow within or over the drainage easement that would obstruct or divert the flow of storm water. The Town may, if it so desires, construct or maintain drainage facilities on or under the land of any Type 2 easement.”

C. Final Plat Preparation: The Final Plat shall be presented in accordance with requirements set forth in this Section and shall substantially conform to the approved Preliminary Plat.

D. Final Plat Submission: The Subdivider shall file with the Department two (2) Final Plat mylar transparencies and thirteen (13) copies thereof, together with a copy in an approved digital format and a letter of transmittal and recordation fee, at least twenty-one (21) days prior to the Council meeting at which consideration is desired. A fee for Final Plat and construction plan review will be in accordance with Section 14-01-030 of this Chapter (as amended).

E. Final Plat Review:

1. The Department, upon receipt of the Final Plat submittal, shall immediately record receipt and date of filing and check it for completeness. If complete, the Department shall review the Plat for substantial conformity to the approved Preliminary Plat and refer copies of the submittal to the appropriate reviewing agencies.

2. The Department shall assemble the recommendations of the various reviewing offices, prepare a concise summary of recommendations, and submit said summary together with the reviewer’s recommendations to the Council. In the event that the Department finds that the Final Plat does not conform to the Preliminary Plat (as approved by the Commission), then the Final Plat shall first be submitted to the Commission for review and recommendations prior to submittal to the Council.

F. Final Plat Approval:

1. Upon receipt of a request for Council action from the Department, the Town Clerk shall place the Final Plat on the agenda of a regular Council meeting, whereupon the Council shall approve or deny the Plat.

2. If the Council approves the Final Plat, the Town Clerk shall transcribe a certificate of approval thereon, first making sure that the other required certifications pursuant to this Article have been duly signed.

3. When the certificate of approval by the Council has been transcribed on the Final Plat, the Department shall retain the record copy until the Town Engineer certifies that the Subdivision has been staked and the engineering plans have been approved.
4. The Department shall cause the Final Plat to be recorded in the Office of the County Recorder of Yavapai County.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-02-050; Ord. No. 268, Amended, 12/12/91; Ord. No. 375, Amended, 12/28/95; Ord. No. 772, Amended 03/28/13; Ord. No. 801, Amended, 02/12/15)

14-02-060 Information Required for Final Plat Submittal.

A. Method and Medium of Presentation: Size prerequisites for recording maps and plats that exceed a size of eight and one-half (8 1/2) by fourteen (14) inches shall be subject to the following restrictions:

1. A map or Plat of a Subdivision.
   a. Shall be produced with permanent ink on a sheet or sheets of mylar measuring twenty-four (24) by thirty-six (36) inches, with a left margin of two (2) inches.
   b. Shall be drawn to an accurate scale not to exceed one hundred (100) feet to the inch.
   c. Shall also be provided in an approved digital format.

2. All other maps or Plats.
   a. Shall be produced with permanent ink on a sheet or sheets of mylar measuring eighteen (18) by twenty-six (26) inches with a left margin of 2 inches.
   b. Shall be drawn to a scale not to exceed 100 feet to the inch.
   c. Shall also be provided in an approved digital format.

3. Copies of the record Plat shall be reproduced in the form of blueline or blackline prints on a white background.

B. Identification Data Required: The following identification data shall be required as a part of the Final Plat submittal.

1. A title which includes the name of the Subdivision and its location by number of section, township, range and county.

2. Name, address and registration number of seal of the registered civil engineer or registered land surveyor preparing the Plat.

3. Scale, north arrow, and date of Plat preparation.

C. Survey Data Required: The following survey data shall be required as a part of the
Final Plat submittal. All survey data must be on the Town of Prescott Valley datum.

1. The corners of the Plat shall be located on the monument lines of abutting streets, and the boundaries of the tract to be subdivided shall be fully balanced and closed, showing all bearings and distances (determined by an accurate survey in the field). All dimensions shall be expressed in feet and decimals thereof.

2. Any excepted parcels within or surrounded by the Plat boundaries shall be noted as "not a part of this Subdivision", and all bearings and distances of the excepted parcel (as determined by an accurate survey in the field) shall be shown. All dimensions shall be expressed in feet and decimals thereof.

3. The location and description of cardinal points to which all dimensions, angles, bearings and similar data on the Plat are referenced shall be shown. Each of 2 separate corners of the Subdivision traverse shall be tied by course and distance to separate section corners or quarter section corners.

4. The location of all physical encroachments upon the boundaries of the tract shall be shown.

D. Descriptive Data Required: The following descriptive data shall be required as part of the Final Plat submittal.

1. Name, Right-of-Way lines, courses, length and width of all public streets, alleys and related crosswalks; radii, points of tangency, and central angles of all curvilinear streets and alleys; and radii of all rounded street line intersections. All private access ways shall be clearly labeled on the Plat.

2. All drainage ways. The Rights-of-Way of all major drainage ways, as designated by the Town Engineer, shall be dedicated to the public.

3. All lots, numbered by consecutive numbers. All tracts and parcels shall be designated, lettered or named and clearly dimensioned, and parcels which are not part of the Subdivision shall be so designated.

4. Locations, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public (with the use clearly indicated).

5. Location of all adjoining Subdivisions, with name, book, and page number of recordation noted (or, if unrecorded, so marked).

6. Any proposed private deed restrictions to be imposed upon the Plat or any part thereof pertaining to the intended use of the land (and to be recognized by the Town).

7. All existing private easements within, on, or over the Plat (dimensioned and noted as to their use).

E. Dedication and Acknowledgment:
1. **Dedication:** There shall be required as part of the Final Plat submittal a statement of dedication of all streets, drainage retention basins, drainage ways, MUPs, trails, and other easements for public use (including any needed for sanitation, fire and other emergency related vehicles), executed by the person holding title of record, by persons holding title as vendees under land contract, lienholders, and the spouses of such parties. If lands dedicated are mortgaged, the mortgagee shall also sign the Plat. Dedication shall include a written location by section, township, and range of the tract. If the Plat contains private access ways, the public easement that shall be reserved shall include the right to install and maintain utilities in the private street and shall allow for access by refuse collection, fire and other emergency.

2. **Acknowledgment of Dedication:** Execution of dedication shall be acknowledged and certified by a notary public.

F. **Required Certifications, Signatures and Statements:** The following certifications, signatures and statements shall be required as part of the Final Plat submittal.

1. **Assurances Statement:**

   “Assurances as provided for in Prescott Valley Town Code Article 14-04 (as amended) to guarantee construction of the required improvements have been provided.”

2. **Conveyance and Dedication:**

   “Know all men by these presents that (name), as owner(s), has/have subdivided (or re-subdivided) under the name of (name of Subdivision), (add Section, Township and Range) of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, as shown platted hereon, and hereby publish(es) this Plat as and for the Plat of said (Subdivision name), and hereby declare(s) that said plat sets forth the location and gives the dimensions of all lots, easements, tracts, and streets constituting the same, and that each lot, tract and street shall be known by the number, letter and name given each respectively, and that (name), as owner(s), hereby dedicate(s) to the public for use as such the streets, the drainage and public utility easements, and other easements as shown on said Plat. In witness (name), as owner(s), has/have hereunto caused its/their name(s) to be signed and the same to be attested by the signature of (owner or designated signatory and title).

   By:________________________________   __________
   Owner(s) Name and Title   Date:

3. **Certificate of Land Surveyor and/or Engineer of Record:**

   “This is to certify that the survey of the premises (property) described and platted hereon was made under my direction and supervision and is accurately represented on this Plat. I also certify that the Plat is in substantial conformance to the approved Preliminary Plat and that this Plat is correct and
accurate as shown.”

_______________________________  __________________
Registered Land Surveyor   Date

4. Engineers Information:

The Final Plat shall contain the name and registration number of the registered
professional civil engineer(s) who prepared the Preliminary Plat and is/are
responsible for the engineering necessary in preparation of the proposed
Subdivision.

5. Certificate for Signatures:

“This Plat has been checked for conformance to the approved Preliminary Plat
and any special conditions attached thereto, to the requirements of the
Prescott Valley Subdivision Code, and to any other applicable regulations, and
appears to comply with all requirements within my jurisdiction to check and
evaluate.”

By (Mayor) Date
By (Town Engineer) Date
By (Town Clerk) Date

6. Assured Water Supply:

“The Arizona Department of Water Resources has granted a Certificate of
Assured Water Supply, DWR File No. _____________, in accordance with ARS
§45-576.”*

*Note: This requirement may be waived by the Town Engineer for commercial
plats based on site specific conditions or other information related to the
project

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-02-060; Ord. No. 375, Amended,
12/28/95; Ord. No. 772, Amended, 03/28/13; Ord. No. 801, Amended, 02/12/15)

14-02-070  Process Flow Chart.
The Subdivision Process

Stage 1
Pre-Application

Stage 2 Preliminary Plat

Preliminary Plat Approval by Commission

Stage 3 Final Plat

Final Plat Approval by Council

Recordation of Plat

Actions by the Town

- Check Zoning and General Plan Req.
- Check preliminary Engineering req.
- Check infrastructure req.
- Check PAD and MDP req.

- Distribute copies to reviewing agencies and entities
- Prepare report for Commission

- Technical Review of Final Plat

Actions by the Subdivider

- Subdivider meets with staff to review or discuss “concept or plans”

- Rezoning or MDP can occur simultaneously but must be done prior to Preliminary Plat

- Submit application, fees, required copies of Preliminary Plat and all applicable documentation

- Submit final design, fees and documents to include any revisions required by the Commission or Reviewers

(Ord. No. 801, Enacted, 02/12/15)
Article 14-03 SUBDIVISION DESIGN STANDARDS AND PRINCIPLES

14-03-010 In General.
A. Conformance to Plans. Every Subdivision shall conform to requirements and objectives of the General Plan (or any parts thereof) as adopted by the Council; to the Town Zoning Chapter; to this Chapter; to other ordinances, codes, and regulations of the Town; and to the Arizona Revised Statutes (as amended).

B. Dedication of Parks and other Public Lands. Where the tract contains all or any part of the site of a school, park, or other public site (as shown on the General Plan or as recommended by the Commission), such site shall either be dedicated to the public or reserved for acquisition by the public within a specified period of time. An agreement shall be reached between the Subdivider and the appropriate public agency regarding time, method, and cost of such acquisition. In the event of failure to reach such agreement within a reasonable period of time for reasons satisfactory to the Commission, the Commission may determine that requirements of this Section have been met.

C. Land Unsuitability. No land shall be subdivided which is determined by the Commission to be unsuitable for residential use by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formations, extreme topography, erosion susceptibility, or similar conditions which are likely to prove harmful to the health, safety and general welfare of the community or the future property owners. The Commission, in applying the provisions of this Section, shall state in writing the particular facts upon which its conclusions are based and shall also define the conditions under which the land may, in its opinion, become suitable for the proposed development. Any Subdivider proposing development of such land shall have the right to present evidence to the Council contesting such determination of unsuitability, whereupon the Council may affirm, modify, or withdraw the restriction.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-03-010; Ord. No. 375, Amended, 12/28/95; Ord. No. 801, Amended, 02/12/15)

14-03-020 Street Location and Arrangement.
A. Whenever a tract to be subdivided embraces any part of a street designated in an adopted Town transportation plan, such street shall be platted in conformance therewith.

B. Street layout shall provide for the continuation of such streets as the Department may designate.

C. Whenever a tract to be subdivided is located within an area for which an NP has been approved by the Commission, the street arrangement shall conform substantially to said Plan.

D. Certain proposed streets, as designated by the Department, shall be extended to the tract boundary to provide future connection with adjoining unplatted lands.

E. Local Streets shall be so arranged as to discourage their use by through-traffic.

F. Street locations and access shall conform to the provisions of Chapter 6 “Circulation Element” of the General Plan (as amended).

G. Where a Subdivision abuts or contains the Right-of-Way of a railroad, drainage way, a limited access highway, or an irrigation canal, or abuts a commercial or industrial land use, the Department may require the location of a street approximately parallel to and on each side of such Right-of-Way at a distance suitable for appropriate use of the intervening land. Such distance shall be determined with due regard for approach grades, drainage, bridges, or future grade separations.

H. Streets shall be so arranged in relation to existing topography as to produce desirable lots of maximum utility and streets of reasonable gradient, and to facilitate adequate drainage.

I. Half streets shall be discouraged except where necessary to provide Right-of-Way required by the Town transportation plans, to complete a street pattern already begun, or to ensure reasonable development of a number of adjoining parcels. Where there exists a platted half street abutting the tract to be subdivided, the remaining half shall usually be platted within the tract.

J. Where private access ways are approved, statements shall be contained on the Plat (and in both the deed restrictions and the homeowners’ association by-laws) that those access ways are subject to an easement authorizing use by emergency and public service vehicles, but otherwise remain the permanent responsibility of the homeowners’ association.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-03-020; Ord. No. 772, Amended, 03/28/13; Ord. No. 801, Amended, 02/12/15)

**14-03-030 Street Design.**
Prescott Valley, Arizona

A. Street and alley design shall conform to the following standards as well as the Improvement Standards adopted from time to time.

B. Minimum Required Right-of-Way Widths:

1. Arterials - as required by applicable Town, County or State standards.

2. Collectors - as required by applicable Town standards.

3. Local Streets - sixty (60) feet wide adjacent to park and school sites; otherwise as required by applicable Town standards.
   a. Cul-de-Sacs - terminate in a circular Right-of-Way forty-eight (48) feet in radius (96’ diameter) (with a three (3) foot utility easement around the turnaround).
   b. A fire code official with the Central Yavapai Fire District may, as part of a preliminary development plan approval process, approve a Cul-de-Sac terminating in a circular Right-of-Way with a minimum forty-one (41) feet in radius (82’ diameter) (with a three (3) foot utility easement around the turnaround) with No Parking / Fire Lane signs posted in the Cul-de-Sac.
   c. Note: dead-end streets will not be approved except in locations recommended by the Department as necessary to future extension in development of adjacent lands. In such cases, a dead-end street extending two hundred (200) feet or more shall include an easement for a temporary turning circle with a forty (40) foot radius (or other acceptable design to accomplish adequate access).

4. Alleys - sixteen (16) feet wide where single-family residential uses are on both sides, and twenty (20) feet wide if there are abutting commercial, multiple-family residential, or industrial uses. Alley intersections and sharp changes in alignment shall be avoided but, where necessary, corners shall be cut off fifteen (15) feet on each side to permit safe vehicular movement. Dead-end alleys are prohibited. All half alleys shall have a minimum width of twelve (12) feet.

5. Private Access Ways - as required by applicable Town standards.

C. Grades:

1. Maximum:
   a. Collectors 7%
   b. Local Streets 15%
      [All over twelve percent (12%) have a maximum length of six hundred (600) feet]
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c. Arterials: as determined by the Town Engineer.

2. Minimum:
   a. Concrete or asphalt streets with concrete gutters:
      (1) Minimum 0.5%
   b. Concrete or asphalt streets without gutters:
      (1) Minimum 1%

D. Horizontal Design:

1. Arterials as determined by the Town Engineer.

2. Tangent centerlines shall not deflect from each other more than ten (10) degrees and less than ninety (90) degrees; they shall be connected by a curve with a minimum centerline radius of five hundred (500) feet for Collectors or one hundred (100) feet for Local Streets.

3. All Arterials and Collectors with reverse curves shall have a tangent section of centerline not less than 100 feet long, unless the radius exceeds 600 feet on Collectors. Low volume, low speed Local Streets may accommodate reverse curves without a tangent section between curves.

4. Streets intersecting Arterials shall do so at a 90 degree angle. Intersections of Local Streets shall not vary from 90 degrees unless otherwise approved by the Traffic Engineer and Town Engineer.

5. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited except when approved by the Town Engineer. Under special circumstances where Local Streets intersect Arterials, the Town Engineer may require minimum centerline offsets of four hundred (400) feet.

6. Local Streets intersecting Collectors or Arterials shall have a tangent section of centerline at least one hundred fifty (150) feet in length measured from the Right-of-Way line of the Arterial; except that, no such tangent is required when the Local Street curve has a centerline radius greater than 400 feet with the center located on the Arterial Right-of-Way line.

7. Street intersections with more than four (4) legs and Y-type intersections where legs meet at acute angles shall be avoided. Provisions of T-type intersections for Local Streets are encouraged.

8. Collectors shall intersect the Arterials at the midsection corners.

9. Local Streets which are primary access to a Subdivision shall intersect Arterials at the quarter mile corners.
14-03-040 Block Design.

A. Maximum length of blocks, measured along the centerline of the street and between intersecting street centerlines, shall be no more than fifteen hundred (1,500) feet. However, in developments with lot areas averaging one-half (1/2) acre or more (or where extreme topographic conditions warrant), this maximum may be exceeded by five hundred (500) feet. Blocks shall be as long as reasonably possible under the circumstances within the above maximum in order to achieve depth and possible street economy, and to reduce the expense and safety hazard arising from excessive street intersections.

B. Maximum Length of Cul-de-Sacs shall be no more than thirteen hundred twenty-five (1,325) feet, measured from the intersection of Right-of-Way lines to the extreme depth of the turning circle along the street centerline. Exceptions may be made where topography justifies but shall not be made merely because the tract has restrictive boundary dimensions. Rather, provisions shall be made for extension of the street pattern to the adjoining unplatted parcel (and a temporary turnaround installed).

14-03-050 Lot Planning.

A. Lot width, depth, and area shall comply with the minimum requirements of the Zoning Code and shall be appropriate for the location and character of development proposed (and for the type and extent of street and utility improvements being installed). Where steep topography, unusual soil conditions, or drainage problems exist or prevail, the Commission may require special lot width, depth, and area requirements which exceed the minimum requirements of the particular zoning district.

B. Where steep topography, unusual soil conditions, drainage problems, abrupt changes in land use, or heavy traffic on adjacent streets prevail, the Commission may make special lot width, depth, and area requirements which exceed the minimum requirements of the particular zoning district.

C. Single-family residential lots shall not have a width to depth ratio greater than one (1) to three (3).

D. Minimum front building lines shall conform to the minimum requirements of the Zoning Code.

E. Side lot lines shall be substantially at right angles or radial to street lines.

F. Every residential lot shall abut upon a public street or private access way furnishing
satisfactory access thereto.

G. Residential lots extending through the block and having frontage on two (2) parallel streets (both being Local Streets or 1 being a Local Street and the other a Collector), are not permitted except when there are commercial or industrial uses on the opposite side of the street or when otherwise permitted in this Chapter. Backing of lots to Arterials or Freeways - Expressways is prohibited.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-03-050; Ord. No. 375, Amended, 12/28/95; Ord. No. 801, Amended, 02/12/15)

14-03-060 Condominium Developments.

A. All requirements of this Chapter apply to condominiums. A preliminary site plan shall be considered a Preliminary Plat and a final site plan a Final Plat.

B. The Final Condominium Plat shall be certified by a registered architect or engineer that the Plat accurately depicts the development as constructed, and shall be recorded prior to the sale of the first unit.

1. Conversion of Conventional Apartment Developments. Preliminary Plats shall show the following (in addition to all information required by the Department check list for site plans):

   a. Firewall construction (if required by the Fire Code).

   b. Additional parking (if required).

   c. Additional open space (if required).

   d. Location of individual utility lines and meters (if needed).

   e. Additional exits.

2. Final Plats shall show:

   a. All buildings.

   b. Private drives and parking areas.

   c. Required assessments.

   d. Designation of commonly-owned property.

   e. Necessary dedication statements.

   f. Statement concerning the formation of a homeowners' association for the maintenance of the commonly-owned property.
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3. New Developments.

a. Preliminary Plat shall show all of the information required by the Department's Preliminary Plat checklist.

b. Final Plats shall show all of the information required above in this Section.

c. Building permits shall be issued in accordance with Final Plats approved by the Department, prior to recordation of the Plat.

d. Final Plats to be approved by the Town Council and recorded after construction has been completed and final inspection made.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-03-060; Ord. No. 801, Amended, 02/12/15)

14-03-070 Easement Planning.

A. In addition to the public streets, public utility easements for both on-site and off-site utilities shall be provided by Subdividers as follows:

1. Where alleys are provided: four (4) feet for aerial overhang on each side of alley shall be provided by dedication.

2. Along side lot lines: seven and one-half (7 1/2) feet on each side of lot lines for distribution facilities and one (1) foot on each side of lot lines for street lighting.

3. Guy and anchor easements: 1 foot wide on each side of lot line, and approximately thirty-five (35) feet in length measured from the rear lot line (if utility lines are overhead).

4. Connecting Subdivisions to utility systems: minimum thirty (30) foot wide easements for off-site trunk lines and mainlines to connect Subdivisions to utility systems.

B. For lots facing on curvilinear streets, utility easements or alleys may consist of a series of straight lines with points of deflection not less than one hundred twenty (120) feet apart. Points of deflection should always occur at the junction of side and rear lot lines on the side of the exterior angle.

C. Where a stream or important surface drainage course abuts or crosses a tract, dedication of a public drainage easement of a width sufficient to permit widening, deepening, relocating or protecting and maintaining said water course shall be required.
D. Land within a public street or drainage easement or land within a utility easement for major power transmission (tower) lines or pipelines shall not be considered a part of the minimum required lot area except where lots exceed one-half (1/2) acre in area. This shall not apply to land involved in utility easements for distribution or service purposes.

E. Except where alleys are provided, lots that back up to railroads, canals or commercial or industrial uses shall have a minimum depth of one hundred ten (110) feet. The rear ten (10) feet of such lots shall be recorded as a vehicular non-access and landscape easement.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-03-070; Ord. No. 390, Amended, 07/11/96; Ord. No. 801, Amended, 02/12/15)

14-03-080 Street Naming and Addressing.

A. Before submittal of a Final Plat, the Department will provide the Subdivider with the street naming and addressing standards set forth in Sections 1-11-040 and 1-11-080 of this Code (as amended) and instructions for preparing and submitting the following:

1. A map illustrating street layouts, the name proposed for each street, and the proposed address number for each adjacent lot, parcel and/or building; and

2. An alphabetical list of the proposed street names, together with alternate names and English translations of foreign language names (where appropriate).


B. Once the Subdivider has submitted all of the information required in this Section, the Subdivider may incorporate the approved street names in the Final Plat. The Department will then input the approved addresses into the Town’s permit system and database.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 49, Enacted, 01/22/81; Ord. No. 54, Amended, 06/25/81; Ord. No. 178, Renumbered, 05/26/88, 17-03-080; Ord. No. 350, Amended, 02/09/95; Ord. No. 350, Rep&ReEn, 02/09/95; Ord. No. 772, Amended, 03/28/13; Ord. No. 801, Amended, 02/12/15)

14-03-090 Hillside Development.

Because of the unique and peculiar problems inherent in the development of hillside areas, special standards must be applied (regardless of parcel size).

A. Special Preliminary Plat Requirements.

1. A topographic map of existing terrain, with contour intervals adequate to show the nature and variations in the terrain: two (2) foot intervals for grades less than fifteen percent (15%), and five (5) foot intervals for grades greater than 15%. The map shall also include elevations of critical spots, rock outcrops, and special characteristics.
2. Where necessary to determine that lots will be usable, a plan for each lot, in conformance with grading and drainage regulations, showing the natural topography of the total parcel to be platted, the location and size of all structures, the finished grade at all improvement locations, and the depth and extent of all cuts and fills (as recommended by the Department or required by the Commission).

3. A report of a proper soil investigation by a licensed geologist or engineer to determine any geological hazard and soil bearing quality.

4. The location of existing and proposed conservation easements.

B. Special Final Plat Requirements.

1. A final grading plan which conforms to the requirements of the grading and drainage regulations in this Chapter and as otherwise required in this Code.

2. A detailed topographic map at larger scale and closer contour intervals, or suitable cross sections or profiles of areas where streets, driveways, buildings, and utility or grading construction are proposed.

3. Road profiles and cross sections at all significant changes in the cross slopes (the cross section to show proposed and natural grades at the centerline of the road, edge of roadway, the Right-of-Way line, and the proposed building setback lines).

4. Locations of all building sites and proposed driveways.

C. Special Design Standards.

1. Street and private access way grades shall conform as closely as possible to natural topography (but shall not exceed 15%).

2. Street grades exceeding twelve percent (12%) shall have a maximum length of six hundred (600) feet.

3. Upon approval of the Town Engineer, horizontal alignments may provide curves with less than one hundred (100) foot centerline radius.

4. Upon the recommendation of the Town Engineer (and approval of the Commission), alternate methods for turning and backing areas may be substituted for turnarounds.

5. Upon approval of the Town Engineer, required paving width of the traffic lanes may be modified when off-street parking bays are provided, developed, and paved in the public Right-of-Way.

6. The centerline of the paving may be offset from the centerline of the Right-of-Way to provide parking bays in the Right-of-Way.
7. Where bridle trails are approved, sidewalks may be placed by the trails on the upgrade side of the Right-of-Way.

8. Vertical curbs shall be required on the downhill side of streets having grades of six percent (6%) or greater. Concrete “U” or “V” gutters may be installed in lieu of conventional rolled or vertical curbs elsewhere.

9. On a corner lot, no grading shall be allowed which results in the ground level being raised so as to obstruct the vision more than a height of three (3) feet above the grade of either street within an area formed by the lot lines on the street sides of such lot and a line joining points on such lot lines located a distance of thirty-three (33) feet from the point of their intersection.

10. Transverse street cross sections, with the gutter on the uphill side, may be used where approved by the Town Engineer.

11. All cut and fill slopes shall be within the roadway Right-of-Way or roadway easement. Slope maintenance easements for roadway cuts and fills may be required by the Town Engineer.

12. All excavated material shall be removed from lots and roadways or contained behind retaining walls, or otherwise placed so that the slopes of any fill material will not be visible from any public street.

13. “Panhandle”, double-frontage, and other unorthodox lots [including lots which have a width to depth ratio greater than 1 to 3], shall be permitted if it can be adequately demonstrated that their design will eliminate excessive cuts and will not adversely affect any other lot so arranged.

14. Private access ways may be permitted to provide access to lots in lieu of the required street frontage, with a minimum paved surface of twelve (12) feet in width. Each private access way serving more than one lot shall have a minimum paved surface of twenty-four (24) feet in width, or as may be otherwise required by adopted Improvement Standards. Where needed, additional easements for drainage or utilities shall be provided.

15. Maximum driveway grades shall be twenty percent (20%).

16. Building sites shall be free of geological hazards.

D. Grading Standards for Lots and Parcels.

1. Not more than five percent (5%) of a lot or parcel shall be left with a cross slope steeper than natural grade of the ground or steeper than 20% (whichever is greater).

2. All driveway and garage cuts shall be made at the time of street grading and before street improvements are installed.
3. The total area of all cuts and fills, other than the enclosed floor area of the dwelling, shall not exceed ten percent (10%) of the lot or parcel.

4. Cut or fill slopes shall be entirely contained within the downhill lot.

5. All excavated material shall be removed from the premises, contained behind retaining walls, or otherwise placed so that the slopes of any fill material will not be visible from any public street.

E. Utilities: All utilities shall be installed underground in the streets or private access ways. Water and sewage disposal shall be provided to each lot as required by Chapter 9 of this Code (and other related Town, County or State provisions).

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-03-090; Ord. No. 268, Amended, 12/12/91; Ord. No. 375, Amended, 12/28/95; Ord. No. 801, Amended, 02/12/15)

14-03-100 Design Diagrams.

A. Street Furniture. The diagrams below depict bench, litter receptacle and seating area plan specifications for street furniture to be installed within Town boundaries. Other options with equivalent specifications may be approved by the Town Engineer.
B. Street Design.
PROHIBITED INTERSECTIONS

ILLUSTRATION #1
MULTIPLE LEGS - IN EXCESS OF FOUR (4).

ILLUSTRATION #2
ACUTE ANGLE OR Y-TYPE INTERSECTIONS, (LESS THAN 90°).

ILLUSTRATION #3
INSIDE OF A CURVE

(Ord. No. 801, Enacted, 02/12/15)
Article 14-04 STREET AND UTILITY IMPROVEMENT REQUIREMENTS

14-04-010 General.

It is the purpose of this Article to establish minimum standards for street and utility improvements required for Subdivisions in the Town, to define the responsibility of the Subdivider in the planning, constructing, and financing of such improvements, and to establish procedures for review and approval of engineering plans for such improvements.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-04-010; Ord. No. 390, Amended, 07/11/96; Ord. No. 801, Amended, 02/12/15)

14-04-015 Subdivider Responsibility.

A. The financing, constructing and/or acquiring of all on-site and off-site street and utility improvements required as a condition of Plat approval in this Article are the responsibility of the Subdivider. Such responsibility includes, but is not limited to, acquiring the necessary public Rights-of-Way, easements, and licenses in which such improvements will be constructed or located, and thereafter dedicating, conveying, assigning, or otherwise transferring such Rights-of-Way, easements, and licenses to the Town of Prescott Valley at the time of Plat approval.

B. Ownership of all on-site and off-site street and utility improvements constructed and/or acquired as a condition of Plat approval shall pass to the owner(s) of or other party(ies) responsible for the street system or the utility systems being extended thereby, upon written acceptance of the same for maintenance purposes by such owner(s) or other responsible party(ies), unless otherwise provided for on the Plat or by express agreement between the Subdivider and such owner(s) or other party(ies).

C. With regard to on-site and off-site street and utility improvements accepted for maintenance by the Town, Subdividers shall warrant all workmanship and materials involved in such improvements for a period of two (2) calendar years from the date of written acceptance. Warranties with regard to improvements accepted by owners or parties other than the Town may be provided for by separate agreement between Subdividers and those owners or parties.
14-04-020 Engineering Plans.

A. It shall be the responsibility of the Subdivider to have a registered engineer prepare a complete set of engineering plans for construction of all required improvements. Such plans shall be based on the approved Preliminary Plat and shall be prepared in conjunction with the Final Plat and in accordance with all applicable Town, County, or State standards.

B. Final construction plans for all improvements shall be approved and signed by the Town Engineer prior to the recording of the Final Plat.

C. Fees for the engineering plan review of final construction plans, listed in the engineering fee schedule provided for in Section 16-01-030 of this Code (as amended), shall be paid by the Subdivider upon submittal of plans.

14-04-030 Construction and Inspection.

A. In accordance with Section 7-10-030 of this Code (as amended), all construction in public Rights-of-Way and private access ways shall require a Town permit. Construction shall not begin 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 department having jurisdiction.

B. All improvements in the public Right-of-Way shall be constructed with the inspection and approval of the Town department having jurisdiction. The locations of all utilities to be installed in public Right-of-Way or in private access ways shall be approved by the Town Engineer.

C. All underground utilities to be installed in streets, private access ways, and alleys shall be constructed under Town permit prior to the surfacing of such street, private access way, or alley. Service stubs to platted lots within the Subdivision for underground utilities shall be placed to such length as not to necessitate disturbance of street improvements when service connections are made.

D. Required on-site improvements shall be extended to the boundaries of the Plat so as to provide service connections to abutting unsubdivided land.

E. Fees for the inspection of all construction activities shall be estimated by the Town Engineer in accordance with the engineering fee schedule provided for in Section 16-01-030 of this Code (as amended). These estimated fees shall be paid by the Subdivider prior to receipt of approval for construction based on the engineering plan review. Inspection fees for additional construction approved after the initial submittal
shall also be estimated by the Town Engineer and paid by the Subdivider prior to the
issuance of any approval for construction.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-04-030; Ord. No. 263, Amended,
07/25/91; Ord. No. 390, Amended, 07/11/96; Ord. No. 801, Amended, 02/12/15)

14-04-040 Required Improvements.

A. Streets, Private Access Ways and Alleys: All streets, private access ways and alleys
within the boundary lines of the Subdivision shall be improved to cross-sections,
grades and standards approved by the Town Engineer. Alleys used for primary
vehicular access shall be paved. Where there are existing streets adjacent to the
Subdivision, Subdivision streets shall be improved to the intercepting paving line of
such existing streets or to a matching line determined by the Town Engineer.
Transition paving shall be installed as required by the Town Engineer. When a
Subdivision includes an Arterial which is not paved, or where there is no paved street
between the Subdivision and a paved Arterial or Collector, an interim two (2) lane
street at least twenty-four (24) feet wide shall be constructed to a standard approved
by the Town Engineer on the Arterial, Collector, or Local Street Right-of-Way to the
nearest paved Arterial or Collector. When a Marginal Access Road is required, strip
paving shall be installed for the Arterial traffic lanes. Dead-end streets extending two
hundred (200) feet or more and dead-end marginal access roads shall be provided a
graded and surfaced temporary forty (40) foot radius turning circle. Alleys shall be
graded and surfaced to paved streets.

B. Curbs: Where streets are to be paved, a concrete curb, curb and gutter, or valley
gutter (as designated by the Town Engineer) shall be installed in accordance with
adopted Improvement Standards. When density of development is low (or where, for
other reasons such as maintaining a rural atmosphere) the installation of curb and
gutter is not considered necessary, the Council may waive this requirement for one (1)
or both sides of local streets. Vertical curbs shall be installed on the major street side
of a Marginal Access Road, along Collectors and along school or park property.

C. Sidewalks: Concrete sidewalks shall normally be required on 1 side of a Local Street
and shall be constructed to a width, line, and grade approved by the Town Engineer in
accordance with adopted Improvement Standards. Where density of development is
low (or where, for other reasons, the installation of sidewalks is not considered
necessary), the Council may waive this requirement. MUPs shall be required on
Arterials and Collectors as identified in Exhibit CIR-11, in Chapter 6, Circulation
Element, of the General Plan (as amended).

D. Street Name Signs and Addresses: Street name signs conforming to the standards set
forth in Section 1-11-050 of this Code (as amended) shall be installed by the Subdivider
at all street intersections and at such other locations as may be determined to be
necessary by the Town Engineer. Such signs must be in place (along with other traffic
control signs to be installed by the Subdivider) by the time the street pavement is
ready for use. Where applicable, address numbers shall also be installed by the
Subdivider, prior to occupancy, in compliance with the standards set forth in Section
1-11-090 of this Code (as amended).
E. Storm Drainage: Grading of private properties, public streets, and private access ways shall maintain existing major water courses, and those water courses shall be dedicated as drainage ways. The type, extent, location, and capacity of drainage facilities for a Subdivision shall be as required by the Town Engineer from the survey and storm runoff calculations made by the Subdivider's engineer. All detention basins, channels, and like facilities shall be constructed in accordance with the requirements of the Town Engineer. On-site detention shall be required to hold runoff to historic peak levels for the full range of storm events from the 2-year through the 100-year event. It is necessary to demonstrate that runoff peaks are maintained at "undeveloped" levels for the 2-year, 10-year, 25-year and 100-year storm events. In making these determinations, the Town Engineer shall refer to the policies, design procedures and safety considerations described in the Yavapai County Drainage Criteria Manual, 1998, Chapter 5, "Storm Water Storage (Detention/Retention)."

F. Types of Drainage Easements:

1. Type 1 Drainage Easement

   Drainage Easement intended to facilitate lot-to-lot drainage, generally established along front, side and rear property lines. Walls, fences and structures are permitted within a Type 1 Drainage Easement as long as the surface runoff does not pond onto a neighbor's property or impede drainage flows. The property owner shall be responsible for aesthetic maintenance of the drainage easement and for any and all damage caused by the impedance of storm water runoff.

2. Type 2 Drainage Easement

   Drainage Easement established to convey larger rates of runoff through constructed drainage facilities such as culverts or channels. Walls, fences, or structures are not permitted within a Type 2 Drainage Easement. The property owner shall be responsible for aesthetic maintenance and for any and all damage caused by the impedance of storm water runoff. The Town will maintain, repair and/or replace only the major elements of the constructed drainage facilities.

G. Sanitary Sewage Disposal: Sewage disposal facilities shall be installed to serve each lot. Public sanitary sewer lines shall be installed in all new Subdivisions in accordance with plans, profiles and specifications approved by appropriate Town departments as set forth in Chapter 9 of this Code.

H. Water Supply: Each lot shall be supplied with safe, pure and potable water in sufficient volume and pressure for domestic use and fire protection. Wells, water pumps, water tanks, water mains, water lines, fire hydrants, and any installations required by the Uniform Fire Code (as adopted from time to time by any agency having jurisdiction within the Town) shall be installed in all new Subdivisions in accordance with plans, profiles and specifications approved by appropriate Town departments and connected to the public water system.
I. Monuments: Permanent monuments shall be installed in accordance with adopted Improvement Standards at all corners, angle points, and points of curve, at all street intersections, and at all corners, angle points, and points of curve of all conservation easements. After all improvements have been installed, a registered land surveyor or engineer shall check the location of the monuments and certify their accuracy.

J. Lot Corners: Iron pipes shall be set at all corners, angle points, and points of curve for each lot within the Subdivision prior to the recording of the Plat.

K. Utilities:
   1. New electric cable and other telecommunication lines shall be installed underground. When overhead utility lines exist within the property being platted, said existing overhead utility lines and the new installations within the platted area shall be placed underground. When overhead utility lines exist on the periphery of the property being platted, said existing overhead utility lines (and any additions or replacements needed to increase capacity or improve service reliability) may remain overhead. Provided, however, that any service drops into the platted area from said peripheral overhead lines shall be underground. When overhead utility lines exist on the periphery of the property of five (5) acres or less being platted, then the utility lines within the platted area may be overhead. When, as a result of the Subdivision development, it is necessary to relocate, renew, or expand existing facilities within the platted area, the Subdivider shall make the necessary arrangements with the serving utility for these installations to be placed underground. The Subdivider shall arrange with the serving utility for, and be responsible for, the cost of underground service lines to approved street light locations.

   2. The Subdivider shall be responsible for the requirements of this Section and shall make the necessary arrangements with each of the serving utility companies involved for the installation of the underground facilities. Letters from each of the serving utility companies indicating that said arrangements have been made shall be submitted to the Town Engineer at the time the Final Plat is submitted for approval. When due to subsurface soil conditions or other special conditions it is determined by the Town Engineer that it is impractical to construct facilities underground, installations shall be overhead. Those electric lines of greater than three thousand (3,000) IVA (Kilovolt Ampers) capacity (as rated by the American Standard Association) are excluded from the requirements of this Section.

L. Street Lights: Street lights shall be provided in accordance with Article 13-26a of this Code. Furthermore, in Subdivisions where all other utilities are installed underground, underground electrical service required for street lighting shall be installed to those street light locations approved by the Town Engineer.

M. Walls on Landscape and Vehicular Non-access Easements: Continuous undulating or offset decorative masonry walls shall be installed on landscape and vehicular non-access easements along Arterials if lots back up to said Arterials.
N. Landscaping: All landscaping (along with appropriate watering systems) within public Rights-of-Way or landscape easements shall be in accordance with plans approved by the Town Engineer.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-04-040; Ord. No. 268, Amended, 12/12/91; Ord. No. 276, Amended, 06/11/92; Ord. No. 350, Amended, 02/09/95; Ord. No. 386, Amended, 07/11/96; Ord. No. 521, Amended, 05/09/02; Ord. No. 563, Amended, 07/10/03; Ord. No. 801, Amended, 02/12/15)

14-04-050 Submittal, Review and Approval of Engineering Plans.

Prior to the recording of the Final Plat, the following shall be filed with the Town Clerk: a certificate of approval of engineering plans signed by the department having jurisdiction, a Subdivision agreement between the Town and Subdivider and necessary letters of agreement between the Subdivider and serving utilities, and the necessary assurances under this Chapter for construction of improvements. If these items have not been filed with the Clerk within ninety (90) days, the Council may require that the Final Plat be resubmitted.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Renumbered, 05/26/88, 17-04-050; Ord. No. 375, Amended, 12/28/95; Ord. No. 801, Amended, 02/12/15)

14-04-060 Schedule of Improvement Requirements.

Specific standards of improvements to be installed in a Subdivision shall depend on the location of the Subdivision and type of development proposed therein, as outlined in the following schedule of improvement requirements.

A. Urban Developments

1. Description: Single-family residential development with lot widths less than one hundred twenty (120) feet, lot areas less than eighteen thousand (18,000) square feet, and a density of approximately four (4) dwelling units per acre; two (2) family and multifamily residential development regardless of site area or density; and commercial and industrial developments.

2. Requirements:

   a. Public sewer in accordance with this Chapter.

   b. Public water supply in accordance with this Chapter, including mainlines and fire hydrants to adopted Improvement Standards.

   c. Storm drainage to an acceptable outlet in accordance with this Chapter.

   d. All streets with approved pavement and concrete curbs, gutters, and sidewalks on one (1) sides.

   e. Alleys, if provided, completely paved with approved material to an approved width.
f. Utilities in accordance with this Chapter.

g. Underground street light circuits in accordance with this Chapter.

h. Private access ways with pavement and concrete curbs, gutters, and sidewalks in accordance with adopted Improvement Standards.

B. Suburban Developments:

1. Description: Single-family residential development with minimum lot widths of more than 120 feet but less than one hundred fifty (150) feet, and minimum lot areas of 18,000 square feet [but less than thirty-five thousand (35,000) square feet].

2. Requirements:

   a. Public sewers in accordance with this Chapter.

   b. Public water supply in accordance with this Chapter, including mainlines and fire hydrants to adopted Improvement Standards.

   c. Storm drainage to an acceptable outlet in accordance with this Chapter.

   d. All streets with approved pavement, concrete curbs, and gutters; and sidewalks on 1 side of Arterials or Collectors. With the approval of the Town Engineer, a ten (10) foot wide MUP may be placed in-lieu of sidewalks on 1 side of Arterials or Collectors.

   e. Alleys, if provided, completely paved with approved material to an approved width.

   f. Utilities in accordance with this Chapter.

   g. Underground street light circuits in accordance with this Chapter.

   h. Private access ways with pavement and concrete curbs, gutters, and sidewalks in accordance with adopted Improvement Standards.

C. Estate Developments

1. Description: Single-family residential development with minimum lot areas of 35,000 square feet.

2. Requirements:

   a. Public sewer in accordance with this Chapter.

   b. Public water supply in accordance with this Chapter, including mainlines and fire hydrants to adopted Improvement Standards.
c. Storm drainage to an acceptable outlet in accordance with this Chapter.

d. All streets with approved pavement, concrete curbs, and gutters; and sidewalks on 1 sides of Arterials or Collectors. With the approval of the Town Engineer, a 10 foot wide MUP may be placed in-lieu of sidewalks on 1 side of Arterials or Collectors.

e. Utilities in accordance with this Chapter.

f. Underground street light circuits in accordance with this Chapter.

g. Private access ways with pavement and concrete curbs, gutters, and sidewalks in accordance with adopted Improvement Standards.

D. Rural Developments:

1. Description: Single-family residential development with minimum lot widths of 150 feet, minimum lot areas of 35,000 square feet, and being developed as a community of small farms.

2. Requirements:

   a. Public sewers in accordance with this Chapter.

   b. Public water supply in accordance with this Chapter, including mainlines and fire hydrants to adopted Improvement Standards.

   c. Storm drainage to an acceptable outlet in accordance with this Chapter.

   d. All streets with approved hard surface and 10 foot wide MUPs on 1 side of Arterials or Collectors.

   e. Utilities in accordance with this Chapter.

   f. Underground street light circuits in accordance with this Chapter.

   g. Private access ways in accordance with requirements for public streets in these developments.

E. Planned Area Developments (PADs)

To the extent that any of the above Subdivision developments which include residential uses are also PADs, the following table lists required and optional design elements. Those elements deemed optional may be included on the site plan. Any design element that is optional or exceeds the minimum requirements (and is determined by the Town Engineer to be maintenance-intensive) shall not be maintained by the Town but shall be the permanent responsibility of 1 or more homeowners’ associations.
14-04-070 Public Improvement Reimbursement Agreements.

A. Purpose. Inasmuch as it may be in the public interest to extend public improvements to undeveloped areas in the Town (or for one (1) development to size certain public improvements larger than would otherwise be necessary for that development so as to better accommodate nearby development, the Town Manager is hereby authorized to require that Subdividers either extend certain improvements off-site to connect with existing improvements or upsize certain on or off-site improvements to facilitate connection thereto by other developments.

B. Agreements. In the event the Town Manager requires such extensions of off-site improvements or upsizing of on or off-site improvements, he may propose to the Town Council 1 or more agreements with the Subdividers whereby the additional costs will ultimately be reimbursed from buy-in fees charged to other developers that later benefit from connecting to such improvements. Such agreements may either require the Subdivider to advance the costs (and then be reimbursed from buy-in fees charged to later developers by the Town and reimbursed to the Subdivider) or provide for up-front Town payment of the costs and later reimbursement to the Town from buy-in fees charged to later developers by the Town. The Manager’s determination as to which agreement shall be presented to the Town Council shall be guided by development agreements, considerations involved with zoning approvals, or by any other benefits accruing to Subdividers.
C. Form and Effect of Agreements. The approval of any such agreements to reimburse some or all costs of off-site improvement extensions or upsizing of on or off-site improvements shall have the effect of authorizing the Town to impose buy-in fees to later developers who connect to such improvements, as set forth in the agreements. Said agreements may address the following:

1. Whether or not the improvement must be competitively bid in accordance with ARS §34-201 (as amended);

2. When and according to what processes the improvement becomes the property of the Town;

3. Whether and to what extent any improvement district assessments, in-lieu of assessment fees, connection charges, or development fees charged to Subdividers will be offset by the extra costs of the improvement incurred by Subdividers;

4. Whether and to what extent Subdividers shall be reserved a specific amount of capacity in the improvement;

5. After accounting for any offsets for the extra costs to Subdividers (and any capacity in the improvement reserved to Subdividers), what capacity in the improvement will remain available for use or connection by other developers (for which Subdividers should be reimbursed). Note that engineering costs may be included as reimbursable costs.

6. The reasonable buy-in fee to charge other developers who use or connect to the improvement.

7. How such buy-in fees shall be paid to the Town and repaid to Subdividers after deduction of a reasonable administrative fee by the Town.

8. That the total of such repayments shall not exceed the amount established in Subparagraph 14-04-070(C)(5) above (as amended), and may be less if sufficient buy-in fees are not collected during the term of the agreement.

9. The term of any such agreement.

10. That the Town has the option to reimburse Subdividers with a credit against development fees, connection charges, improvement district assessments, or in-lieu of assessment fees imposed by the Town (in which case the Town shall reimburse the appropriate fund accounts with the applicable buy-in fees collected).

11. How and under what circumstances the agreement may be assigned to successors-in-interest.

12. That such agreements shall be recorded in the Office of the Yavapai County Recorder.
D. General Requirements. All required extensions of off-site improvements or upsizing of on- or off-site improvements shall be constructed in accordance with adopted Improvement Standards. Upon approval and acceptance of said extensions or upsized improvements by the Town Engineer, the same shall be dedicated by appropriate instrument to the Town and the Town shall exercise exclusive control over who may connect to or use the same and the procedures therefor.

E. Offset. Buy-in fees paid by other developers as a result of such reimbursement agreements with Subdividers may be offset, in whole or in part, against any development Fees, connection charges, improvement district assessments, or in-lieu of assessment fees charged those other developers for such improvements.

(Ord. No. 357, Enacted, 03/23/95; Ord. No. 389, Amended, 07/11/96; Ord. No. 801, Amended, 02/12/15)

14-04-080 Assurances by Subdivider.

A. Agreement by Subdivider.

Upon approval by the Town of the Final Plat, the Subdivider shall execute an agreement covering the following:

1. The Subdivision improvements in a recorded development unit may be constructed in practical increments of lots, as specified by the Subdivider, subject to provisions for satisfactory drainage, traffic movements, and other services as determined by the Town Engineer.

2. The improvements, except those utility facilities specified in this Chapter, shall be constructed in accordance with plans approved by the Town Engineer and the appropriate Town department for water and public sanitary sewer facilities, and by the Town Engineer for all other improvements. If location of the development so requires, water and sanitary sewer facilities shall also be constructed in accordance with plans approved by the appropriate State and County departments.

3. The improvements, except those utility facilities specified in this Chapter, shall be completed within an agreed specified time period for each increment. An extension of time may be granted under conditions specified therein.

4. The Subdivider shall give adequate assurance of the construction of each increment in accordance with this Chapter. In the event the required assurances are not provided, any lots or parcels for which the assurances have not been delivered shall automatically revert to un-platted land and the Subdivider agrees that the necessary Reversionary Plats may be recorded to formalize such reversion.

5. Progress payments may be made to the Subdivider on his order from any cash deposit made. Such progress payments shall be made in accordance with standards established by the Town Engineer.
6. Any work abandoned or not completed by the Subdivider may be completed by the Town which shall recover the construction costs from the Subdivider.

7. Construction of all improvements within streets and easements, except those utility facilities specified in this Chapter, shall be subject to inspection by the Town Engineer.

8. No lots shall be released from the approved increment of lots until either the agreement or an assurance of construction has been posted and accepted by the Town Engineer.

9. With regard to on-site and off-site street and utility improvements accepted for maintenance by the Town, the Subdivider shall warrant all workmanship and materials involved in such improvements for a period of two (2) calendar years after the date of written acceptance.

B. Assurances of Improvement Construction.

1. Cash or Surety Bond. To ensure construction of the required improvements as set forth in this Chapter (except specified utility facilities), the Subdivider may deposit with the Town Engineer an amount in cash or a surety bond equal to the amount of the cost of the work of each recorded increment (as determined by the Town Engineer) guaranteeing that the work will be completed in accordance with adopted Improvement Standards. When no Marginal Access Road is being constructed and the improvement of an Arterial or Collector by a governmental agency is imminent, the Subdivider shall deposit the current estimated cost of improving the abutting half street in an account to be disbursed to the Town at the time the contract is awarded for the Town project to improve the full width of the street.

   a. Any surety bond shall be executed by the Subdivider, as principal, with a corporation duly authorized to transact surety business in the State of Arizona as surety. The bond shall be in favor of the Town, shall be continuous in form, and shall require that the total aggregate liability of the surety for all claims shall be limited to the face amount of the bond, regardless of the number of years the bond is in force. The bond or cash shall be released upon satisfactory performance of the work and its acceptance by the Town Engineer. The bond may be canceled or the cash withdrawn by the Subdivider provided that other security satisfactory to the Town has been deposited which will cover the obligations of the Subdivider which remain to be performed.

2. Loan Commitment. The Subdivider may provide assurance of construction of required improvements (except those utility facilities specified in this Chapter) by delivering to the Department, prior to the recording of the Final Plat, an appropriate agreement between an approved lending institution and the Subdivider stating that funds sufficient to cover the entire cost of installing the required improvements (including engineering and inspection costs in an amount approved by the Town Engineer) have been deposited with such
approved lending institution. The agreement shall provide that the funds in the approved amount are specifically allocated and will be used by the Subdivider, or on his behalf, only for the purpose of installing the Subdivision improvements. The Town shall be the beneficiary of such agreement (or the Subdivider’s rights thereunder shall be assigned to the Town and the Town Engineer shall approve each disbursement for such funds). The agreement may also contain terms, conditions, and provisions normally included by such lending institutions in loan commitments for construction funds (or as may be necessary to comply with statutes and regulations applicable to such lending institutions).

3. Trust Agreement. The Subdivider may provide assurance of construction of required improvements (except those utility facilities specified in this Chapter) by placing on deposit in a trust account with a bank or trust company, in the name of the Town, a sum of money equal to the estimated cost of all such improvements (as set by the Town Engineer). Said trust shall be approved as to form and substance by the Town Attorney. Periodic withdrawals may be made from the trust account for progressive payment of installation costs based upon estimates approved by the Town Engineer and approved by the appointed trustee.

4. Title Hold. Title to the property being developed by the subdivider may be placed in trust with a third-party escrow agency. The terms of the trust shall be that the trustee may not convey title to any portion of the property until the improvements for that portion have been satisfactorily completed as determined by the Town Engineer. The form and substance of the trust agreement shall be approved by the Town Attorney.

5. Construction At-Risk. If the Subdivider desires to construct required improvements at-risk (without posting assurances), the Town Council may agree to do so in the Subdivision agreement and may conditionally approve the Final Plat on that basis. Nevertheless, in no circumstance will the Final Plat be recorded by Town staff until all improvements have been constructed in accordance with adopted Improvement Standards as determined in writing by the Town Engineer.

C. Administration of Assurances.

1. Documents creating the assurances described herein shall include a term of at least 2 years and shall provide for extensions of time in one (1) year increments. Said documents shall further provide that the assurance shall remain in full force and effect until it is released in writing by the Town Engineer.

2. Upon certification by the Subdivider’s engineer of record, the Town Engineer may partially release an assurance for successful completion of a portion of the required improvements as determined by the Town Engineer. The Town Engineer may require that any remaining assurances provide for preparation of necessary as-built drawings for all of the improvements.
3. In the event the Subdivider defaults or fails or neglects to satisfactorily install the required improvements within the time set forth in the Subdivision agreement, the Town Engineer may declare the assurance forfeited and, under the terms thereof, the Town may make or cause the remaining required improvements to be made using the resources in said assurance. In addition, the Town Engineer may notify the Arizona Department of Real Estate of the Subdivider’s default.

4. At the conclusion of the construction of improvements (or thirty (30) days prior to the term of the assurance, whichever is sooner) the Subdivider’s engineer of record shall submit a set of as-built drawings of the improvements. The Town Engineer will review said drawings and notify the Subdivider of any noncompliance with the approved construction plans or this Chapter. It shall be the responsibility of the engineer of record to finalize said as-built drawings as part of the final approval of the improvements by the Town Engineer.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-04-070; Ord. No. 268, Amended, 12/12/91; Ord. No. 357, Renumbered, 03/23/95, 14-04-070; Ord. No. 386, Amended, 07/11/96; Ord. No. 390, Amended, 07/11/96; Ord. No. 801, Amended, 02/12/15)
Article 14-05 MODIFICATIONS

14-05-010 Modifications.

Extraordinary conditions of topography, land ownership, adjacent development or other circumstances not provided for in this Chapter, may be the basis for Town Council action to modify application of the regulations in this Chapter to a particular Final Plat (including application of additional requirements necessary to secure the objectives of this Chapter) based on specific findings that such modifications are in the public interest.

(Ord. No. 25, Enacted, 03/27/80; Ord. No. 178, Ren&Amd, 05/26/88, 17-05; Ord. No. 375, Ren&Amd, 12/28/95, 14-05; Ord. No. 801, Amended, 02/12/15)
Article 14-06  ABANDONMENT

14-06-010 Plat Abandonment.
14-06-020 Other Abandonment.

14-06-010 Plat Abandonment.

A. In addition to the consolidation of lots set forth in Section 13-03-060 of this Code (as amended) and the automatic reversion of Subdivisions to un-platted land in accordance with Subdivision agreements when assurances have not been provided, Final Plats may be abandoned and revert to acreage (and streets, Rights-of-Way, easements, reserve strips, or other public ways or facilities previously dedicated therein to the public) may be vacated or abandoned by Town Council adoption of Reversionary Plats per ARS §9-463.01(G) (as amended). The procedures for adoption of such Reversionary Plats shall be substantially similar to the adoption of other Plats as set forth in this Chapter.

B. In the event a Subdivision is also a PAD, the modification and abandonment requirements in Article 13-19 shall also apply.

(Ord. No. 801, Enacted, 02/12/15)

14-06-020 Other Abandonment.

A. Public Rights-of-Way (including streets and easements) initially created by Final Plat dedications may be vacated or abandoned without abandoning the entire Plat in accordance with the provisions of Article 8, Chapter 20, Title 28 Arizona Revised Statutes (as amended).

B. In the event Rights-of-Way initially created by Final Plat dedications are vacated or abandoned under Article 8, Chapter 20, Title 28 ARS (as amended), the Town Council may provide in the applicable resolution for payment by the persons obtaining property interests as a result of such vacation or abandonment (and may condition such vacation or abandonment on payment being made). Amounts to be received in payment may be set from time to time in said resolutions based on any appraisal or other indication of value reasonably determined by the Council to reflect the property’s value.

(Ord. No. 801, Enacted, 02/12/15)
CHAPTER 15. MANUFACTURED HOMES, MOBILE HOMES, FACTORY-BUILT BUILDINGS, AND ACCESSORY STRUCTURES

Article 15-01 INSTALLATION STANDARDS AND CODES
Article 15-02 GROUND ANCHORING
Article 15-03 ACCESSORY STRUCTURES
Article 15-04 DRAINAGE
Article 15-05 INSTALLER CLASSIFICATION
Article 15-06 PERMITS
Article 15-07 SKIRTING
Article 15-08 RECONSTRUCTION - REHABILITATION


**Article 15-01 INSTALLATION STANDARDS AND CODES**

15-01-010 Installation Standards and Codes.

15-01-010 Installation Standards and Codes.

A. "Installation" means:

1. Connecting new or used mobile homes, manufactured homes, or factory-built buildings to on-site utility terminals, or repairing these utility connections.

2. Placing new or used mobile homes, manufactured homes, accessory structures, or factory-built buildings on foundation systems, or repairing these foundation systems.

3. Providing ground anchoring for new or used mobile homes or manufactured homes, or repairing the ground anchoring.

B. No manufactured home or factory-built building shall be installed in the Town unless it has been properly certified by the Office of Manufactured Housing pursuant to Arizona Revised Statues, Article 2, Chapter 16, Title 41. Furthermore, no manufactured home, mobile home, or factory-built building shall be installed without an installation permit being issued therefor. In the event the Town enters into an agreement with the Office of Manufactured Housing to inspect such installations, the permit shall be issued by the Town and all fees shall be those permitted by the agreement.

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 A.R.S. §41-4048(C) and is relocating to an existing mobile home park, as defined in Section 13-02-010(B) of the Town Code, within the Town limits.

D. All installations of mobile homes, manufactured homes, factory-built buildings, and accessory structures shall comply with the applicable rules established by the Arizona Department of Fire, Building and Life Safety, Board of Manufactured Housing, pursuant to Arizona Revised Statutes Chapter 16, Title 41.

(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)
Article 15-02  GROUND ANCHORING

15-02-010  Ground Anchoring.

15-02-010  Ground Anchoring.

All mobile homes, manufactured homes and factory-built buildings shall be anchored. The anchoring shall be in accordance with the rules and regulations adopted by the Office of Manufactured Housing as set forth in Chapter 34, Board of Manufactured Housing, in the Arizona Administrative Code.

(Ord. No. 21, Enacted, 02/13/80; Ord. No. 94, Rep&ReEn, 04/12/84; Ord. No. 178, Ren&Amd, 05/26/88, 16-01-070; Ord. No. 375, Renumbered, 12/28/95, 15-02; Ord. No. 590, Amended, 03/25/04; Ord. No. 789, Amended, 04/24/14)
**Article 15-03 ACCESSORY STRUCTURES**

15-03-010 Definition.

For the purpose of this Chapter, "accessory structure" shall be any one (1) story habitable room, storage room, patio, porch, garage, carport, awning, skirting, retaining wall, evaporative cooler, refrigeration air conditioning system, solar system, or wood decking attached to a new or used manufactured home or mobile home.

(Ord. No. 21, Enacted, 02/13/80; Ord. No. 94, Rep&ReEn, 04/12/84; Ord. No. 178, Ren&Amd, 05/26/88, 16-02-005; Ord. No. 282, Amended, 10/22/92)

15-03-020 Requirements.

The installation, assembly, connection, or construction of any accessory structure shall be pursuant to applicable requirements of Article 7-01 of this Code.

(Ord. No. 21, Enacted, 02/13/80; Ord. No. 39, Amended, 09/25/80; Ord. No. 94, Amended, 04/12/84; Ord. No. 178, Ren&Amd, 05/26/88, 16-02-010, 020 & 030; Ord. No. 282, Amended, 10/22/92)
Article 15-04    DRAINAGE

15-04-010    Drainage.

Drainage of at least six (6) inches shall be provided within the first ten (10) feet adjacent to all sides of the installation.

(Ord. No. 21, Enacted, 02/13/80; Ord. No. 94, Rep&ReEn, 04/12/84; Ord. No. 178, Ren&Amd, 05/26/88, 16-03, 16-03-010; Ord. No. 375, Renumbered, 12/28/95, 15-04)
Article 15-05 INSTALLER CLASSIFICATION

15-05-010 Installers.

Any installer holding a current license from the Arizona Department of Fire, Building and Life Safety, Office of Administration may perform any installation or modification of a manufactured home pursuant to the scope of the license.

(Ord. No. 21, Enacted, 02/13/80; Ord. No. 94, Rep&ReEn, 04/12/84; Ord. No. 178, Renumbered, 05/26/88, 16-04-010; Ord. No. 789, Amended, 04/24/14)

15-05-020 Contractors.

Any contractor holding a current license from the Registrar of Contractors, State of Arizona, may perform any installation or modification of a manufactured home, subject to provisions of license issued by the Arizona Department of Fire, Building and Life Safety, Office of Administration.

(Ord. No. 21, Enacted, 02/13/80; Ord. No. 94, Rep&ReEn, 04/12/84; Ord. No. 178, Ren&Amd, 05/26/88, 16-04-020; Ord. No. 789, Amended, 04/24/14)

15-05-030 Reserved.

(Ord. No. 21, Enacted, 02/13/80; Ord. No. 94, Rep&ReEn, 04/12/84; Ord. No. 178, Ren&Amd, 05/26/88, 16-04-030; Ord. No. 789, Rep&ReEn, 04/24/14)
Article 15-06 PERMITS

15-06-010 Application.
An application for an installation permit must be made to the Town Building Department prior to the commencement of any installation covered by this Chapter. At the time the application is filed, the applicant must submit plans and specifications to clearly define the extent of the work to be done. All work will be subject to the provisions of this Chapter and this Code.

(Ord. No. 21, Enacted, 02/13/80; Ord. No. 94, Rep&ReEn, 04/12/84; Ord. No. 178, Ren&Amd, 05/26/88, 16-05-010; Ord. No. 789, Amended, 04/24/14)

15-06-020 Completion.
A final inspection and acceptance shall be performed by the Building Official or his representative prior to the occupancy or use of any installation or structure for which a permit was issued.

(Ord. No. 21, Enacted, 02/13/80; Ord. No. 94, Rep&ReEn, 04/12/84; Ord. No. 178, Renumbered, 05/26/88, 16-05-020; Ord. No. 267, Amended, 12/19/91)

15-06-030 Fees.
A. Permit fees for installation of on-site utilities shall be in accordance with Section 7-01-200 of this Code.

B. Permit fees for installation of accessory structures shall be in accordance with Section 7-01-200 of this Code, if the accessory structures do not form part of the original installation contract.

(Ord. No. 94, Enacted, 04/12/84; Ord. No. 178, Ren&Amd, 05/26/88, 16-05-030; Ord. No. 282, Amended, 10/22/92; Ord. No. 789, Amended, 04/24/14)
Article 15-07  SKIRTING

15-07-010  Skirting.

A. Skirting shall be required to be installed prior to occupancy of any mobile/manufactured home.

B. Skirting and retaining walls shall have an eighteen (18) inch by twenty-four (24) inch access. All under-floor areas shall be accessible by way of such access hole. Ventilation for all under-floor areas shall be provided in accordance with the International Residential Code (IRC) as adopted from time to time by the Town.

C. Material for such skirting may be wood, metal, concrete, plastic, or masonry.

D. Wood in contact with soil shall be treated or redwood in accordance with the International Residential Code (IRC) as adopted from time to time by the Town.

(Ord. No. 196, Enacted, 12/08/88; Ord. No. 267, Amended, 12/19/91; Ord. No. 375, Amended, 12/28/95; Ord. No. 590, Amended, 03/25/04)
**Article 15-08 RECONSTRUCTION - REHABILITATION**

15-08-010 Definitions.

15-08-020 Reconstruction of Units.

15-08-030 Rehabilitation of Mobile Homes.

15-08-040 Unsafe Units and Equipment.

15-08-050 Appeals.

15-08-010 Definitions.

A. “Manufactured home” means a structure built in accordance with the national Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974.

B. “Mobile home” means a structure built prior to 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 except recreational vehicles and factory-built buildings.

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

D. “Reconstruction” means construction work performed for the purpose of restoration or modification of a unit by changing or adding structural components or electrical, plumbing or heat or air producing systems, but does not include work limited to remodeling, replacing, or repairing appliances or components that will not significantly alter the systems or structural integrity of the living area.

E. “Unit” means a manufactured home, mobile home, factory-built building, subassembly or accessory structures.

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

15-08-020 Reconstruction of Units.

In accordance with A.R.S. 541-4047(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)
15-08-030 Rehabilitation of Mobile Homes.

A. Pursuant to A.R.S. §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.

B. A person moving a non-rehabilitated mobile home from one mobile home park in the Town to another mobile home park in the Town must first cause the mobile home to be rehabilitated in accordance Rule 4-34-606 of the Arizona Administrative Code and shall obtain an insignia of approval from the Office of Manufactured Housing prior to moving the mobile home.

C. A person occupying a non-rehabilitated mobile home shall be served with an Order to Vacate by the Building Official if on inspection the mobile home is found to contain an imminent safety hazard.

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

15-08-040 Unsafe Units and Equipment.

A. When a unit or equipment is found by the Building Official to be unsafe, or when a unit is found unfit for human occupancy, the Building Official will serve the occupant(s) with an Order to Vacate and a Notice of Violation pursuant to the 2012 International Property Maintenance Code, as adopted and amended by the Town Council.

1. “Unsafe unit” means a unit that is found to be dangerous to the life, health, property or safety of the public or the occupants of the unit by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such unit contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction that partial or complete collapse is possible.

2. “Unsafe equipment” includes any boiler, heating equipment, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the unit that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the unit.

3. “Unfit for human occupancy” means a unit that is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, or contains filth and contamination.

(Ord. No. 789, Enacted, 04/24/14)

15-08-050 Appeals.

Any order issued by the Building Official under this Chapter may be appealed in accordance with the procedures set forth in Section 7-01-110 “Board of Appeals” of the Town of Prescott Valley Administrative Code.
Prescott Valley, Arizona

(Ord. No. 789, Enacted, 04/24/14)
CHAPTER 16. ENGINEERING

Article 16-01 ENGINEERING STANDARDS
Article 16-02 OFF-SITE IMPROVEMENT STANDARDS
Article 16-01  ENGINEERING STANDARDS

16-01-010 Purpose.
To promote the orderly and systematic growth of the municipal infrastructure of the Town, and to provide for a common planning and design framework to which staff and citizens can refer consistently, the Town of Prescott Valley Engineering Standards are herein adopted.

(Ord. No. 263, Enacted, 07/25/91)

16-01-020 Standards.
A. These Standards take the form of engineered standard detail drawings, engineered standard specifications, and engineering/planning guidelines.

B. The latest revision of the Uniform Standard Specifications for Public Works Construction and the Uniform Standard Details for Public Works Construction (as hereinafter amended from time to time in this Code), sponsored and distributed by the Maricopa Association of Governments (M.A.G.), are hereby adopted as if set forth in full herein, to be the Engineering Standards for the Town of Prescott Valley. Three (3) copies of these Standards (including amendments and supplements) shall be filed in the Office of the Town Clerk and kept available for public use and inspection.

C. Any conflicts between these Engineering Standards of the Town of Prescott Valley and other County, State, or Federal standards and regulations applicable to a particular project shall be resolved by applying the most restrictive.

(Ord. No. 26, Enacted, 04/10/80; Ord. No. 263, Rep&ReEn, 07/25/91)

16-01-030 Engineering Fees.
A schedule of engineering fees shall be adopted from time to time by resolution of the Town Council. The fee schedule shall outline the costs of required Engineering Department permits, the costs of providing copies of these Standards or other information supplied to developers, and other costs deemed necessary and appropriate by the Town.

(Ord. No. 263, Enacted, 07/25/91)
Prescott Valley, Arizona

16-01-040 Amendments to M.A.G. Standards.

The following amendments are made to the Maricopa Association of Governments Uniform Standard Specifications and Standard Details for Public Works Construction (M.A.G. Standards), as adopted:

A. Detail No. 250-1 (see Figure A) is hereby added to the Uniform Standard Details for Public Works Construction.

B. 1. The Central Yavapai County Governments Unified Construction Standards (Y.A.G. Standards 1998), prepared and jointly adopted by Yavapai County, the City of Prescott, the Town of Prescott Valley, and the Town of Chino Valley, are hereby adopted as if set forth in full herein to be a Supplement to the M.A.G. Standards adopted above as the Engineering Standards for the Town of Prescott Valley. Three (3) copies of these Y.A.G. Standards 1998 shall be filed in the Office of the Town Clerk and kept available for public use and inspection.

2. Any conflicts between the Y.A.G. Standards 1998 and the latest revision to the M.A.G. Standards adopted above shall be resolved in favor of the Y.A.G Standards 1998. Any conflicts between the M.A.G. Standards adopted above (as supplemented by the Y.A.G. Standards 1998) and other County, State, or Federal standards and regulations applicable to a particular project shall be resolved by applying the most restrictive.

Figure A
Article 16-02  OFF-SITE IMPROVEMENT STANDARDS

16-02-010  Off-Site Improvements.

A. Off-site improvements shall be required for:

1. Any subdivision of land, subject to the subdivision regulations of the Town, including "land splits" as set forth in §13-22-010(C) of the Town Code (as amended).

2. All development or improvements subject to a development agreement as defined in Section 7-11-030(A), except as exempted hereinafter.

B. Single-family or duplex developments on contiguous parcels, being developed simultaneously or in phases, and owned by the same or related parties or entities, will be considered as one development and shall be subject to the provisions of this Article.

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

16-02-020  Off-Site Improvements Defined.

Off-site improvements shall include any construction or reconstruction within a Town, State, or County public right-of-way, public easement, or drainage-way within the corporate limits of the Town. Off-site improvements include, but are not limited to:

A. The construction of a street section, including grading, base course, pavement, street lights, curb and gutter, sidewalk or bicycle path, other traffic improvements, and drainage facilities to Town standards and specifications.

B. The construction of driveways and Town right-of-way access facilities to Town standards and specifications.

C. The construction and/or extension of public facilities, including water, sewer, storm drain, gas, electric power, street lighting, telephone, and cable television in
accordance with the requirements of the owning franchise or utility and Town standards and specifications.

D. The construction of an alley section, including grading, base course, pavement, and drainage facilities to adopted Town standards and specifications.

E. The installation of fire hydrants in accordance with Town standards (the number and location being set by the requirements of the Central Yavapai Fire District and approved by the Town Engineer).

F. The construction of drainage improvements in accordance with adopted Town standards and specifications and Town flood plain regulations.

(Ord. No. 457, Enacted, 04/08/99)

16-02-030 Exceptions.

The following developments shall be exempt from constructing off-site improvements under this Article:

A. A single-family residence, or a duplex or multi-family residence on a lot of record not exceeding one (1) acre in area on May 12, 1999, and an addition or alteration to any such residence, shall be exempt from the construction of street improvements (including alley improvements). Driveway access, water and sewer line extensions, and drainage facilities required to serve the platted lot shall be constructed to Town standards and specifications unless otherwise exempted hereinafter. Sidewalk or bicycle path installation shall not be required unless such facilities (provided at other property owners’ expense) are in place on the adjacent lot or lots.

B. Where the construction, alterations or additions consist solely of the installation or replacement of mechanical equipment, or when an alteration or an addition to a building is less than fifty percent (50%) of the total square footage of the building before the alteration or addition is started. However, additions or alterations to a building shall be considered cumulative over time, and if the sum total of all such alteration or additions exceeds the fifty percent (50%) value, off-site improvements shall then be required, based on the new total square footage of the building.

C. No improvement shall be required for a development which has previously been assessed, and has fully paid, for such improvement; however, this exemption shall not be construed as an exception to, or contribution in lieu of, development fees.

(Ord. No. 457, Enacted, 04/08/99)

16-02-040 Minimum Requirements.

Off-site improvements shall be required for all projects as established by the Town Engineer in conjunction with the Community Development Director and in conformance with the following minimum requirements:
A. Rights-of-Way: If, as determined by the Prescott Valley Planning and Zoning Commission, the property to be developed does not have adequate rights-of-way to facilitate intensified use, or will not accommodate proposed or contemplated public improvements or drainage, then necessary rights-of-way and/or drainage-ways shall be granted to the Town. The Planning and Zoning Commission may impose special building setback requirements to assure clear space for future right-of-way needs. Public rights-of-way or public utility easements must be provided for all public improvements which are or will become property of the Town.

B. Water: Water lines sized for the development in accordance with Town standards and, if required by the Town Engineer, such lines shall be extended across the full front, side, and/or rear of the property being developed.

C. Sanitary Sewer: Sanitary sewer lines sized for the development in accordance with standards and, if required by the Town Engineer, such lines shall be extended across the full front, side, and/or rear of the property being developed.

D. Drainage: Drainage plans and improvements shall be required in accordance with Town grading and drainage standards and flood plain regulations.

E. Street Improvements: Street improvements, including a minimum of one (1) full traffic lane, shall be constructed across the full property front, side, and rear which is adjacent to an existing or newly-dedicated Town street, right-of-way, or dedicated access.

1. If such Town street, right-of-way or dedicated access has been designated as a Federal Aid Urban Collector or Arterial street, half-street improvements shall be required. Half-street improvements shall consist of curb and gutter, sidewalk or bicycle path and drainage facilities to Town standards, constructed on the side of the street adjoining the property being developed.

2. Full street improvements shall be required for any multi-residential or non-residential construction, or addition thereto in excess of 50% of the base square footage located adjacent to and served by a newly-dedicated Town street right-of-way, such dedication completed on behalf of the property being developed. Full street improvement shall consist of the construction of a street section, including grading, base course, pavement, curb and gutter, sidewalk or bicycle path and drainage facilities to Town standards, constructed the full width of the right-of-way and on both sides of the street.

3. Where the property being developed is separate from an existing improved public street by an unimproved section of public street, the Town may construct street improvements thereby making the property being developed adjacent to an existing improved public street. If the Town elects to construct the street improvements, it will construct the street improvements at a time that will coincide with the construction of the street improvements required of the property being developed.
4. When property access is necessary or proposed via an alley, as the result of a new development or a change of use, full width alley improvements shall be constructed along the alley frontage according to Town standards. Alley improvements shall also be extended to the nearest public street if no such improved connection, in whole or part, presently exists.

F. Driveway and Town Right-of-Way Access: Surfacing shall extend off-site to meet existing Town street surfacing, or a distance designated by the Town Engineer at which future Town street surfacing will meet the driveway surfacing. All driveway culvert ends shall be protected from crushing or other damage by conforming with Town standards and/or by obtaining Town Engineer approval.

1. A single-family residence is not required to surface driveways and parking areas; however, if surfacing is provided, it shall extend off-site to existing or future Town street surfacing.

2. Any multi-family residential or non-residential construction shall install surfacing on all driveway areas connecting on-site parking with the Town street, extending off-site to existing or future Town street surfacing.

G. Street Lighting: Street lighting plans and improvements shall be required in accordance with Town standards.

H. Fire Hydrant Installation: Fire hydrant installation shall be provided pursuant to Central Yavapai Fire District requirements and in accordance with Town standards.

I. Town Acquisition of Right-of-Way: When it is necessary to improve a street and sufficient right-of-way is not available from other area property owners not subject to the provisions of this Article, the Community Development Director may, with the approval of the Town Council, obtain the right-of-way upon terms that are equitable to the property owner and the Town, including assumption by the Town of all or part of the costs of street improvements.

J. Traffic-Related Off-Site Improvements: The Planning and Zoning Commission may require, as a consideration of development approval, that certain developments perform, and submit for approval, a Traffic Impact Analysis (TIA).

1. When the approved TIA identifies impacts to the public road system, as a result of the proposed development, impact mitigation is required. Design and construction of improvements that mitigate the identified impacts shall be approved by the Town Engineer and constructed by the developer.

2. All required improvements identified in the TIA must be wholly attributable to the impact created by the development.

K. Other Improvements: Including, but not limited to, the extension and installation of power and/or communications utilities, as may be required by the Town Engineer.

(Ord. No. 457, Enacted, 04/08/99)
16-02-050 Off-Site Improvement Plans.

Approval of off-site improvement plans consisting of engineered plans and specifications shall be a prerequisite to the issuance of a building permit. Off-site improvements shall be constructed in accordance with the plans and specifications approved by the Town Engineer and in accordance with Town standards.

A. Project Engineer: The owner or developer shall assure the Town that an Engineer, registered in Arizona, will be employed to provide required services for public improvements, unless waived by the Town Engineer. The responsibilities of the Engineer shall include, but not be limited to the following:

1. Preparation of the required Engineering Design Report for subdivisions and/or plans for required public improvements.

2. Certification that horizontal and vertical alignment and dimensions of public improvements have been staked in conformity to Town standards and specifications and to the Engineering Design Report or plans approved by the Town Engineer.

B. Plans Required with Payment-in-Lieu: When off-site improvements are waived, and a cash deposit is made in lieu thereof in accordance with §16-02-060 of this Article, the submittal of off-site improvement plans and specifications, covering a sufficient geographical area to permit informed engineering analysis, are still required as a prerequisite to the issuance of a building permit by the Building Official.

(Ord. No. 457, Enacted, 04/08/99)

16-02-060 Completion/Waiver and Assurance of Performance.

The required off-site improvements shall be completed, waived or secured by financial assurance of performance as a prerequisite to the issuance of a Certificate of Occupancy by the Building Official. The Town may, as an incentive for desired types of development, provide certain, off-site improvements; however, such incentive shall be provided only as specified in a development agreement approved by the Town Council.

A. Completion: Improvements will be considered complete when they have been inspected and accepted by the Town Engineer, who shall certify in writing to the Building Official that the completed off-site improvements have been constructed in accordance with the approved plans and specifications. As-built information must be submitted to and accepted by the Town Engineer prior to the issuance of the certification of acceptance of off-site improvements by the Town Engineer.

B. Waiver of Off-Site Improvements: When, in the opinion of the Town Engineer, the installation of any of the off-site improvements will create a drainage or maintenance problem if installed prior to future improvements of other properties in the immediate vicinity, waiver of the installation may be directed by the Town or may be considered at the request of the property owner.
1. The Town Engineer, upon the approval of the Town Council, may waive the installation of the off-site improvements.

2. The waiver becomes effective when, prior to such improvement, there is deposited in cash with the Town by, or on behalf of, the property owner the amount estimated by the Town Engineer to pay the cost of the installation of such off-site improvements waived.

3. All sums thus deposited shall be used by the Town to defray the cost of such future installation of the required off-site improvements, and when thus installed the portion of such deposit exceeding the cost of said installation of the off-site improvements shall be refunded, without interest, to the person making the deposit.

4. All cash sums thus collected by the Town shall be utilized within ten (10) years for construction of the approved off-site improvement plans or such funds shall be refunded, without interest, to the person making the deposit.

C. Assurance of Performance: Subject to approval by the Town Engineer and Town Attorney, the following alternatives for assurance of performance are available to the developer:

1. Cash Deposit. The developer may fulfill the public improvement requirement by a cash deposit. A separate accounting for the cash deposit will be maintained by the Town; however, the developer does not accrue interest on this type of assurance.

2. Certificate of Deposit. The developer may provide a certificate of deposit (automatically renewable) as assurance of construction for the off-site improvements required. The certificate of deposit must be accompanied by an “Assignment of Certificate of Deposit and Acknowledgment by Issuer” form. Upon discharge of the obligation, the interest accrued would be returned to the developer along with the certificate of deposit.

(Ord. No. 457, Enacted, 04/08/99)

16-02-070 Permits.

It shall be the responsibility of the applicant, as a prerequisite to obtaining a building permit, to conform to all applicable Federal, State, County, Town and special district regulations, requirements, statutes and codes and furnish the off-site improvement plans and specifications to the Building Official, for approval by the Building Official, Town Engineer and Community Development Director, prior to the applicant receiving a building permit. In addition, the applicant shall submit data regarding traffic that would be generated to and from the property for which the permit is being applied.

A. Permit Required for Work Within Town Rights-of-Way or Easements: A permit issued by the Town Engineer (or designee) shall be required prior to any construction within...
public rights-of-way or public easements. Such permit shall be issued subject to the following requirements:

1. Approval of an Engineering Design Report and construction plans for subdivisions or approval of construction plans for other public improvements, unless plan requirements have been waived by the Town Engineer. Plans shall have Arizona Department of Environmental Quality approval for water and sanitary sewer systems and shall be approved by all utility companies.

2. Payment of inspection and testing fees for all public improvements located within public rights-of-way or public easements shall be in accordance with the current fee schedule adopted by the Town Council and on file with the Town Clerk.

3. Engineering Design Report and/or plan approval shall be valid for one (1) year from the approval date of the Town Engineer, after which time review and approval by the Town Engineer, payment of fees for any uncompleted work at the then current fee schedule, and reissuance of the permit(s) are required.

4. Private utility companies shall be required to obtain permits for work upon their facilities within public rights-of-way or public easements and shall be exempt from payments of fees.

B. Construction and Inspection: Construction and scheduling of construction of public improvements shall be the responsibility of the owner or developer or his/her designated representative. All construction shall conform to Town standards and specifications and to the Engineering Design Report and/or plans approved by the Town Engineer.

1. No underground utilities shall be installed in a new street until rough grading of the street is complete. All underground utility construction shall be complete, including service lines to each lot, prior to paving a street.

2. Inspection for conformity to the Engineering Design Report and/or plans and specifications approved by the Town Engineer will be provided by the Town. Scheduling of inspection, including notification before beginning construction and requests for inspection at check points during the course of construction, shall be required. The Town Engineer shall have the authority to halt construction temporarily and order any changes necessary to bring the construction of public improvements into conformity with Town standards and specifications and the Engineering Design Report and/or plans approved by him/her.

C. Acceptance of Public Improvements: The Town Engineer shall provide for inspection of required improvements during construction to ensure their satisfactory completion.

1. If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the Town’s engineering standards and specifications and the approved construction plans,
the developer shall be responsible for completing or replacing such improvements to the Town specifications.

2. Final inspection of public improvements will be scheduled with the Town Engineer prior to their acceptance.

D. Building Permits: The Chief Building Official may issue a building permit when the required Engineering Design Report and/or construction plans for public improvements have been conditionally approved by the Town Engineer and found to be in substantial compliance with Town standards and specifications; and an assurance has been provided pursuant to §16-02-060(C) and roadway infrastructure, pavement, curb, gutter, and sidewalk have been completed for single-family subdivisions.

E. Certificate of Occupancy: The Chief Building Official may issue a certificate of occupancy for any building when all required public improvements have been completed and accepted by the Town Engineer.

(Ord. No. 457, Enacted, 04/08/99)

16-02-080 Appeals.

The developer may request that the Hearing Officer grant relief from the requirements established by this Article. In addition, if appropriate, the developer may also appeal any dedication or other requirement imposed by the Town where practical difficulties exist for which the developer proposes an alternative solution.

A. Application: The following procedures shall apply to a request for relief:

1. The applicant shall submit to the Community Development Director a written request setting forth the nature of the request for relief.

2. The application shall reference the specific engineering standards or other requirements for which adjustment is sought and also contain a narrative description of the special circumstances in support of the request.

B. Review: Hearing Officer review will be scheduled upon receipt of a completed application within twenty-one (21) days, unless scheduling requires otherwise.

1. The applicant will be notified in writing of the hearing date.

2. The Hearing Officer may recommend granting, modifying, or denying the requested relief.

C. Appeals: Appeals from the Hearing Officer’s decision may be made by the Town, the applicant or any aggrieved party.

1. Notice of intent to appeal shall be filed, and applicable fees paid, within fifteen (15) days of the decision.
2. Appeals shall be heard by the Board of Adjustment within thirty (30) days, unless scheduling requires otherwise.

(Ord. No. 457, Enacted, 04/08/99)
Article 17-01  PARKS AND RECREATION COMMISSION

17-01-010  Title.
This shall be known as the Town of Prescott Valley Parks and Recreation Commission Article, may be cited as such, and will be referred to herein as this Article.

(Ord. No. 179, Enacted, 05/12/88)

17-01-020  Purpose.
The Parks and Recreation Commission, through the Parks and Recreation Director, shall recommend regulations and policy for the administration, control, and improvement of the public parks of the Town of Prescott Valley.

(Ord. No. 179, Enacted, 05/12/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 540, Amended, 12/19/02)

17-01-025  Powers and Duties.
The Parks and Recreation Commission shall have the following powers and duties:

A.  The Commission shall recommend fees for the use of public park facilities.

B.  To assist and advise the Parks and Recreation Director in the development of a continuing plan for the Town's park system and recreation programs. Plans and programs may be sent to the Commission for official review. The results of such reviews shall be forwarded to the Town Council.

C.  Advise the Council concerning recreational needs and recommended acquisition, location, and nature of facilities to meet said needs.

D.  Advise the Town Council, when requested by the Town staff, regarding offers to the Town of real and personal property to be used for park or recreational purposes.
E. To review and approve the official minutes of all Commission meetings prior to the transmittal of such minutes to the Town Council.

F. To serve as the Tree Advisory Commission with the responsibility to study, develop, update annually and administer a written plan for the care, planting, replanting and removal or disposition of trees and shrubs within parks, preserves, street rights-of-way and public places owned by the Town to ensure that the Town will continue to realize the benefits provided by community forest. Such plan will be presented to the Town Council and, upon their acceptance and approval, shall constitute the official tree plan for the Town.

(Ord. No. 540, Enacted, 12/19/02; Ord. No. 621, Amended, 04/28/05)

17-01-030 Membership and Terms of Office.

A. The Parks and Recreation Commission shall consist of seven (7) members who shall be appointed by the Mayor and approved by the Town Council. Ex officio members, without voting privileges, may be designated by the Mayor with the approval of the Town Council.

B. The initial appointments of members shall be as follows: three (3) members with terms beginning upon their appointment and expiring June 30, 1989; two (2) members with terms beginning upon their appointment and expiring June 30, 1990; and two (2) members with terms beginning upon their appointment and expiring June 30, 1991. Thereafter, Commission members shall all serve for a term of three (3) years or until their successors are duly appointed and qualified. Terms of members shall be so staggered that the terms of no more than three (3) members shall expire in any one (1) year and, in accordance with this Section, all such terms shall expire on June 30 of the applicable year. If a reduction in membership is ever approved by the Town Council, the terms of office due to expire or unfilled at the time of amendment shall remain so and no future appointments shall be made to replace those members.

C. All members shall be residents of the Town of Prescott Valley.

(Ord. No. 179, Enacted, 05/12/88)

17-01-040 Salaries and Personal Expenses.

The members of the Parks and Recreation Commission shall receive no salaries or other remuneration for their services in such capacity, and shall not be entitled to personal expenses incurred by them in the discharge of their official duties (except for purposes and amounts first authorized and approved in advance by the Town Council).

(Ord. No. 179, Enacted, 05/12/88; Ord. No. 375, Amended, 12/28/95)

17-01-050 Officers.
The Commission shall elect a Chairman, Vice-Chairman, and Secretary from their members to serve for a period of one (1) year. The Vice-Chairman shall preside at meetings in the absence of the Chairman.

(Ord. No. 179, Enacted, 05/12/88)

17-01-060 Meetings.

The Commission shall establish a regular meeting day and time (at least once a month). Special meetings may be called as required. A quorum shall consist of four (4) voting members for the transaction of all business.

(Ord. No. 179, Enacted, 05/12/88)

17-01-070 Vacancies.

Vacancies shall be filled by the Town Council in accordance with Section 17-01-030 for the unexpired term of the member affected.

(Ord. No. 179, Enacted, 05/12/88)

17-01-080 Removal of Members.

Members of the Commission serve at the pleasure of the Town Council and may be removed by the Mayor with the concurrence of the Council. A member shall not be absent from Parks and Recreation Commission regular meetings for more than three (3) consecutive times without a reasonable excuse. After an absence of three (3) consecutive meetings, the remaining members of the Parks and Recreation Commission may vote to retain or recommend to the Council that the absentee member be relieved of his duties on the Commission.

(Ord. No. 179, Enacted, 05/12/88; Ord. No. 375, Amended, 12/28/95)
Article 18-01  PRESCOTT VALLEY ARTS AND CULTURE

18-01-010  Title.
This shall be known as the Town of Prescott Valley Arts and Culture Article, may be cited as such, and will be referred to herein as "this Article".

(Ord. No. 160, Enacted, 10/22/87; Ord. No. 375, Renumbered, 12/28/95, 16-01-010; Ord. No. 495, Amended, 02/22/01)

18-01-020  Purpose and Policy.
The Town of Prescott Valley desires to encourage the visual arts and other forms of cultural enrichment in the community. A policy is therefore established to work with private interests dedicated to cultural enrichment of the Town through an Arts and Culture Commission appointed by the Town Council.

(Ord. No. 160, Enacted, 10/22/87; Ord. No. 375, Renumbered, 12/28/95, 16-01-020; Ord. No. 495, Amended, 02/22/01)

18-01-030  Definitions.
The following words shall have the definitions set forth herein.

A. "Commission" means the Prescott Valley Arts and Culture Commission.

B. "Town Arts and Culture Assessment" means a plan or assessment prepared on a regular basis by the Commission, with or without the assistance of third-party consultants, which identifies artistic and cultural activities which are best suited for the community, are most likely to be supported by the general public and business sector, are most likely to attract funding sources such as donations, gifts, grants, and appropriations from other levels of government, and will best enhance quality of life in the community as a whole.
18-01-040 Establishment.

A. There is hereby established a Prescott Valley Arts and Culture Commission. The Commission shall be composed of five (5) voting members appointed by the Town Council. The Town Council may, at its discretion, appoint up to two (2) non-voting alternative members. All Commission members shall serve at the pleasure of the Town Council.

B. First priority for membership shall be given to residents of Prescott Valley. However, persons residing outside of the Town limits who are uniquely qualified for membership may be considered for appointment so long as no more than one (1) voting member is a non-resident at any one time.

C. Commission members shall serve without compensation, although their verified expenses relating to Commission membership may be paid if first approved by the Town Manager prior to the expenses being incurred.

D. The Commission shall hold no fewer than nine (9) regular meetings per year, which shall at all times be open to the public. The time and place of said meetings shall be posted in accordance with applicable Arizona open meeting statutes, and agendas and minutes shall be maintained as requires by said statutes. A quorum of three (3) voting members shall be required to conduct business. The Commission may adopt bylaws, subject to approval of the Town Council. Matters not covered by Commission bylaws shall be determined by reference to Robert’s Rules of Order.

E. The Town Manager shall assign such Town staff to support the Commission as he or she shall deem necessary.

18-01-050 Terms in Office.

The terms in office for members of the Commission shall be three (3) year, staggered terms. The Town Council shall fill vacancies for the term of any Commission member. If a Commission member is absent for three (3) meetings in any twelve (12) month period, that member shall be deemed to have vacated his or her membership and may be replaced by the Town Council. Any Commission member may be removed prior to the completion of his or her term by the affirmative vote of four (4) Council members.
18-01-060 Officers.

Within thirty (30) days after initial appointment, the Commission shall meet for the purpose of organization and elect its officers. Officers shall include a chairperson, vice chairperson, and recording secretary. The term of chairperson shall be one (1) year with eligibility for reelection. However, no chairperson shall serve for more than two (2) consecutive one (1) year terms.

(Ord. No. 160, Enacted, 10/22/87; Ord. No. 375, Ren&Amd, 12/28/95, 16-01-060; Ord. No. 495, Amended, 02/22/01)

18-01-070 Powers and Duties Generally.

The powers and duties of the Commission shall be:

A. To make recommendations to and advise the Town Council on matters pertaining to the visual and performing arts, and other popular cultural events.

B. To implement programs and activities designed to create a cultural climate in which numerous diverse activities can thrive in the community, including any programs, activities and funds assigned to it by the Town Council.

C. To promote cooperation, coordination, and communication among the arts and culture groups in the Town and related segments of the community.

D. To assess and encourage community support for arts and cultural activities within the Town and surrounding area.

E. To serve as a catalyst and advocate for public art and cultural activities.

F. To make recommendations regarding gifts of art work to the public, and location and setting of planned public art work.

G. To review and make recommendations regarding Town grant applications for activities related to the arts, as well as the disposition of grant or donation amounts to be expended on works of art in such cases.

H. To develop and maintain a Town Arts and Culture Assessment, subject to regular review and approval by the Town Council.

(Ord. No. 160, Enacted, 10/22/87; Ord. No. 375, Renumbered, 12/28/95, 16-01-070; Ord. No. 495, Amended, 02/22/01)

18-01-080 Reserved.

(Ord. No. 160, Enacted, 10/22/87; Ord. No. 375, Ren&Amd, 12/28/95, 16-01-080; Ord. No. 495, Rep&ReEn, 02/22/01)
18-01-090    Reserved.

(Ord. No. 160, Enacted, 10/22/87; Ord. No. 375, Renumbered, 12/28/95, 16-01-090; Ord. No. 495, Rep&ReEn, 02/22/01)

18-01-100    Reserved.

(Ord. No. 160, Enacted, 10/22/87; Ord. No. 375, Ren&Amd, 12/28/95, 16-01-100; Ord. No. 495, Rep&ReEn, 02/22/01)

18-01-110    Reserved.

(Ord. No. 160, Enacted, 10/22/87; Ord. No. 375, Renumbered, 12/28/95, 16-01-110; Ord. No. 495, Rep&ReEn, 02/22/01)